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THIS VOLUME BELONGS TO

SUPREME COURT

WPA PROJECT 5101
THROUGH ITS SPONSOR

RICHARD REICHMANN
REPORTER, SUPREME COURT
AND CODE EDITOR

LIMITED EDITION. No. 7

ACTS
(Unpublished)

passed at the

EXTRAORDINARY SESSION

of the

FORTIETH GENERAL ASSEMBLY

of the

STATE OF IOWA

Extra Session
Convened December 4, 1923
Recessed from April 26 to July 22, 1924
Adjourned July 30, 1924

Prepared by
WPA PROJECT 5101
Des Moines
1941

PREFACE AND EXPLANATORY NOTE

REASONS FOR PUBLICATION. The Extraordinary Session of the Fortieth General Assembly was the Code Revision legislature prior to the publication of the 1924 Code. A few of the acts passed by the Fortieth Extra General Assembly which took effect by publication, together with legalizing acts, special, local, and appropriation acts, were published in the customary bound session law form. [See Ch. 1, §1, Acts of the 40th Ex. G. A.] Otherwise, the bulk of the Code Revision Acts were never published in book form as session laws due to the fact that they were injected immediately into the 1924 Code, whose publication promptly followed the Fortieth Extra General Assembly. Consequently, a great many sections in the 1924 Code have an historical reference specifying only the number of the Fortieth Extra General Assembly House File or Senate File.

Because these acts passed by the Fortieth Extra General Assembly quite frequently changed the law or the wording thereof from the law as it appeared in the Code of 1897, much inconvenience has arisen and difficulty experienced by the bench and bar in retracing the history of legislative acts prior to the 1924 Code, due to the fact that no convenient publication contained these acts of the Fortieth Extra General Assembly, which went directly into the 1924 Code, thus requiring resort to the enrolled bills on file in the Secretary of State's office in order to ascertain the form of the bills passed by the legislature prior to their incorporation into the Code.

Numerous occasions for resort to the enrolled bills of the Fortieth Extra General Assembly on file with the Secretary of State have made increasingly apparent the need for a compilation of these laws in some form available for reference purposes.

FORM AND STYLE--PREPARATION. This book is a carefully prepared compilation checked directly against the original enrolled bills on file in

the office of the Secretary of State and follows the style and form of the usual session law publication. It contains the general and permanent Acts of the Fortieth Extra General Assembly not heretofore separately published because of the fact that they were directly incorporated into the Code of 1924.

METHOD OF USE. To find any particular act desired herein, after finding under a code section the historical reference giving the Fortieth General Assembly House File or Senate File number, turn to the table on pages I and II in the fore part of this book and ascertain the corresponding chapter and page number herein given to such House File or Senate File.

DISTRIBUTION. As general distribution of this volume is impracticable because of the limited number of copies available, sufficient copies have been placed in the State Law Library for general use.

WPA PROJECT--SPONSOR. WPA Project No. 5101, sponsored by the Code Editor, was the agency employed in the compilation and indexing of this volume. Full credit must be given to Dorothy Critchlow, Ellen Hunt, Harley Mahaffa and Clara Lyman, employed on this WPA Project, as well as to Oscar Herron, under whose immediate direction this work was performed.

CONCLUSION. While it is thoroughly understood by the sponsor that this book as compiled by this WPA project may not be in as convenient a form as it would be if published in the regular manner of printing, nevertheless it is hoped and anticipated that this volume will afford a means of obtaining information pertaining to the above-specified Acts of the Fortieth Extra General Assembly not otherwise readily obtainable.

Office of the Code Editor
Statehouse
Des Moines, Iowa
October, 1941
Sponsor for WPA Project No. 5101

RICHARD REICHMANN
Reporter of the Supreme Court
and Code Editor

CONTENTS

	Pages
House Files and corresponding page numbers.....	I
Senate Files and corresponding page numbers.....	II
Table of corresponding section numbers.....	III
Laws.....	1
Index.....	845

HOUSE FILE
TABLE OF CHAPTER AND PAGE NUMBERS

H. F. NO.	CHAPTER	PAGE	H. F. NO.	CHAPTER	PAGE
2.....	1.....	1	142.....	95.....	429
4.....	2.....	1	144.....	96.....	434
8.....	3.....	2	148.....	98.....	439
10.....	5.....	6	154.....	102.....	450
14.....	6.....	8	156.....	104.....	459
18.....	9.....	15	158.....	105.....	461
20.....	11.....	19	160.....	106.....	466
24.....	13.....	23	164.....	108.....	468
26.....	15.....	45	166.....	110.....	469
28.....	17.....	55	168.....	112.....	471
30.....	19.....	57	170.....	114.....	486
32.....	21.....	59	172.....	116.....	489
34.....	23.....	64	174.....	118.....	493
40.....	26.....	69	176.....	120.....	495
42.....	28.....	91	178.....	122.....	502
44.....	30.....	116	185.....	126.....	522
46.....	32.....	126	188.....	129.....	586
50.....	34.....	131	190.....	131.....	594
52.....	36.....	152	192.....	132.....	602
54.....	38.....	160	194.....	133.....	604
54-A.....	39.....	174	196.....	135.....	606
57.....	41.....	176	198.....	137.....	610
58.....	42.....	178	200.....	138.....	613
61.....	43.....	180	202.....	139.....	617
65.....	44.....	183	212.....	141.....	619
66.....	45.....	187	213.....	142.....	630
68.....	46.....	202	218.....	143.....	632
69.....	47.....	224	220.....	144.....	632
71.....	48.....	232	221.....	145.....	640
72.....	49.....	242	228.....	147.....	641
74.....	50.....	243	230.....	149.....	645
77.....	52.....	254	234.....	151.....	647
78.....	53.....	264	236.....	152.....	647
82.....	54.....	266	246.....	157.....	653
84.....	55.....	268	250.....	159.....	658
86.....	61.....	342	252.....	160.....	659
87.....	62.....	345	254.....	161.....	660
88-A.....	63.....	347	256.....	162.....	663
90.....	64.....	354	260.....	164.....	671
92.....	66.....	361	261.....	165.....	708
94.....	68.....	366	261-A.....	166.....	741
102.....	71.....	383	262.....	167.....	747
104.....	72.....	384	266.....	170.....	775
108.....	74.....	385	268.....	172.....	786
114.....	77.....	392	270.....	173.....	787
116.....	78.....	396	272.....	175.....	788
122.....	80.....	399	274.....	177.....	789
126.....	83.....	407	276.....	179.....	792
128.....	85.....	409	277.....	180.....	793
130.....	87.....	412	278.....	180-A.....	823
134.....	89.....	415	280.....	182.....	824
138.....	91.....	420	282.....	184.....	825
140.....	94.....	426	310.....	186.....	842

SENATE FILE
TABLE OF CHAPTERS AND PAGE NUMBERS

S. F. NO.	CHAPTER	PAGE	S. F. NO.	CHAPTER	PAGE
9.....	4.....	5	153.....	101.....	446
15.....	7.....	12	155.....	103.....	455
17.....	8.....	14	163.....	107.....	467
19.....	10.....	15	165.....	109.....	468
23.....	12.....	21	167.....	111.....	470
25.....	14.....	29	169.....	113.....	473
27.....	16.....	49	171.....	115.....	487
29.....	18.....	56	173.....	117.....	492
31.....	20.....	53	175.....	119.....	494
33.....	22.....	63	177.....	121.....	496
35.....	24.....	67	179.....	123.....	504
39.....	25.....	68	182.....	124.....	507
41.....	27.....	70	183.....	125.....	513
43.....	29.....	114	186.....	127.....	573
45.....	31.....	121	187.....	128.....	577
45.....	33.....	129	189.....	130.....	592
51.....	35.....	133	195.....	134.....	603
53.....	37.....	155	197.....	136.....	608
55.....	40.....	175	205.....	140.....	618
73.....	51.....	250	227.....	146.....	641
85.....	60.....	340	229.....	148.....	643
91.....	65.....	360	231.....	150.....	646
93.....	67.....	366	237.....	153.....	648
99.....	69.....	367	239.....	154.....	651
101.....	70.....	373	241.....	155.....	651
105.....	73.....	384	245.....	156.....	653
109.....	75.....	388	247.....	159.....	656
111.....	76.....	398	257.....	163.....	665
119.....	79.....	398	263.....	169.....	773
123.....	81.....	400	265.....	169.....	773
125.....	85.....	405	267.....	171.....	785
127.....	84.....	409	271.....	174.....	788
129.....	86.....	410	273.....	176.....	789
133.....	88.....	414	275.....	178.....	791
135.....	90.....	418	279.....	181.....	824
139.....	92.....	426	281.....	183.....	825
145.....	97.....	437	283.....	185.....	826
149.....	99.....	441	321.....	187.....	842
151.....	100.....	441			

HOUSE AND SENATE FILE TABLE
OF
CORRESPONDING SECTION NUMBERS
CODE OF 1924

Bill No.	Section	Code	Section	:	Bill No.	Section	Code	Section
H.F.	2		1	:	H.F.	14		9
H.F.	4		1	:				10
S.F.	7	See Extra Session		:				11
		40th G. A.		:				12
H.F.	8		1	:				13
			2	:				14
			3	:				15
			4	:				16
			5	:				17
			6	:				18
			7	:				19
			8	:				20
			9	:				21
			10	:				22
			11	:				23
				:				24
			12	:				25
			13	:				26
			14	:				27
			15	:				28
			16	:				29
			17	:				30
			18	:				31
			19	:	S.F.	15		1
S.F.	9		1	:				2
			2	:				3
			2-a1	:				4
			2-a2	:				5
			2-a3	:				6
			2-a4	:				7
			2-a5	:				7-a1
			3	:				8
			4	:				9
H.F.	10		1	:				10
			2	:				11
			3	:				11-a1
			4	:				11-a2
			5	:				11-a3
			6	:				12
H.F.	14		1	:				13
			2	:	S.F.	17		1
			3	:				2
				:	H.F.	18		1
				:	S.F.	19		1
			4	:				2
			5	:				3
			6	:				4
			7	:				5
			8	:				6

Bill No.	Section	Code Section		Bill No.	Section	Code Section
S.F. 19	7	489	:	S.F. 23	14	669
	8	490	:		15	671
	9	491	:		16	672
	10	492	:		17	670
	10-a1	493	:		18	673
	10-a2	494	:		19	674
	10-a3	495	:		20	675
	10-a4	496	:	H.F. 24	1	676
	10-a5	497	:		2	677
	11	498	:		3	678
	12	499	:		4	679
	13	500	:		5	680
	14	501	:		6	681
	15	502	:		7	682
H.F. 20	1	504	:		8	683
	2	505	:		9	684
	3	506	:		10	685
	4	507	:		11	686
	5	508	:		12	687
	6	509	:		13	688
	7	510	:		14	689
	8	511	:		15	690
	9	512	:		16	691
	10	513	:		17	692
	11	514	:		18	693
	12	515	:		19	694
	13	516	:		20	695
	14	517	:		21	696
	15	518	:		22	697
	16	519	:		23	698
	17	520	:		24	699
	18	521	:		25	700
	19	522	:		26	701
	20	523	:		26-a1	702
	21	524	:		27	703
	22	525	:		28	704
	23	526	:		29	705
S.F. 21	See Extra Session		:		30	706
	40th G. A.		:		31	707
S.F. 23	1	656	:		32	708
	2	657	:		33	709
	3	658	:		34	710
	4	659	:		35	711
	5	660	:		36	712
	6	661	:		37	713
	7	662	:		38	714
	8	663	:		39	715
	9	664	:		40	716
	10	665	:		41	717
	11	666	:		42	718
	12	667	:	S.F. 25	1	719
	13	668	:		2	720

Bill No.	Section	Code Section	§	Bill No.	Section	Code Section
S. F. 25	3	721	§	S.F. 25	53	774
	4	722	§		54	775
	5	723	§		55	776
	6	724	§		56	777
	7	725	§		57	778
	8	726	§		58	779
	9	727	§		59	780
	10	728	§		60	781
	11	729	§		61	782
	12	730	§		62	783
	13	731	§		63	784
	14	732	§		64	785
	15	733	§		65	786
	16	734	§		66	787
	17	735	§		67	788
	18	736	§		68	789
	19	737	§		69	790
	20	738	§		70	791
	21	739	§		71	792
	21-a1	740	§		72	793
	21-a2	741	§		73	794
	22	742	§		74	795
	23	743	§		75	796
	24	744	§		76	797
	25	745	§		77	798
	26	746	§		78	799
	27	747	§		79	800
	28	748	§		80	801
	29	749	§		81	802
	30	750	§		82	803
	31	751	§		83	804
	32	752	§		84	805
	33	753	§		85	806
	33-a1	754	§		86	807
	34	755	§		87	808
	35	756	§		88	809
	36	757	§		89	810
	37	758	§		90	811
	38	759	§		91	812
	39	760	§		92	813
	40	761	§		93	814
	41	762	§		94	815
	42	763	§		95	816
	43	764	§		96	817
	44	765	§		97	818
	45	766	§		98	819
	46	767	§		99	820
	47	768	§		99-a1	893
	48	769	§		100	821
	49	770	§		101	822
	50	771	§		102	823
	51	772	§		103	824
	52	773	§		104	825

Bill No.	Section	Code	Section	Bill No.	Section	Code	Section
S.F. 25	105	826	:	S.F. 27	7		934
	106	827	:		8		935
	107	828	:				936
	108	829	:		9		937
	109	830	:		10		938
	110	831	:		11		939
	111	832	:		12		940
	112	833	:		13		941
	113	834	:		14		942
	114	835	:		15		943
	115	836	:		16		944
	116	837	:		17		945
	117	838	:		18		946
	118	839	:		19		947
H.F. 26	1	840	:		20		948
	2	841	:		21		949
	3	842	:		22		950
	4	843	:		23		951
	5	844	:		24		952
	6	845	:		25		953
	7	846	:		26		954
	8	847	:		27		955
	9	850	:		28		956
	10	851	:		29		957
	11	852	:		30		958
	12	853	:		31		959
	13	854	:		32		960
	14	856	:		33		961
	15	857	:		34		962
	16	858	:	H.F. 28	1		963
	17	859	:		2		964
	18	860	:		3		965
	19	861	:		4		966
	20	862	:		5		967
	21	865	:	S.F. 29	1		972
	22	866	:		2		973
	23	869	:		3		974
	24	870	:		4		975
	25	871	:		5		976
	26	872	:		6		977
	27	874	:		7		978
	28	875	:				979
	29	876	:		8		980
	30	877	:	H.F. 30	1		1006
	31	882	:		2		1009
S.F. 27	1	927	:		3		1010
	2	928	:		4		1011
	2-a1	929	:		5		1012
	3	930	:		6		1013
	4	931	:		7		1014
	5	932	:		8		1015
	6	933	:				

Bill No.	Section	Code Section	Bill No.	Section	Code Section
S.F. 31	1	1045	H.F. 34	22	1112
	2	1046		23	1113
	3	1047		24	1114
	4	1048		24-a1	1115
H.F. 32	1	1058		24-a2	1116
	2	1059		25	1117
	3	1060		26	1118
	4	1061	S.F. 35	1	1152
	5	1062	S.F. 39	1	1215
	6	1063		2	1216
	7	1064		3	1217
	9	1065	H.Y. 40	1	1219
	10	1066		2	1222
	11	1067		3	13882
	12	1068		4	143
	13	1069		5	144
	14	1070		6	145
	15	1071		7	11106
	16	1072		8	11100
	17	1072			11101
	18	1074		9	11103
	19	1075		10	11104
	20	1076		11	11107
	21	1077		12	11105
	22	1078	S.F. 41	1	1226
	23	1079		2	1227
	24	213		3	1228
	25	272			1229
S.F. 33	1	1083			1230
	2	1089		4	1231
	3	1090		5	1232
H.F. 34	1	1091		6	1233
	2	1092		7	1234
	3	1093		8	1235
	4	1094		9	1236
	5	1095		10	1237
	6	1096		11	1238
	7	1097		12	1239
	8	1098		12-a1	1240
	9	1099		12-a2	1241
	10	1100		12-a3	1242
	11	1101		13	1243
	12	1102		14	1244
	13	1103		15	1245
	14	1104		16	1246
	15	1105		17	1247
	16	1106		18	1248
	17	1107		19	1249
	18	1108		20	1250
	19	1109		21	1251
	20	1110		22	1252
	21	1111		23	1253

Bill No.	Section	Code Section	:	Bill No.	Section	Code Section
S.F. 41	24	1254	:	S.F. 41	74	1304
	25	1255	:		75	1305
	26	1256	:		76	1306
	27	1257	:		77	1307
	28	1258	:		78	1308
	29	1259	:		79	1309
	30	1260	:		80	1310
	31	1261	:		81	1311
	32	1262	:		82	1312
	33	1263	:		83	1313
	34	1264	:		84	1314
	35	1265	:		85	1315
	36	1266	:		86	1316
	37	1267	:		87	1317
	38	1268	:		88	1318
	39	1269	:		89	1319
	40	1270	:		90	1320
	41	1271	:		91	1321
	42	1272	:		92	1322
	43	1273	:		93	1323
	44	1274	:		94	1324
	45	1275	:		95	1325
	46	1276	:		96	1326
	47	1277	:		97	1327
	48	1278	:		98	1328
	49	1279	:		99	1329
	50	1280	:		100	1330
	51	1281	:		101	1331
	52	1282	:		102	1332
	53	1283	:		103	1333
	54	1284	:		104	1334
	55	1285	:		105	1335
	56	1286	:		106	1336
	57	1287	:		107	1337
	58	1288	:	H.F. 42	1	1361
	59	1289	:		2	1362
	60	1290	:		3	1363
	61	1291	:		4	1364
	62	1292	:		5	1365
	63	1293	:		6	1366
	64	1294	:		7	1367
	65	1295	:		8	1368
	66	1296	:		9	1369
	67	1297	:		10	1370
	68	1298	:		11	1371
	69	1299	:		12	1372
	70	1300	:		13	1373
	71	1301	:		14	1374
	72	1302	:		15	1375
	73	1303	:		16	1376
			:		17	1377

Bill No.	Section	Code Section	:	Bill No.	Section	Code Section
H.F. 42	18	1378	:	H.F. 42	70	1431
	19	1379	:		71	1432
	20	1380	:		72	1433
	21	1381	:		73	1434
	22	1382	:		74	1435
	23	1383	:		75	1436
	23-al	1386	:		76	1437
	24	1384	:		77	1438
	25	1385	:		78	1439
	26	1387	:		79	1440
	27	1388	:		80	1441
	28	1389	:		81	1442
	29	1390	:		83	1443
	29-al	1391	:		84	1444
	30	1392	:		84-al	1445
	31	1393	:		85	1446
	32	1394	:		86	1447
	33	1395	:		87	1448
	34	1396	:		88	1449
	35	1397	:		89	1450
	36	1398	:		90	1451
	37	1399	:		91	1452
	38	1400	:		92	1453
	39	1401	:		93	1454
	40	1402	:		94	1455
	41	1403	:		95	1456
	42	1404	:		96	1457
	43	1405	:		97	1458
	44	1406	:		98	1459
	45	1407	:		99	1460
	45-al	1408	:		101	1461
	46	1409	:		102	1462
	47	1410	:		103	1463
	48	1411	:		104	1464
	49	1412	:		105	1465
	52	1413	:		105-al	1466
	54	1414	:		107	1467
	55	1415	:		108	1468
	56	1416	:		109	1469
	57	1417	:		110	1470
	58	1418	:		111	1471
	59	1419	:		112	1472
	60	1420	:		113	1473
	61	1421	:		114	1474
	61-al	1422	:		115	1475
	62	1423	:		116	1476
	63	1424	:		117	1477
	64	1425	:		118	1478
	65	1426	:		119	1479
	66	1427	:		120	1480
	67	1428	:		121	1481
	68	1429	:	S.F. 43	1	1482
	69	1430	:		2	1483

Bill No.	Section	Code Section	Bill No.	Section	Code Section
S.F. 43	3	1484	H.F. 46	7	1517
	4	1485		8	1518
	5	1486		9	1519
	6	1487		10	1520
	7	1468		11	1521
	8	1489		12	1522
	9	1490		13	1523
	9-al	1491		14	1524
	10	1492		15	1525
	11	1493	S.F. 47	1	1542
	12	1494		2	1543
H.F. 44	1	1526		3	1544
	2	1527		4	1545
	3	1528		5	1546
	4	1529		6	1547
	5	1530		7	1548
	6	1531		8	1549
	7	1532		9	1550
	8	1533		10	1551
		1534	H.F. 50	1	1119
	9	1535		2	1120
	10	1536		2-al	1121
	11	1537		3	1122
	12	1538		4	1123
	13	1539		5	1124
	14	1540		6	1125
	15	1541		7	1126
S.F. 45	1	1660		8	1127
	2	1661		9	1128
	3	1662		10	1129
	4	1663		10-al	1130
	5	1664	S.F. 51	1	1922
	6	1665		2	1923
	7	1666		3	1924
	8	1667		4	1925
	9	1668		5	1926
	11	1669		7	1927
	12	1670		8	1928
	13	1671		9	1929
	14	1672		10	1930
	15	1673		11	1931
	16	1674		12	1932
	17	1675		13	1933
	18	1676		14	1934
	19	1677		15	1935
H.F. 46	1	1510		16	1936
	2	1511		17	1937
	2-al	1512		18	1938
	3	1513		19	1939
	4	1514		20	1940
	5	1515		21	1941
	6	1516		22	1942

Bill No.	Section	Code Section	:	Bill No.	Section	Code Section
S.F. 51	23	1943	:	S.F. 51	76	1996
	24	1944	:		77	1997
	25	1945	:		78	1998
	26	1946	:		79	1999
	27	1947	:		80	2000
	28	1948	:		81	2001
	29	1949	:		82	2002
	30	1950	:		83	2003
	31	1951	:		84	2004
	32	1952	:		85	2005
	33	1953	:		86	2006
	34	1954	:		86-a1	2007
	35	1955	:		86-a2	2008
	36	1956	:		87	2009
	37	1957	:		88	2010
	38	1958	:		89	2011
	39	1959	:		90	2012
	40	1960	:		91	2013
	41	1961	:		92	2014
	42	1962	:		93	2015
	42-a1	1963	:		94	2016
	43	1964	:		95	2017
	44	1965	:		96	2018
	45	1966	:		97	2019
	46	1967	:		98	2020
	47	1968	:		99	2021
	48	1969	:		100	2022
	50	1970	:		101	2023
	51	1971	:		102	2024
	52	1972	:		103	2025
	53	1973	:		104	2026
	54	1974	:		105	2027
	55	1975	:		106	2028
	56	1976	:		107	2029
	57	1977	:		108	2030
	58	1978	:		109	2031
	59	1979	:		110	2032
	60	1980	:		111	2033
	61	1981	:		112	2034
	62	1982	:		113	2035
	63	1983	:		114	2036
	64	1984	:		115	2037
	65	1985	:		116	2038
	66	1986	:		116-a1	2039
	67	1987	:		116-a2	2040
	68	1988	:		116-a3	2041
	69	1989	:		116-a4	2042
	70	1990	:		116-a5	2043
	71	1991	:		116-a6	2044
	72	1992	:		116-a7	2045
	73	1993	:		116-a8	2046
	74	1994	:		116-a9	2047
	75	1995	:		117	2048

Bill No.	Section	Code Section	:	Bill No.	Section	Code Section	
S.F. 51	117-a1	2049	:	S.F. 53	9	1627	
	118	2050	:		10	1628	
	118-a1	2051	:		11	1629	
	118-a2	2052	:		12	1630	
	118-a3	2053	:		13	1631	
	119	2054	:		14	1632	
	120	2055	:		15	1633	
	121	2056	:		16	1634	
	122	2057	:		17	1635	
	122-a1	2058	:		18	1636	
	122-a2	2059	:		19	1637	
	122-a3	2060	:		20	1638	
	123	2064	:		21	1639	
	124	2065	:		22	1640	
	125	2066	:		22-a1	1641	
	126	2067	:		22-a2	1642	
	127	2068	:		23	1643	
	128	2069	:		24	1644	
	129	2070	:		25	1645	
	130	2071	:		26	1646	
	H.F. 52	1	1587		:	27	1647
		2	1588		:		1648
		3	1589		:		1649
		4	1590		:	28	1650
			1591		:	29	1651
		5	1592		:	30	1652
		6	1593		:	31	1653
			1594		:	32	1654
			1595		:	33	1655
		7	1596		:	1	1704
		1597	:	2	1705		
		1598	:	3	1706		
8		1599	:	4	1707		
		1600	:	5	1708		
9		1601	:	6	1709		
		1602	:	7	1710		
		1603	:	7-a	1711		
10		1607	:	8	1712		
		1608	:	9	1713		
11		1609	:	10	1714		
12		1613	:	11	1715		
		1614	:	12	1716		
13		1615	:	13	1717		
		1616	:	14	1718		
		1617	:		1719		
S.F. 53		1	1619	:		1720	
		2	1620	:	15	1721	
		3	1621	:	16	1722	
		4	1622	:		1723	
		5	1623	:	17	1724	
	6	1624	:		1725		
	7	1625	:	18	1726		
	8	1626	:	19	1727		

Bill No.	Section	Code Section	:	Bill No.	Section	Code Section
H.F. 54	20	1728	:	H.F. 54	69	1780
	21	1729	:		70	1781
	21-al	1730	:		71	1782
	22	1731	:		72	1783
	23	1732	:		73	1784
	24	1733	:		74	1785
	25	1734	:			1786
	26	1735	:		74-al	1787
	27	1736	:		75	1788
	28	1737	:		76	1789
	29	1738	:		77	1790
	30	1739	:		78	1791
	31	1740	:		79	1792
	32	1741	:		80	1793
	32-al	1742	:		81	1794
	33	1743	:	H.F. 54-A	1	1768
	34	1744	:	S.F. 55	1	1803
	35	1745	:		2	1804
	36	1746	:		3	1805
	37	1747	:			1806
	38	1748	:		4	1807
	38-al	1749	:		5	1808
	39	1750	:		6	1809
	40	1751	:			1810
	41	1752	:			1811
	42	1753	:	H.F. 57	1	12201
	43	1754	:		2	12202
	44	1755	:		3	12204
	45	1756	:		4	12205
	46	1757	:		5	12206
	47	1758	:		6	12207
	48	1759	:		6-al	12208
	49	1760	:		6-a2	12209
	50	1761	:		7	12203
	51	1762	:		8	12211
	52	1763	:		9	12212
	53	1764	:	H.F. 58	1	1854
	54	1765	:		2	1856
	55	1766	:		3	1857
	56	1767	:		4	1858
	57	1768	:		5	1859
	58	1769	:		6	1860
	59	1770	:		7	1861
	60	1771	:		8	1862
	61	1772	:		9	1863
	62	1773	:		10	1864
	63	1774	:		11	1865
	64	1775	:		12	1868
	65	1776	:		13	1879
	66	1777	:		14	1870
	67	1778	:	H.F. 61	1	1906
	68	1779	:		2	1907

Bill No.	Section	Code Section	Bill No.	Section	Code Section
H. F. 61	3	1908	H. F. 66	24	2897
	4	1909		25	2898
	5	1910		26	2899
	6	1911		27	2900
	7	1912		28	2901
	8	1913		29	2902
	9	1914		30	2903
	10	1915		31	2904
H. F. 65	1	2586		32	2905
	2	2587		33	2906
	3	2588		34	2907
	4	2589		35	2908
	5	2590		36	2909
	6	2591		37	2910
	7	2592		38	2911
	8	2593		39	2912
	9	2594		40	2917
	9-al	2595		41	2918
	10	2596		42	2919
	11	2597		43	2920
	12	2598		45	2921
	13	2599		46	2922
	14	2600		47	2923
	15	2601		49	2924
	16	2602		50	2925
	17	2603		51	2926
	19	2604		52	2927
	20	2605		53	2928
	21	2617		54	2929
H. F. 66	1	2873		55	2930
	2	2874		56	2931
	3	2875		57	2932
	4	2876		58	2933
	5	2877		59	2934
	6	2878		60	2935
	7	2879		61	2936
	8	2880		62	2937
	9	2881		63	2938
	10	2882		64	2939
	11	2883		65	2940
	12	2884		66	2941
	13	2885		67	2942
	14	2886		68	2943
	15	2887		70	2944
	16	2888		71	2945
	17	2889		72	2946
	18	2890		73	2947
	20	2891		74	2948
	20-al	2892		76	2949
	20-al	2893		77	2950
	21	2894		78	2951
	22	2895		79	2952
	23	2896		80	2953

Bill No.	Section	Code Section	Bill No.	Section	Code Section	
H.F. 66	82	2954	H.F. 68	41	2658	
	83	2955		42	2659	
	84	2956		43	2660	
	85	2957		44	2661	
	87	2958		45	2662	
	88	2959		46	2663	
	89	2960		47	2664	
	90	2961		48	2665	
	91	2962		49	2666	
	93	2963		50	2667	
	93-a1	2964		51	2668	
	94	2965		52	2669	
	95	2966		53	2670	
	H.F. 68	1		2618	54	2671
		2		2619	55	2672
		3		2620	56	2673
		4		2621	57	2674
5		2622	58	2675		
6		2623	59	2676		
7		2624	60	2677		
8		2625	61	2678		
9		2626	62	2679		
10		2627	63	2680		
11		2628	64	2681		
12		2629	65	2682		
13		2630	66	2683		
14		2631		2684		
15		2632		2685		
16		2633	68	2686		
17		2634		2687		
18		2635		2688		
19		2636		2689		
20		2637	70	2690		
21		2638		2691		
22		2639	71	2692		
23		2640	72	2693		
24		2641	73	2694		
25		2642		2695		
27		2643	73-a1	2696		
27-a1		2644	73-a2	2697		
28		2645		2698		
29		2646		2699		
30		2647	74	2700		
31	2648		2701			
32	2649	75	2702			
33	2650	76	2703			
34	2651	77	2704			
35	2652	79	2705			
36	2653	80	2706			
37	2654	81	2707			
38	2655	82	2708			
39	2656	83	2709			
40	2657	84	2710			

Bill No.	Section	Code Section	Bill No.	Section	Code Section	
H.F. 68	85	2711	H.F. 69	137	2764	
	86	2712		138	2765	
	87	2713		139	2766	
	88	2714		140	2767	
	89	2715		141	2768	
	90	2716		142	2769	
	91	2717		143	2770	
	92	2718		145	2771	
	93	2719		146	2772	
	94	2720		147	2773	
	95	2712		148	2774	
	96	2722		149	2775	
	97	2723		150	2776	
	98	2724		151	2777	
	99	2725		152	2778	
	100	2726		153	2779	
	100-al	2727		154	2780	
	101	2728		155	2781	
	102	2729		156	2782	
	103	2730		157	2783	
	104	2731		158	2784	
	105	2732		159	2785	
	106	2733		160	2786	
	107	2734		161	2787	
	108	2735		162	2788	
	109	2736		163	2789	
	110	2737		164	2790	
	111	2738		165	2891	
	112	2739		166	2792	
	113	2740		167	2793	
	114	2741		168	2794	
	115	2742		169	2795	
	116	2743		170	2796	
	117	2744		171	2797	
	118	2745		172	2798	
	119	2746		173	2799	
	120	2747		174	2800	
	121	2748		175	2801	
	122	2749		176	2802	
	123	2750		178	2803	
	124	2751		179	2804	
	125	2752		180	2805	
	126	2753		181	2806	
	127	2754		182	2807	
	128	2755		H.F. 69	1	2808
	129	2756			2	2809
	130	2757			3	2910
	131	2758			4	2911
	132	2759			5	2812
	133	2760			6	2813
	134	2761			7	2814
	135	2762			8	2815
	136	2763			9	2816

Bill No.	Section	Code Section	Bill No.	Section	Code Section
H.F. 69	10	2817	H.F. 69	62	2869
	11	2818		63	2870
	12	2819		64	2871
	13	2820		65	2872
	14	2821	H.F. 71	1	2979
	15	2822		2	2980
	16	2823		3	2981
	17	2824		4	2982
	18	2825		5	2983
	19	2826		6	2984
	20	2827		7	2985
	21	2828		8	2986
	22	2829		9	2987
	23	2830		10	2988
	24	2831		11	2989
	25	2832		14	2990
	26	2833		15	2991
	27	2834		16	2992
	28	2835		17	2993
	29	2836		18	2995
	30	2837			2996
	31	2838		19	2997
	32	2839		20	2998
	33	2840		21	2999
	34	2841		22	3000
	35	2842		23	3001
	36	2843		24	3002
	37	2844		25	2994
	38	2845		26	3003
	39	2846		28	3004
	40	2847		29	3005
	41	2848		30	3006
	42	2849		31	3007
	43	2850		32	3008
	44	2851		33	3009
	45	2852		34	3010
	46	2853		35	3011
	47	2854		36	3012
	48	2855		37	3013
	49	2856		38	3014
	50	2857		39	3015
	51	2858		40	3016
	52	2859		41	3017
	53	2860		42	3018
	54	2861		43	3019
	55	2862		44	3020
	56	2863		45	3021
	57	2864		46	3022
	58	2865		47	3023
	59	2866		48	3024
	60	2867		49	3025
	61	2868		50	3026

Bill No.	Section	Code Section	Bill No.	Section	Code Section
H.F. 71	51	3027	H.F. 74	12	9817
	52	3028		13	9818
	53	5420		14	9819
	54	5421		15	9820
	55	5422		16	9821
	56	5423		17	9822
	57	5424		18	9823
	58	5425		19	9824
	60	5426		20	9825
	61	5427		21	9826
	62	5428		22	9827
	63	5429		23	9828
	64	5430		24	9829
	65	5431		25	9830
	66	5432		26	9831
	67	5433		27	9832
	68	5434		28	9833
	69	5435		29	9834
	70	5436		30	9835
		5437		31 - 58	Incl. 9836 - 9863 Incl.
	71	5438	S.F. 75	1	10013
	72	5439		2	10014
	73	5440		3	10015
	74	5441		4	10016
	75	5442		5	10017
	76	5443			10018
	77	5444		6	10019
	78	5445		7	10020
	79	5446		8	10021
	80	5447		9	10022
	81	5448		10	10023
	82	5449		11	10024
	83	5450		12	10025
	84	5451		13	10026
	85	5452			10027
	86	5453		14	10028
	87	5454		15	10029
	88	5455		15-a1	9775
	89	5456		15-a2	9776
	90	5457		15-a3	9777
H.F. 72	1	1036		15-a4	9778
H.F. 74	1	9806		16	10030
	2	9807		17	10031
	3	9808		18	10032
	4	9809	H.F. 77	1	10066
	5	9810		2	10067
	6	9811			10068
	7	9812			10069
	8	9813		3	10070
	9	9814		4	10071
	10	9815		5	10072
	11	9816		6	10073

Bill No.	Section	Code	Section	Bill No.	Section	Code	Section
H.F. 77	7	10074	:	H.F. 77	58		10126
	8	10075	:	H.F. 78	1		10128
	9	10076	:		2		10129
	10	10077	:		3		10130
	11	10078	:		4		10131
	12	10079	:		5		10132
	13	10080	:		6		10133
	14	10081	:		7		10134
	15	10082	:	H.F. 82	1		10198
	16	10083	:		2		10199
	17	10084	:				10200
	18	10085	:		3		10201
	19	10086	:		4		10202
	20	10087	:				10203
	21	10088	:		5		10204
	22	10089	:		6		10205
	23	10090	:		7		10206
	24	10091	:		8		10207
	25	10092	:		9		10208
		10093	:		10		10209
	26	10094	:		11		10210
	27	10095	:		12		10211
	28	10096	:		13		10212
	29	10097	:		14		10213
	30	10098	:	H.F. 84	1		3275
	31	10099	:		2		3276
	32	10100	:		3		3277
	33	10101	:		4		3278
	34	10102	:		5		3279
	35	10103	:		6		3280
	36	10104	:		7		3281
	37	10105	:		8		3282
	38	10106	:		9		3283
	39	10107	:		10		3284
		10108	:		11		3285
	40	10109	:		12		3286
	41	10110	:		14		3287
	42	10111	:		15		3288
	43	10112	:		16		3289
	44	10113	:		17		3290
	45	10114	:		18		3291
	46	10115	:		19		3292
	47	10116	:		20		3293
	48	10117	:		21		3294
	49	10118	:		22		3295
	51	10119	:		23		3296
	52	10120	:		24		3297
	53	10121	:		25		3298
	54	10122	:		26		3299
	55	10123	:		27		3300
	56	10124	:		28		3301
	57	10125	:		29		3302

Bill No.	Section	Code Section	:	Bill No.	Section	Code Section
H.F. 84	30	3303	:	H.F. 84	78	3354
	31	3304	:		79	3355
	32	3305	:		80	3356
	33	3306	:		81	3357
	34	3307	:		82	3358
	35	3308	:		83	3359
	36	3309	:		84	3360
	37	3310	:		85	3361
	38	3311	:		86	3362
	39	3312	:		87	3363
	40	3313	:		88	3364
	41	3314	:		89	3365
	42	3315	:		89-a1	13369
	43	3316	:		90	3366
	44	3317	:		91	3367
	45	3318	:		92	3368
	46	3319	:		93	3369
	47	3320	:		94	3370
	48	3321	:		95	3371
	49	3322	:		96	3372
	50	3323	:		97	3373
	51	3324	:		98	3374
	52	3325	:		99	3375
	53	3326	:		100	3376
	54	3327	:		101	3377
	55	3328	:		102	3378
	57	3329	:		103	3379
	58	3330	:		104	3380
	59	3331	:		105	3381
	60	3332	:		106	3382
	61	3333	:		107	3383
	62	3334	:		108	3384
	63	3335	:		110-a1	3706
	64	3336	:		110-a2	3707
	65	3337	:		110-a3	3708
	66	3338	:		110-a4	3709
	67	3339	:		110-a5	3710
	68	3340	:		110-a6	3711
	68-a1	3341	:		110-a7	3712
	68-a2	3342	:		110-a8	3713
	68-a3	3343	:		110-a9	3714
	68-a6	3344	:		110-a10	3715
	69	3345	:		110-a11	3716
	70	3346	:		110-a12	3717
	71	3347	:		110-a13	3718
	72	3348	:		110-a14	3719
	73	3349	:		110-a15	3720
	74	3350	:		110-a16	3721
	75	3351	:		110-a17	3722
	76	3352	:		111	3385
	77	3353	:		112	3386

Bill No.	Section	Code Section	Bill No.	Section	Code Section
H.F. 84	113	3387	H.F. 84	168	3438
	114	3388		169	3439
	115	3389		170	3440
	116	3390		171	3441
	117	3391		172	3442
	118	3392		173	3443
	119	3393		174	3444
	120	3394		175	3445
	121	3395		176	3446
	122	3396		177	3447
	124	3397		178	3448
	125	3398		179	3449
	127	3399		180	3450
	128	3400		181	3451
	129	3401		182	3452
	131	3402		183	3453
	132	3403		184	3454
	133	3404		185	3455
	134	3405		186	3456
	135	3406		187	3457
	136	3407		188	3458
	137	3408		189	3459
	138	3409		190	3460
	139	3410		190-a1	13370
	141	3411		191	3461
	142	3412		192	3462
	143	3413		193	3463
	144	3414		194	3464
	145	3415		195	3465
	146	3416		196	3466
	147	3417		197	3467
	148	3418		198	3468
	149	3419		199	3469
	150	3420		200	3470
	151	3421		201	3471
	152	3422		202	3472
	153	3423		203	3473
	154	3424		204	3474
	155	3425		204-a1	3475
	156	3426		204-a2	3476
	157	3427		204-a3	3477
	158	3428		207	3478
	159	3429		208	3479
	160	3430		209	3480
	161	3431		210	3481
	162	3432		211	3482
	163	3433		212	3483
	164	3434		213	3484
	165	3435		214	3485
	166	3436		215	3486
	167	3437		216	3487

Bill No.	Section	Code Section	:	Bill No.	Section	Code Section
H.F. 84	217	3488	:	H.F. 84	272	3539
	218	3489	:		273	3540
	219	3490	:		274	3541
	220	3491	:		275	3542
	221	3492	:		276	3543
	222	3493	:		277	3544
	223	3494	:		278	3545
	224	3495	:		279	3546
	225	3496	:		280	3547
	226	3497	:		281	3548
	227	3498	:		282	3549
	227-al	13370	:		283	3550
	228	3499	:		284	3551
	229	3500	:		285	3552
	230	3501	:		286	3553
	231	3502	:		287	3554
	232	3503	:		288	3555
	233	3504	:		289	3556
	234	3505	:		290	3557
	235	3506	:		291	3558
	236	3507	:		292	3559
	237	3508	:		293	3560
	238	3509	:		294	3561
	239	3510	:		295	3562
	240	3511	:		296	3563
	241	3512	:		297	3564
	242	3513	:		298	3565
	243	3514	:		299	3566
	244	3515	:		300	3567
	245	3516	:		301	3568
	249	3517	:		302	3569
	250	3518	:		303	3570
	251	3519	:		304	3571
	252	3520	:		305	3572
	254	3521	:		306	3573
	255	3522	:		307	3574
	256	3523	:		308	3575
	257	3524	:		309	3576
	258	3525	:		310	3577
	259	3526	:		311	3578
	260	3527	:		312	3579
	261	3528	:		313	3580
	262	3529	:		314	3581
	263	3530	:		315	3582
	264	3531	:		316	3583
	265	3532	:		317	3584
	266	3533	:		318	3585
	267	3534	:		319	3586
	268	3535	:		320	3587
	269	3536	:		321	3588
	270	3537	:		322	3589
	271	3538	:		323	3590

Bill No.	Section	Code Section	:	Bill No.	Section	Code Section
H.F. 84	324	3591	:	H.F. 84	374-a1	3642
	325	3592	:		375	3643
	326	3593	:		376	3644
	327	3594	:		377	3645
	328	3595	:		378	3646
	329	3596	:		379	3647
	330	3597	:		380	3648
	331	3598	:		381	3649
	332	3599	:		382	3650
	333	3600	:		383	3651
	334	3601	:		384	3652
	335	3602	:		385	3653
	336	3603	:		386	3654
	337	3604	:		387	3655
	338	3605	:		388	3656
	339	3606	:		389	3657
	340	3607	:		389-a1	3658
	341	3608	:		389-a2	3659
	342	3609	:		389-a3	3660
	343	3610	:		389-a4	3661
	344	3611	:		390	3662
	345	3612	:		391	3663
	346	3613	:		392	3664
	347	3614	:		393	3665
	348	3615	:		394	3666
	349	3616	:		395	3667
	350	3617	:		396	3668
	351	3618	:		397	3669
	352	3619	:		398	3670
	353	3620	:		399	3671
	354	3621	:		400	3672
	355	3622	:		401	3673
	356	3623	:		402	3674
	357	3624	:		403	3675
	358	3625	:		404	3676
	359	3626	:		405	3677
	360	3627	:		406	3678
	361	3628	:		407	3679
	362	3629	:		408	3680
	363	3630	:		409	3681
	364	3631	:		410	3682
	365	3632	:		411	3683
	366	3633	:		411-a1	3684
	367	3634	:		412	3685
	368	3635	:		413	3686
	369	3636	:		414	3687
	370	3637	:		415	3688
	371	3638	:		416	3689
	372	3639	:		417	3690
	373	3640	:		418	3691
	374	3641	:		419	3692

Bill No.	Section	Code Section	:	Bill No.	Section	Code Section
H.F. 84	420	3693	:	H.F. 84	461-a5	3762
	421	3694	:		461-a6	3763
	422	3695	:		461-a7	3764
	423	3696	:		461-a8	3765
	424	3697	:		461-a9	3766
	426-a1	3698	:		462	3767
	426-a2	3699	:		463	3768
	426-a3	3700	:		364	3769
	426-a4	3701	:		465	3770
	426-a5	3702	:		466	3771
	426-a6	3703	:		467	3772
	426-a7	3704	:		468	13768
	426-a8	3705	:		469	13769
	427	3723	:		470	3773
	428	3724	:		471	3774
	429	3725	:		472	3775
	430	3726	:		473	3776
	431	3727	:		474	3777
	432	3728	:		475	3778
	433	3729	:		476	3779
	434	3730	:		477	3780
	435	3731	:		478	3781
	436	3732	:		481	3782
	437	3733	:		482	3783
	438	3734	:		483	3784
	438-a1	3735	:		484	3785
	439	3736	:		486	3786
	440	3737	:		487	3787
	441	3738	:		488	3788
	442	3739	:		489	3789
	445	3740	:		490	3790
	446	3741	:		491	3791
	447	3742	:		492	3792
	447-a1	3743	:		493	3793
	448	3744	:		494	3794
	449	3745	:		495	3795
	450	3746	:		496	3796
	451	3747	:		497	3797
	452	3748	:		498	3798
	453	3749	:		499	3799
	454	3750	:		500	3800
	455	3751	:		500-a1	3801
	456	3752	:		500-a2	3802
	457	3753	:		500-a3	3803
	458	3754	:		501	3804
	459	3755	:		502	3805
	460	3756	:		503	3806
	461	3757	:		503-a1	3807
	461-a1	3758	:		504	3808
	461-a2	3759	:		505	3809
	461-a3	3760	:		506	3810
	461-a4	3761	:		506-a1	3811

Bill No.	Section	Code Section	Bill No.	Section	Code Section	
H.F. 84	507	3812	H.F. 88-A	5	3863	
	508	3813		6	3864	
	509	3814		7	3865	
	510	3815		8	3866	
	510-al	3816		9	3867	
	511	3817		10	3868	
	512	3818		11	3869	
	513	3819		12	3870	
	514	3820		13	3871	
	515	3821		14	3872	
	516	3822		15	3873	
	517	3823		16	3874	
	518	3824		17	3875	
	519	3825		18	3876	
	520	3826		19	3877	
	521	3827		20	3878	
	522	3828		21	3879	
	S.F. 85	1		4251	22	3880
		2		4253	23	3881
		3		4254	24	3882
		4		4254	25	3883
		5		4255	26	3884
6		4256	27	3885		
7		4257	28	3886		
8		4258	29	3887		
H.F. 86	1	3829	30	3888		
	2	3830	31	3889		
	3	3831	32	3890		
	4	3832	33	3891		
	5	3833	34	3892		
	7	3834	35	3893		
	8	3835	36	3894		
	9	3836	37	3895		
	H.F. 87	1	3837	38	3896	
2		3838	39	3897		
3		3839	40	3898		
4		3840	H.F. 90	1	3912	
5		3841		2	3913	
		3842		3	3914	
6		3843		4	3915	
7		3844		5	3916	
8		3845		6	3917	
9		3846		7	3918	
10		3847		8	3919	
11		3848		9	3920	
12	3849	10		3921		
H.F. 88-A	1	3858		11	3922	
	2	3859		12	3923	
	3	3860	13	3924		
	4	3861	14	3925		
	4-a	3862	15	3926		

Bill No.	Section	Code Section	§	Bill No.	Section	Code Section
H.F. 90	16	3927	§	H.F. 94	3	4065
	17	3928	§	S.F. 99	1	4096
	18	3929	§		2	4097
	19	3930	§		3	4098
	20	3931	§		4	4099
	21	3932	§		5	4100
	22	3933	§		6	4101
	23	3934	§		7	4102
	24	3935	§		8	4103
	25	3936	§		9	4104
	26	3927	§		10	4105
	27	3938	§		11	4106
	28	3939	§		12	4107
	29	3940	§		13	4108
	30	3941	§		14	4109
	31	3942	§		15	4110
	32	3943	§		16	4111
	33	4944	§		17	4112
S.F. 91	1	3946	§		18	4113
	2	3947	§		19	4114
	3	3948	§		20	4115
	4	3952	§		21	4116
	5	3953	§		22	4117
H.F. 92	1	4005	§		23	4118
	2	4006	§		24	4119
	3	4007	§		25	4120
	4	4008	§		26	4121
	5	4009	§		27	4122
	6	4010	§		28	5232
	7	4011	§		29	5233
	8	4012	§	H.F. 100	See Extra Session	
		4013	§		40th G. A.	
	9	4014	§	S.F. 101	1	4194
	10	4015	§			4195
	11	4016	§		2	4196
	12	4017	§		3	4117
	13	4018	§		4	4118
	14	4019	§		5	4198
	15	4020	§			4199
	16	4021	§		6	4200
	17	4022	§		7	4201
	18	4023	§		8	4102
	19	4024	§		9	4203
	20	4025	§		10	4204
	21	4026	§		11	4205
H.F. 92	22	4027	§		11-al	4206
	23	4028	§		12	4207
	24	4029	§		13	4208
	25	4030	§		14	4209
S.F. 93	1	4032	§		15	4210
H.F. 94	1	4063	§		16	4214
	2	4064	§		17	4220
						4221

Bill No.	Section	Code Section	Bill No.	Section	Code Section
S.F. 101	18	4240	S.F. 109	6-a1	4365
		4241		7	4366
	19	4222		8	4367
	20	4223		9	4368
	21	4224		10	4369
		4225		11	4370
		4226		12	4377
		4270		13	4378
	22	4228	H.F. 110	See Extra Session	
	23	4229		40th G. A.	
	24	4230	S.F. 111	1	4410
	26	4261			4252
	26-a1	4263		2	4411
	26-a2	4264		3	4412
	27	4266		4	4413
	28	4267		5	4414
	30	4227		6	4415
	31	4231		7	4416
	32	4232		8	4417
	33	4233		9	4418
	34	4273		10	4419
	34-a1	4226		11	4420
	35	4287		12	4421
	36	4275		13	4422
	37	4276		14	4423
	38	4277		15	4424
	39	4278		16	4425
	39-a1	4283		17	4426
	40	4279		18	4427
	41	4280		19	4428
	42	4281		19-a1	4429
	43	4282		19-a2	4430
H.F. 102	1	4288		20	4431
	2	4289		21	4432
	3	4290	H.F. 114	1	4512
	4	4291		2	4513
H.F. 104	1	4311		3	4514
	2	4313		4	4515
S.F. 105	1	4322		5	4516
	2	4323		6	4517
	3	4324		7	4518
H.F. 108	1	4354		8	4519
	2	4355		9	4520
	3	4356		11	4521
	4	4357		12	4522
	5	4358		13	4523
S.F. 109	1	4359		14	4524
	2	4360		15	4525
	3	4361		16	4526
	4	4362		17	4527
	5	4363		18	4528
	6	4364		19	4529

Bill No.	Section	Code Section	Bill No.	Section	Code Section
H.F. 114	20	4530	S.F. 123	18	4800
	21	4531			4801
	22	4532		19	4802
H.F. 116	1	4549		20	4803
	2	4550		21	4804
	3	4551		22	4805
	4	4552		23	4806
	5	4553		24	4807
	6	4554		25	4808
		4555		26	4809
	7	4556		27	4810
	8	4557		28	4811
	9	4558	S.F. 125	1	4817
	10	4559		2	4818
S.F. 117	See Extra Session			3	4819
	40th G. A.			4	4820
S.F. 119	1	4622		5	4821
	3	4623		6	4822
	4	4624		7	4823
	5	4625		8	4824
	6	4626		9	4825
		4627		10	4826
		4628		10-a1	4827
		4629		10-a2	4828
	7	4630		11	4829
S.F. 121	See Extra Session		H.F. 126	1	4834
	40th G. A.			2	4835
H.F. 122	1	4774		3	4836
	2	4775		4	4837
	3	4776		5	4838
	4	4777		6	4839
	5	4778		7	4840
H.F. 123	1	4780		8	4841
	2	4781		9	4842
	3	4782		10	4843
	4	4783		11	4844
	5	4784		12	4845
	6	4785		13	4846
	7	4786		14	4847
	8	4787	S.F. 127	1	4886
	9	4788	H.F. 128	1	4858
	9-a1	4789		2	4859
	10	4790		3	4860
	11	4791		4	4861
	12	4792		5	4862
	13	4793	S.F. 129	1	5106
		4794		2	5107
	14	4795		3	5108
		4796		4	5109
	15	4797		5	5110
	16	4798		6	5119
	17	4799		7	5120

Bill No.	Section	Code Section	Bill No.	Section	Code Section
S.F. 129	8	5124	S.F. 139	12	5206
	9	5125		13	5207
	10	5126		14	5208
	11	5127		15	5209
H.F. 130	1	5130		16	5201
	2	5131		17	5202
	3	5132		18	5203
	4	5133		19	5204
	5	5134		20	5205
	6	5260		21	5206
S.F. 133	1	5177	H.F. 140	1	5303
	2	5178		2	5304
H.F. 134	1	5179		3	5305
	2	5180		4	5306
	3	13645		5	5307
	4	13659		6	5311
	5	13660		7	5312
	6	13661		8	5317
	7	13662		9	5318
	8	13663		10	5320
	9	13664			5321
	10	13665		11	5322
	12	13675		12	5323
	13	13676			5324
	14	13677		13	5328
S.F. 135	1	5191		14	5329
	2	5192	H.F. 142	1	5348
H.F. 138	1	5261		2	5349
	1-al	5262		3	5350
	2	5263		4	5351
	3	5264		4-al	5352
	4	5265		5	5353
	5	5266		6	5354
	6	5267		7	5355
	7	5268		8	5356
	8	5269		9	5357
	9	5270		10	5358
	10	5271		11	5359
	11	5272		12	5360
	12	5273		13	5361
	13	5274		14	5367
S.F. 139	1	5275		14-al	5363
	2	5276		15	5364
	3	5277		16	5365
	4	5278		17	5366
	5	5279		18	5367
	6	5280		19	5368
	7	5281		20	5369
	8	5282		21	5370
	9	5283		22	5371
	10	5284		23	5372
	11	5285		24	5373

Bill No.	Section	Code Section	Bill no.	Section	Code Section
H.F. 142	25	5374	S.F. 151	7	5533
	26	5375		8	5534
	27	5376		9	5535
	28	5377		10	5536
	29	5378		10-a1	5537
H.F. 144	1	5385		11	5538
	2	5386		12	5539
	3	5387		13	5540
		5388		14	5541
	4	5389		15	5542
	5	5390		16	5543
	6	5391		17	5544
	7	5392		18	5545
	8	5393		19	5560
	9	5394		20	5561
	10	5395			5562
	11	5396		21	5563
S.F. 145	1	5397		22	5564
	2	5398		22-a1	5565
	3	5399		23	5566
	4	5400		24	5567
	5	5401		25	5568
	6	5402		26	5569
	7	5403		27	5570
	8	5404		28	5546
	9	5405			5547
	10	5406		29	5548
	11	5407			5549
	12	5408		29-a1	5550
	13	5409		30	5572
	14	5410		31	5573
	15	5411	S.F. 153	1	5594
	16	5412		2	5595
	17	11102		3	5596
	18	11098		4	5597
	19	11099		5	5598
H.F. 148	1	5474		6	5605
	2	5475		7	5606
	3	5476		8	5612
	4	5477		8-a1	5613
	5	5478		8-a2	5614
	6	5479		8-a3	5615
	7	5480		8-a4	5616
	8	5481		8-a5	5617
S.F. 149	1	5482		8-a6	5618
	2	5486		9	5619
S.F. 151	1	5527		10	6940
	2	5528	H.F. 154	1	5624
	3	5529		2	5625
	4	5530		3	5627
	5	5531		3-a1	5628
	6	5532		4	5629

Bill No.	Section	Code Section	Bill No.	Section	Code Section
H.F. 154	1	5624	H.F. 159	6	5744
	2	5625		7	5745
	3	5627		8	5746
	3-al	5628		9	5759
	4	5629		10	5761
	5	5630		11	5762
	6	5631		13	5772
	7	5632		14	5776
	8	5634		15	5777
	9	5651		16	5778
	10	5652		17	5779
	11	5653		18	5780
	12	5654		19	5791
	13	5655		20	5782
	14	5657		21	5783
	15	5662		22	5677
	16	5663		23	5678
	17	5672		24	5679
S.F. 155	1	5689		25	5680
		5690		26	5681
	2	5691		27	5682
	3	5692		28	5683
	4	5693		29	6718
	5	5694		30	5714
	6	5695	H.F. 160	Repealing ch. 10 of Title 13 (§§ 3687 - 3703, inc.)	
	7	5696	S.F. 163	1	5844
	7-al	5697		1-a1	5845
	8	5698		1-a2	5846
	9	5699		2	5847
	10	5700		3	5848
	11	5701	H.F. 164	1	5773
	12	5702	S.F. 165	1	5849
	13	5703			5850
	14	5704		2	5859
	15	5705		3	5860
	16	5706		4	5861
	17	5707		5	5862
	18	5708		6	5863
	19	5709	H.F. 166	1	5873
	20	5710		2	5867
	21	5711	S.F. 167	1	5874
	22	5712		2	5875
	23	5713		3	5876
H.F. 156	1	5715		4	5877
	2	5717	H.F. 168	1	5938
	3	5719			5939
	4	5720		2	5940
H.F. 158	1	5739			5941
	2	5740			5942
	3	5741			5943
	4	5742		3	5946
	5	5743			

Bill No.	Section	Code Section	Bill No.	Section	Code Section
H.F. 168	4	5905	S.F. 169	30	6018
	5	5906		31	6019
		5907		32	6020
		5908		33	6021
		5909		34	6023
	6	5962		35	6024
	7	5967		36	6025
	8	5968		37	6026
S.F. 169	1/2	5974			6028
	1	5975	38	6027	
		2	5976	39	6029
		5977	40	6030	
		5978		6031	
	3	5979	41	6032	
		5980	42	6033	
	4	5981	43	6034	
	5	5982	44	6010	
	6	5983		6035	
	7	5984		6036	
	8	5985	45	6037	
	9	5986		6038	
		5987		6039	
	10	5988		6040	
	11	5989	46	6017	
	12	5990	47	6042	
	13	5991	48	6043	
		5995	49	6044	
		5996	50	6045	
	13-al	5992	51	6046	
		6022		6047	
	14	5993	52	6048	
		5994	53	6049	
	15	5997	54	6050	
	16	5998	55	6051	
		5999	56	6052	
		6000	57	6053	
	17	6001	58	6054	
		6002	59	6055	
	18	6003	60	6056	
	19	6004	61	6057	
	20	6005		6058	
21	6006	62	6059		
22	6007	63	6060		
23	6008	64	6061		
	6009	65	6062		
	6010	66	6063		
	6041	67	6064		
24	6011	68	6065		
25	6012	69	6066		
26	6013	H.F. 170	1	6080	
27	6014		2	6081	
28	6015		3	6089	
29	6016		4	6100	

Bill No.	Section	Code	Section	Bill No.	Section	Code	Section
H.F. 170	5	6101	:	S.F. 177	10		6216
	6	6103	:		11		6217
S.F. 171	1	6104	:		12		6227
		6105	:		13		6228
		6106	:		14		6229
	2	6107	:		14-al		5643
		6108	:		15		6230
	3	6109	:	H.F. 178	1		6238
		6110	:		2		6239
		6111	:		3		6240
	4	6112	:		4		6241
		6113	:		5		6242
	5	6114	:		6		6243
	6	6120	:		7		6244
H.F. 172	1	6127	:		8		6245
		6128	:		9		6246
		6129	:		10		6247
	2	6130	:		11		6248
	3	6131	:		12		6249
	4	6132	:		13		6250
		6133	:		14		6251
	5	6134	:	S.F. 179	1		6253
	6	6135	:		2		6254
	7	6136	:		3		6255
	8	6137	:		4		6258
	9	6138	:		5		6259
	10	6139	:		6		6260
	11	6142	:		7		6261
	13	6147	:		8		6262
	14	6149	:		9		6263
S.F. 173	1	6153	:	H.F. 180	See Extra Session		
	2	6157	:		40th G. A.		
	3	6159	:	S.F. 182	1		6730
H.F. 174	1	6162	:		2		6731
	2	6173	:		3		6701
	3	6174	:		5		6714
	4	6175	:		5-al		6715
S.F. 175	1	6183	:		6		6721
	2	6194	:		6-a		6727
H.F. 176	1	6195	:				6728
	2	6196	:		7		6723
	3	6197	:		8		6724
	4	6203	:		9		6784
S.F. 177	1	6208	:		10		6762
	2	6209	:		11		6763
	3	6210	:		12		6764
	4	6237	:		13		6751
	5	6211	:		13-al		6758
	6	6212	:		14		6719
	7	6213	:				6722
	8	6214	:				6757
	9	6215	:				6759

Bill No.	Section	Code Section	Bill No.	Section	Code Section					
S.F. 182	14	6773	S.F. 183	12	7000					
		6774			7001					
		6776			7003					
		6777			13	7004				
		6821				7002				
		6860			16	7008				
		6861				7009				
		17			6778	17-al	7089			
		18			6779		7091			
		19			6743	18	7102			
		20			6768		7086			
		21			6769	6770	19	7087		
							20	7144		
		21			6732	21	7145			
		22			6745		7146			
		23			6817	22	7163			
		24			6785		7164			
		26			6912	23	7165			
		27			6913		7166			
		28			6914	24	7167			
		29			6915		7279			
		30			6916	25	7280			
		31			6917		7281			
		32			6918	27	7282			
		33			6919		7283			
		34			6931	28	7161			
		35			6760		7109			
		36			6740	29	7421			
		37			6780		7422			
		38			6781	30	7423			
		39			6306		7425			
		S.F. 183			1	6944	H.F. 185	1	7426	
						6950			7427	
						6951			7428	
						6952			7	7429
						6946				7428
2	6947		8	7430						
3	6948			7431						
4	6949		8-al	7432						
5	6959			7433						
6	6971		10	7434						
7	6973			7436						
7-al	6974		11	7435						
8	6972	7437								
	6975	13	7437							
9	6976	14	7438							
10	6977		7439							
	6978	15	7440							
10-a	6996	16	7441							
11	6987		7442							
12	6997	17	7443							
	6998		7444							
6999	18	7445								
		19	7446							
		20	7447							
		21								
		22								
		23								

Bill No.	Section	Code Section	:	Bill No.	Section	Code Section
H.F. 185	24	7448	:	H.F. 185	61	7500
	25	7449	:		62	7501
	26	7450	:		63	7502
	27	7451	:		64	7503
		7452	:		65	7507
	27-al	7455	:		66	7505
	27-a	7453	:		67	7508
	27-b	7454	:			7509
	28	7456	:		68	7511
	29	7457	:			7512
	30	7458	:		69	7504
	32	7598	:			7505
	33	7459	:			7510
	34	7460	:		71	7506
	35	7461	:		72	7513
	36	7462	:		73	7514
	37	7463	:		74	7515
	38	7464	:		75	7516
	39	7465	:		76	7517
	40	7467	:			7518
		7466	:		77	7519
	41	7468	:			7520
	42	7469	:			7521
	42	7470	:		78	7522
	44	7471	:		80	7523
	45	7472	:		81	7524
		7473	:			7525
		7476	:		83	7526
		7479	:		84	7527
	46	7474	:		85	7528
		7475	:		86	7529
		7477	:		86-al	7530
		7478	:		87	7531
	47	7480	:		88	7532
		7481	:		89	7533
		7482	:		90	7534
	48	7483	:		91	7535
	49	7484	:		92	7536
		7485	:		94	7537
	49-al	7486	:			7538
	50	7487	:		95	7539
	51	7488	:		96	7540
	51-al	7489	:		97	7541
	52	7490	:			7542
		7491	:		98	7543
	54	7492	:			7544
		7493	:		99	7545
	55	7494	:		100	7546
	56	7495	:		101	7547
	57	7496	:		102	7548
	58	7497	:		103	7549
	59	7498	:		104	7550
	60	7499	:			

Bill No.	Section	Code Section	Bill No.	Section	Code Section
H.F. 185	105	7551	H.F. 185	150	7605
	106	7552		151	7606
	108	7553			7607
	109	7554			7608
	110	7555			7609
	116	7556		152	7610
		7557		153	7611
		7558		154	7612
		7559		155	7613
		7560		156	7614
	116-a2	7561		157	7615
		7562		158	7616
	116-a3	7563		159	7617
	116-a4	7564		160	7618
	116-a5	7565		161	7619
	116-a6	7566		162	7620
		7567		163	7621
		7568		164	7622
	117	7569		165	7623
	119	7570		166	7624
	120	7571			7625
	122	7572		167	7626
	123	7573		167-a2	7582
	124	7574		168	7627
	125	7575			7628
	127	7576		169	7629
	128	7577		170	7630
	129	7578			7631
	130	7579			7632
	131	7580			7633
	132	7581		172	7634
	133	7582		173	7635
	134	7583		174	7636
	135	7584		175	7637
	136	7585		175-a1	7638
	138	7586			7639
	139	7587		175-a2	7640
	140	7588		175-a3	7641
	141	7589		175-a4	7642
		7590		175-a5	7643
		7591		175-a6	7644
	142	7592		175-a7	7645
	143	7593		175-a8	7646
	144	7594		175-a9	7647
		7595		175-a10	7648
		7596		175-a11	7649
	146	7599		175-a12	7650
	147	7600		176	7651
		7601		177	7652
	148	7602		178	7653
	149	7603			7654
		7604			7655

Bill No.	Section	Code Section	Bill No.	Section	Code Section
H.F. 185	179	7656		214	7708
		7657		215	7709
	180	7658		216	7710
	181	7659		217	7711
	182	7660		218	7712
	183	7661		219	7713
	184	7662		220	7714
	184-a1	7663		220-a1	7424
	184-a2	7664		221	7715
	184-a3	7665		222	7716
	184-a4	7666		223	7717
	184-a5	7667		224	7718
		7668		225	7719
	184-a6	7669		226	7720
	184-a7	7670		227	7721
	184-a8	7671		228	7722
	184-a9	7672		229	7723
	184-a10	7673		230	7725
	185	7674		231	7726
	186	7675		232	7724
		7676		233	7727
	187	7677			7728
	188	7678		234	7729
	189	7679			7730
	190	7680		235	7731
	191	7681		236	7732
	192	7682		237	7733
	193	7683		238	7734
	194	7684		239	7735
	195	7685		240	7736
	196	7686		241	7737
	197	7687		242	7738
	198	7688		243	7739
		7689		244	7740
	199	7690			7741
	200	7691		245	7742
	201	7692		246	7743
	201-a1	7693		247	7744
	202	7694		248	7745
	203	7695		249	7746
	204	7696		249-a1	7747
	205	7697		249-a2	7748
	206	7698		249-a3	7749
	207	7699		249-a4	7750
	208	7700		250	7751
	209	7701		251	7752
		7702		252	7753
	210	7703		253	7754
	211	7704		254	7755
	212	7705		255	7756
		7706		256	7757
	213	7707		257	7758

Bill No.	Section	Code Section	:	Bill No.	Section	Code Section
H.F. 185	258	7759	:	S.F. 187	16	7818
	259	7760	:		17	7819
	260	7761	:		18	7820
	261	7762	:		18-al	7821
	262	7763	:		19	7822
	263	7764	:		20	7823
	264	7765	:		21	7824
S.F. 186	265	7766	:	22	7825	
	1	7767	:	23	7826	
	2	7768	:	24	7827	
	3	7769	:	25	7828	
		7770	:	26	7829	
		7771	:	27	7830	
		7772	:	28	7831	
	4	7773	:	29	7832	
		7774	:	30	7833	
	5	7775	:	31	7834	
	6	7776	:	32	7835	
		7777	:	33	7836	
		7778	:	34	7837	
	7	7779	:	35	7838	
		7780	:	36	7839	
	8	7781	:	37	7840	
	9	7782	:	38	7841	
	10	7783	:	39	7842	
	11	7784	:	40	7843	
		7785	:	41	7844	
	12	7786	:	42	7845	
	13	7787	:		7846	
14	7788	:	43	7847		
15	7789	:	44	7848		
16	7790	:	45	7849		
17	7791	:	46	7850		
18	7792	:	47	7851		
19	7793	:	48	7852		
20	7794	:	49	7853		
21	7795	:	50	7854		
22	7796	:	51	7855		
S.F. 187	1	7803	:	52	7856	
	2	7804	:	53	7857	
	3	7805	:	54	7858	
	4	7806	:	55	7859	
	5	7807	:	56	7860	
	6	7808	:	57	7861	
	7	7809	:	58	7862	
	8	7810	:	59	7863	
	9	7811	:	60	7864	
	10	7812	:	H.F. 188	1	7865
	11	7813	:	2	7866	
	12	7814	:	3	7872	
	13	7815	:	4	7873	
	14	7816	:	5	7874	
	15	7817	:	6	7875	

Bill No.	Section	Code Section	:	Bill No.	Section	Code Section
H.F. 188	7	7876	:	H.F. 190	21	8022
	8	7877	:		22	8023
	9	7878	:		23	8024
	10	7879	:		24	8025
	11	7880	:		25	8026
	12	7883	:		26	7946
	13	7884	:		27	7947
	14	7885	:		28	8011
	15	7886	:		29	8012
	16	7887	:		30	7950
	17	7888	:		31	7951
	18	7890	:		32	7952
	19	7891	:		33	7953
	19-al	7892	:		36	8123
	20	7893	:		37	8124
	21	7894	:		38	8125
	22	7895	:		39	8126
	23	7896	:		40	7956
	24	7897	:		41	7957
	25	7898	:		42	8169
	26	7899	:		43	8170
	27	7900	:		44	8171
	28	7901	:		45	8172
	29	7902	:		46	8173
	30	7903	:		47	8174
	31	7904	:		48	8175
S.F. 189	1	7913	:		49	8176
	2	7914	:	S.F. 191	See Extra Session	
	3	7915	:		40th G. A.	
	4	7916	:	H.F. 192	1	8181
	5	7917	:		2	8182
	6	7918	:		3	8183
	7	7919	:		4	8184
H.F. 190	1	7921	:		5	8185
	2	7922	:		6	8186
	3	10036	:		7	8187
		10037	:		8	8188
		10038	:		9	8189
	4	10039	:		10	8190
	5	8001	:		11	8191
		8002	:		12	8192
	6	8003	:		13	8193
	7	8004	:		14	8194
	8	8005	:	H.F. 194	1	8156
	9	8006	:		2	8157
	10	8007	:		3	8158
	11	8008	:			8159
	12	8027	:	S.F. 195	1	8028
	17	7948	:		2	8029
	18	7949	:		3	8030
	19	8020	:		4	8031
	20	8021	:			

Bill No.	Section	Code Section	Bill No.	Section	Code Section
H.F. 196	1	8036	H.F. 200	13	8217
	2	8038		14	8218
		8039		15	8219
	3	8040		16	8221
	4	8041		17	8222
	5	8037		18	8223
	6	8041		19	8224
	7	8045		20	8225
		8061		21	8226
		8062			
S.F. 197	1	8062	S.F. 201 See Extra Session 40th G. A.		
	2	8063			
	3	8063			
	4	8066			
	5	8127			
	6	8128			
	7	6129			
	8	8130		2	8411
	9	8082		3	8412
	10	8083		4	8413
H.F. 198	1	8083	S.F. 203 See Extra Session 40th G. A.	5	8414
	2	8083		6	8415
	3	8084			
	4	8085			
	5	8086			
	6	8087		1	8604
	7	8088		2	8605
	8	8089		3	8606
	9	8090		4	8607
	10	8091		5	8608
S.F. 199	11	8092	S.F. 207 See Extra Session 40th G. A.	6	8709
	12	8092		7	8610
	13	8094			
	14	8095			
	15	8096			
	16	8097			
	17	8098			
	18	8099			
	19	8100			
	20	8101			
H.F. 200	21	8102	H.F. 208 See Extra Session 40th G. A.	4	10264
	22	8103		5	10265
	23	8104		6	10266
	1	8204		7	10267
	2	8205		8	10268
	3	8206		9	10269
		8207		10	10270
		8208		11	10271
	4	8209		12	10272
	5	8210		13	10273
6	8211	14	10274		
7	8212	15	10275		
8	8213	16	10276		
9	8213	17	10277		
10	8214	18	10278		
11	8215	19	10279		
12	8216	20	10280		

Bill No.	Section	Code Section	:	Bill No.	Section	Code Section
H.F. 212	21	10291	:	H.F. 212	74	1689
	22	10282	:		75	1690
	23	10293	:	H.F. 213	1	10429
	24	10284	:		2	10430
	25	10285	:			10431
	26	10286	:			10432
	27	10287	:		3	10433
	28	10288	:		4	10439
	29	10289	L		5	10440
	30	10290	:			10441
	31	10291	:		6	10445
	32	10292	:		7	12978
	33	10293	:		8	10492
	34	10294	:	H.F. 218	1	10497
	35	10295	:		2	10498
	36	10296	:	H.F. 220	1	10642
	37	10297	:		2	10643
	38	10298	:		3	10644
	39	10324	:		4	10645
	40	10325	:		5	10646
	41	10326	:		6	10647
	42	10327	:		7	10648
	43	10328	:		8	10649
	44	10329	:		9	10650
	45	10330	:		10	10651
	46	10331	:		11	10652
	47	10332	:		12	10653
	48	10333	:		13	10654
	49	10334	:		14	10655
	50	10335	:		15	10656
	51	10336	:		16	10657
	52	10337	:		17	10658
	53	10338	:		18	10659
	54	10339	:		19	10660
	55	10340	:		20	10661
	56	10341	:		21	10662
	57	10342	:		22	10663
	58	10343	:		23	10664
	59	10344	:		23-a1	10665
	60	10345	:		24	10666
	62	10346	:		25	10667
	63	10347	:		26	10668
	64	10348	:		27	10669
	65	10349	:		28	10670
	66	10350	:		29	10671
	67	10351	:		30	10672
	68	10352	:		31	10673
	69	10353	:		32	10674
	70	1685	:		33	10675
	71	1686	:		34	10676
	72	1687	:		35	10677
	73	1688	:		36	10678

Bill No.	Section	Code Section	:	Bill No.	Section	Code Section	
H.F. 220	37	10679	:	S.F. 231	3	11583	
	38	10680	:		4	11584	
	39	10681	:	H.F. 234	1	11803	
	40	10682	:		1	11912	
	41	10683	:		2	12071	
	42	10684	:		3	12010	
	43	10685	:	S.F. 237	1	11847	
	44	10686	:		2	11848	
	45	10687	:		3	11901	
	46	10688	:		3-a1	11902	
	47	10689	:		3-a2	11903	
	48	10690	:		3-a3	11904	
	49	10691	:		3-a4	11905	
	50	10692	:		3-a5	11906	
	H.F. 221	1	10698	:		3-a6	11907
		2	10699	:		3-a7	11908
		3	10700	:		3-a8	11909
		4	10702	:		3-a9	11910
		5	10714	:		5	11897
		6	10751	:		6	11898
S.F. 227	1	11042	:		7	11899	
H.F. 228	1	11060	:		8	11900	
	2	11069	:		9	11883	
	3	11070	:	S.F. 239	1	12017	
	4	11071	:	S.F. 241	1	12358	
	5	11082	:		2	12359	
		11083	:		3	12364	
	6	11084	:		4	12365	
	7	11085	:			12366	
	8	11095	:			12367	
		11096	:			12368	
		11097	:			12369	
	S.F. 229	1	11130	:			12370
		2	11131	:		5	12384
3		11132	:			12385	
4		11133	:			12386	
5		11134	:	S.F. 245	1	12817	
6		11135	:	H.F. 246	1	12823	
7		11141	:		2	12832	
	11142	:		3	12833		
	11149	:		4	12834		
	11150	:		5	12840		
H.F. 230	1	11317	:			12841	
	2	11558	:			12 842	
	6	11365	:		6	12847	
	7	11366	:		7	12 843	
		11367	:		8	12848	
	8	11368	:		9	12349	
	11369	:			12850		
S.F. 231	1	11432	:			12851	
		11433	:		10	12854	
	2	11436	:		11	12881	

Bill No.	Section	Code Section	:	Bill No.	Section	Code Section
H.F. 246	12	12882	:	H.F. 254	25	10322
	13	12883	:		26	10323
	14	10908	:	H.F. 256	1	12577
	15	10914	:		2	12578
S.F. 247	1	12930	:		3	12579
	2	12938	:		4	12588
		12941	:		5	12589
		12943	:		6	12590
		12944	:		6-a1	12614
	3	12946	:		6-a2	12615
	4	12948	:		6-a3	12616
	5	12939	:		6-a4	12617
		12940	:		6-a5	12618
		12942	:		7	12619
	6	12946	:		7-a1	12620
	7	12947	:		7-a2	12621
	8	12953	:		7-a3	12622
	9	12949	:		8	11934
H.F. 250	1	13403	:		9	11935
	2	13404	:		10	11938
	3	13405	:	S.F. 257	1	1552
	4	13406	:		2	1553
	5	13407	:		3	1554
	6	13408	:		4	1555
	7	13409	:		5	1556
	8	13410	:		6	1557
	9	13411	:		7	1558
H.F. 252	1	13998	:		8	1559
	2	13999	:		9	1560
H.F. 254	1	10299	:		10	1561
	2	10300	:			1562
	3	10301	:		11	1563
	4	10302	:		12	1564
	5	10303	:		13	1565
	6	10304	:		14	1566
	7	10305	:		15	1567
	8	10306	:		16	1568
	9	10307	:		17	1569
	10	10308	:		18	1570
	11	10309	:		19	1571
	12	10310	:		20	1572
	13	10311	:		21	1573
	14	10312	:		22	1574
	16	10313	:		23	1575
	17	10314	:		24	1576
	18	10315	:		25	1577
	19	10316	:		26	1578
	20	10317	:		27	1579
	21	10318	:			1580
	22	10319	:			1581
	23	10320	:		28	1582
	24	10321	:		29	1583

Bill No.	Section	Code Section	:	Bill No.	Section	Code Section
S.F. 257	30	1584	:	H.F. 260	37	2228
	31	1585	:		38	2229
	32	1586	:		39	2230
H.F. 258	See Extra Session		:		40	2231
	40th G. A.		:		41	2232
H.F. 260	1	2181	:		42	2233
	2	2182	:		43	2234
	3	2183	:		44	2235
	4	2184	:		45	2236
	5	2185	:		46	2237
	6	2186	:		47	2238
	7	2187	:		48	2239
	8	2188	:		49	2240
	9	2189	:		50	2241
	13	2190	:		51	2242
	14	2191	:		52	2243
	14-a1	2192	:		53	2244
	14-a2	2193	:		54	2245
	14-a3	2194	:		55	2246
	14-a4	2195	:		56	2247
	15	2196	:		57	2248
	16	2197	:		58	2249
	16-a1	2198	:		59	2250
	16-a2	2199	:		60	2251
	16-a3	2200	:		61	2252
	16-a4	2201	:		62	2253
	16-a5	2202	:		63	2254
	16-a6	2203	:		64	2255
	16-a7	2204	:		65	2256
	16-a8	2205	:		66	2257
	17-a9	2206	:		67	2258
	16-a10	2207	:		68	2259
		2208	:		69	2260
	17	2209	:		70	2261
	18	2210	:		71	2262
	19	2211	:		72	2263
	20	2212	:		73	2264
	21	2213	:		74	2265
	22	2214	:		75	2266
	23	2215	:		76	2267
	24	2216	:		77	2268
	26	2217	:		78	2269
	27	2218	:		79	2270
	27-a1	2219	:		80	2271
	28	2220	:		81	2272
	29	2221	:		82	2273
	30	2222	:		83	2274
	31	2223	:		84	2275
	33	2224	:		85	2276
	34	2225	:		86	2277
	35	2226	:		87	2278
	36	2227	:		88	2279

Bill No.	Section	Code Section	Bill No.	Section	Code Section
H. F. 260	89	2280	H. F. 260	141	2332
	90	2281		142	2333
	91	2282		144	2334
	92	2283		145	2335
	93	2284		146	2336
	94	2285		147	2337
	95	2286		147-a1	2338
	96	2287		147-a2	2339
	97	2288		147-a3	2340
	98	2289		147-a4	2341
	99	2290		147-a5	2342
	100	2291		147-a6	2343
	101	2292		148	2344
	102	2293		149	2345
	103	2294		150	2346
	104	2295		151	2347
	105	2296		152	2348
	106	2297		153	2349
	107	2298		154	2350
	108	2299		155	2351
	109	2300		156	2352
	110	2301		157	2353
	111	2302		158	2354
	112	2303		159	2355
	113	2304		160	2356
	114	2305		161	2357
	115	2306		162	2358
	116	2307		163	2359
	117	2308		164	2360
	118	2309		165	2361
	119	2310		166	2362
	120	2311		167	2363
	121	2312		168	2364
	122	2313		169	2365
	123	2314		170	2366
	124	2315		171	2367
	125	2316		172	2368
	126	2317		173	2369
	127	2318		174	2370
	128	2319		175	2371
	129	2320		176	2372
	130	2321		177	2373
	131	2322		178	2374
	132	2323		179	2375
	133	2324		180	2376
	134	2325		181	2377
	135	2326		182	2378
	136	2327		183	2379
	137	2328		184	2380
	138	2329		185	2381
	139	2330		186	2382
	140	2331		187	2383

Bill No.	Section	Code Section	:	Bill No.	Section	Code Section
H.F. 260	188	2384	:	H.F. 260	240	3435
	189	2385	:		241	3437
	190	2386	:	H.F. 261	1	3029
	191	2387	:		2	3030
	192	2388	:		3	3031
	193	2389	:		4	3032
	194	2390	:		5	3033
	195	2391	:		6	3034
	196	2392	:		7	3035
	197	2393	:		8	3036
	198	2394	:		9	3037
	199	2395	:		10	3038
	200	2396	:		11	3039
	201	2397	:		12	3040
	202	2398	:		13	3041
	203	2399	:		14	3042
	204	2400	:		15	3043
	205	2401	:		16	3044
	206	2402	:		17	3045
	207	2403	:		18	3046
	208	2404	:		19	3047
	209	2405	:		23	3048
	210	2406	:		24	3049
	211	2407	:		25	3050
	212	2408	:		26	3051
	213	2409	:		27	3052
	214	2410	:		27-al	3053
	215	2411	:		28	3054
	216	2412	:		29	3055
	217	2413	:		30	3056
	218	2414	:		31	3057
	219	2415	:		32	3058
	220	2416	:		33	3059
	221	2417	:		34	3060
	222	2418	:		35	3061
	223	2419	:		35-al	3062
	224	2420	:		36	3063
	225	2421	:		37	3064
	226	2422	:		38	3065
	227	2423	:		39	3066
	228	2424	:		40	3067
	229	2425	:		41	3068
	230	2426	:		42	3069
	231	2427	:		43	3070
	232	2428	:		44	3071
	233	2429	:		45	3072
	234	2430	:		46	3073
	235	2431	:		47	3074
	236	2432	:		48	3075
	237	2433	:		49	3076
	238	2434	:		49-al	3077
	239	2435	:		50	3078

Bill No.	Section	Code Section	:	Bill No.	Section	Code Section
H.F. 261	51	3079	:	H.F. 261	103	3131
	52	3080	:		104	3132
	53	3081	:		105	3133
	54	3082	:		106	3134
	55	3083	:		107	3135
	56	3084	:		108	3136
	57	3085	:		109	3137
	58	3086	:		110	3138
	59	3087	:		111	3139
	60	3088	:		112	3140
	61	3089	:		113	3141
	62	3090	:		114	3142
	63	3091	:		130	3182
	64	3092	:		131	3183
	65	3093	:		132	3184
	66	3094	:		133	3185
	67	3095	:		134	3186
	68	3096	:		135	3187
	69	3097	:		136	3188
	70	3098	:		137	3189
	71	3099	:		138	3190
	72	3100	:		139	3191
	73	3101	:		140	3192
	74	3102	:		141	3193
	75	3103	:		142	3194
	76	3104	:		143	3195
	77	3105	:		144	3196
	78	3106	:		145	3197
	79	3107	:		146	3198
	80	3108	:		147	3199
	81	3109	:		148	3200
	82	3110	:		149	3201
	83	3111	:		150	3202
	84	3112	:		151	3203
	85	3113	:		152	3204
	86	3114	:		153	3205
	87	3115	:		154	3206
	88	3116	:		155	3207
	89	3117	:		156	3208
	90	3118	:		157	3209
	90-a1	3119	:		158	3210
	91	3120	:		159	3211
	92	3121	:		160	3212
	93	3122	:		161	3213
	94	3123	:		162	3214
	96	3124	:		163	3215
	97	3125	:		167	3216
	98	3126	:		168	3217
	99	3127	:		169	3218
	100	3128	:		169-a1	3219
	101	3129	:		169-a2	3220
	102	3130	:		169-a3	3221

Bill No.	Section	Code Section	Bill No.	Section	Code Section
H.F. 261	169-a4	3222	H.F. 261	217	3274
	169-a5	3223	H.F. 261-A	115	3143
	169-a6	3224		116	3144
	169-a7	3225		117	3145
	169-a8	3226		118	3146
	170	3227		119	3147
	171	3228		119-a1	3148
	172	3229		119-a2	3149
	173	3230		120	3150
	174	3231		120-a1	3151
	175	3232		120-a2	3152
	176	3233		120-a3	3153
	177	3234		120-a4	3154
	178	3235		120-a5	3155
	179	3236		120-a6	3156
	180	3237		120-a7	3157
	181	3238		120-a8	3158
	182	3239		120-a9	3159
	183	3240		120-a10	3160
	184	3241		120-a11	3161
	185	3242		120-a12	3162
	186	3243		120-a13	3163
	187	3244		120-a14	3164
	188	3245		120-a15	3165
	189	3246		120-a16	3166
	190	3247		120-a17	3167
	191	3248		120-a18	3168
	192	3249		120-a19	3169
	193	3250		120-a20	3170
	194	3251		120-a21	3171
	195	3252		120-a22	3172
	196	3253		120-a23	3173
	197	3254		120-a24	3174
	198	3255		120-a25	3175
	199	3256		120-a26	3176
	200	3257		120-a27	3177
	201	3258		120-a28	3178
	202	3259		120-a29	3179
	203	3260		120-a29a	3180
	204	3261	H.F. 262	120-a30	3181
	205	3262		1	2438
	206	3263		2	2439
	207	3264		3	2440
	208	3265		4	2441
	209	3266		5	2442
	210	3267		6	2443
	211	3268		7	2444
	212	3269		8	2445
	213	3270		9	2446
	214	3271		10	2447
	215	3272		10-a1	2448
	216	3273		11	2449
				12	2450

Bill No.	Section	Code	Section	Bill No.	Section	Code	Section
H.F. 262	13	2451	:	H.F. 262	64		2503
	14	2452	:		65		2504
	15	2453	:		66		2505
	16	2454	:		67		2506
	17	2455	:		68		2507
	18	2456	:		69		2508
	19	2457	:		70		2509
	20	2458	:		71		2510
	21	2459	:		72		2511
	22	2460	:		73		2512
	23	2461	:		74		2513
	24	2462	:		75		2514
	25	2463	:		78		2515
	26	2464	:		79		2516
	27	2465	:		81		2517
	28	2466	:		82		2518
	28-al	2467	:		83		2519
	29	2468	:		84		2520
	30	2469	:		85		2521
	31	2470	:		86		2522
	32	2471	:		87		2523
	33	2472	:		88		2524
	34	2473	:		89		2525
	35	2474	:		90		2526
	36	2475	:		91		2527
	37	2476	:		92		2528
	38	2477	:		92-a1		2529
	39	2478	:		92-a2		2530
	40	2479	:		92-a3		2531
	41	2480	:		92-a4		2532
	42	2481	:		92-a5		2533
	43	2482	:		92-a6		2535
	44	2483	:		92-a7		2536
	45	2484	:		92-a8		2537
	46	2485	:		92-a9		2534
	47	2486	:		93		2538
	48	2487	:		94		2539
	49	2488	:		95		2540
	50	2489	:		96		2541
	51	2490	:		97		2542
	52	2491	:		98		2543
	53	2492	:		99		2544
	54	2493	:		100		2545
	55	2394	:		101		2546
	56	2495	:		102		2547
	57	2496	:		103		2548
	58	2497	:		104		2549
	59	2498	:		105		2550
	60	2499	:		106		2551
	61	2500	:		107		2552
	62	2501	:		108		2553
	63	2502	:		109		2554

Bill No.	Section	Code Section	Bill No.	Section	Code Section
H.F. 262	110	2555	H.F. 266	11	10853
	111	2556		12	10854
	112	2557		13	10855
	113	2558			10856
	114	2559		14	10857
	115	2560		15	10858
	116	2561		16	10859
	117	2562		17	10860
	118	2563		18	10861
	119	2564		19	10862
	120	2565		20	10863
	121	2566		21	10864
	122	2567		21-a1	10865
	123	2568		21-a2	10866
	124	2569		21-a3	10867
	125	2570		21-a4	10868
	126	2571		22	10869
	127	2572		23	10870
	128	2573		23-a1	10871
	129	2574		24	10872
	130	2575		25	10873
	131	2576		26	10874
	132	2577		27	10875
	133	2578		28	10876
	134	2579		29	10877
	135	2580		30	10878
	136	2581		31	10879
	137	2582		32	10880
	138	2583			10881
	139	2584		34	10882
	140	2585		35	10883
S.F. 263	1	181		36	10884
	3	246		37	10885
	4	247		38	10886
	5	256		39	10887
	6	264		40	10888
	7	215		41	10889
H.F. 264	See Extra Session			42	10890
	40th G. A.			43	10891
S.F. 265	1	7995		44	10892
	2	7996		45	10893
H.F. 266	1	10842		46	10894
	2	10843		47	10895
	3	10844		48	10896
	4	10845		49	10897
	5	10846		50	10898
	6	10847		51	10899
	7	10848		52	10900
		10849		53	10901
	8	10850		54	10902
	9	10851		55	10903
	10	10852		56	10904

Bill No.	Section	Code Section	:	Bill No.	Section	Code Section
H.F. 266	57	10905	:	H.F. 277	8-al	4872
	58	10906	:		9	4873
	60	11472	:		10	4874
	61	13679	:		11	4875
	62	13830	:		12	4876
S.F. 267	1	10837	:		13	4877
H.F. 268	1	11285	:		14	4878
	2	11286	:		15	4879
H.F. 270	1	12389	:		16	4880
	2	12390	:		17	4881
	3	12391	:		18	4882
	4	12392	:		19	4883
	5	12393	:		20	4884
	6	12394	:		21	4885
S.F. 271	1	12313	:		22	4886
H.F. 272	1	13265	:		23	4887
S.F. 273	1	10354	:		24	4888
	2	10355	:		25	4889
	3	10356	:		26	4890
	4	10357	:		27	4891
H.F. 274	1	13743	:		27-al	4892
	2	13744	:		28	4893
	3	13745	:		29	4894
		13746	:		30	4895
	4	13747	:		31	4896
	5	13748	:		32	4897
	6	13790	:		33	4898
	7	13791	:		33-al	4899
	8	13654	:		34	4900
S.F. 275	1	1172	:		35	4901
	2	1173	:		36	4902
	3	1174	:		37	4903
	4	1175	:		38	4904
	5	1176	:		39	4905
	6	1177	:		40	4906
	7	1178	:		41	4907
	8	1179	:		42	4908
H.F. 276	1	5582	:		43	4909
	2	5583	:		44	4910
	3	5584	:		45	4911
	4	5585	:		46	4912
	5	5586	:		47	4913
	6	5587	:		48	4914
H.F. 277	1	4863	:		49	4915
	2	4864	:		50	4916
	3	4865	:		51	4917
	4	4866	:		52	4918
	4-al	4867	:		53	4919
	5	4868	:		54	4920
	6	4869	:		55	4921
	7	4870	:		56	4922
	8	4871	:		57	4923

Bill No.	Section	Code Section	Bill No.	Section	Code Section
H.F. 277	58	4924	H.F. 277	110	4976
	59	4925		111	4977
	60	4926		112	4978
	61	4927		113	4979
	62	4928		114	4980
	63	4929		115	4981
	64	4930		116	4982
	65	4931		117	4983
	66	4932		118	4984
	67	4933		119	4985
	68	4934		120	4986
	69	4935		121	4987
	70	4936		122	4988
	71	4937		123	4989
	72	4938		124	4990
	73	4939		125	4991
	74	4940		126	4992
	75	4941		126-al	4779
	76	4942		127	4993
	77	4943		128	4994
	78	4944		129	4995
	79	4945		129-al	4996
	80	4946		130	4997
	81	4947		131	4998
	82	4948		132	4999
	83	4949		132-al	5000
	84	4950		133	5001
	85	4951		134	5002
	86	4952		135	5003
	87	4953		136	5004
	88	4954		137	5005
	89	4955		138	5006
	90	4956		139	5007
	91	4957		140	5008
	92	4958		141	5009
	93	4959		142	5010
	94	4960		143	5011
	95	4961		144	5012
	96	4962		145	5013
	97	4963		146	5014
	98	4964		147	5015
	99	4965		148	5016
	100	4966		149	5017
	101	4967		150	5018
	102	4968		151	5019
	103	4969		152	5020
	104	4970		153	5021
	105	4971		154	5022
	106	4972		155	5023
	107	4973		156	5024
	108	4974		157	5025
	109	4975		158	5026

Bill No.	Section	Code Section	Bill No.	Section	Code Section
H.F. 277	159	5027	H.F. 277	208	5080
	160	5028		209	5081
	161	5029		210	5082
	162	5030		211	5083
	163	5031		212	5084
	164	5032		213	5085
	165	5033		214	5086
	166	5034		215	5087
	167	5035		216	5088
	168	5036		217	5089
	169	5037		218	5090
	170	5038		219	5091
	171	5039		220	5092
	172	5040		221	5093
	173	5041	H.F. 278	1	13351
	174	5042	S.F. 279	1	5217
	175	5043		2	5218
	176	5044		3	5219
	177	5045	H.F. 280	1	12166
	178	5046	S.F. 281	1	10045
	179	5047		2	10046
	180	5048			10047
	181	5049		3	10048
	182	5050	H.F. 282	1	13836
	183	5051		2	13837
	184	5052	S.F. 283	1	2072
	185	5053		2	2073
	185-a1	5054		4	2074
	185-a2	5055		5	2075
	186	5056		6	2076
	187	5057		7	2077
	188	5058		8	2078
	189	5059		9	2079
	190	5060		10	2080
	191	5061		11	2081
	192	5062		12	2082
	193	5063		13	2083
	194	5064		14	2084
	195	5065		15	2085
	196	5066		16	2086
	197	5067		17	2087
	198	5068		18	2088
	199	5069		19	2089
	199-a1	5071		20	2090
	200	5072		21	2091
	201	5073		21-a1	2092
	202	5074		22	2093
	203	5075		22-a1	2094
	204	5076		22-a2	2095
	205	5077		22-a3	2096
	206	5078		22-a4	2097
	207	5079		22-a5	2098

Bill No.	Section	Code Section	Bill No.	Section	Code Section
S.F. 283	22-a6	2099	S.F. 283	65	2151
	22-a7	2100		65-a1	2152
	23	2101		65-a2	2153
	24	2102		65-a3	2154
	25	2103		66	2155
	25-a1	2104		67	2156
	25-a2	2105		67-a1	2157
	25-a3	2106		67-a2	2158
	25-a4	2107		68	2159
	25-a5	2108		69	2160
	25-a6	2109		70	2161
	25-a7	2110		70-a1	2162
	26	2111		70-a2	2163
	27	2112		72	2164
	28	2113		73	2165
	29	2114		74	2166
	30	2115		75	2167
	34	2116		76	2168
	35	2117		77	2169
	36	2118		78	2170
	37	2119		78-a1	2061
	38	2120		78-a2	2062
	39	2121		78-a3	2063
	40	2122	S.F. 285	See Extra Session	
	41	2123		40th G. A.	
	42	2124	S.F. 287	See Extra Session	
	44	2125		40th G. A.	
	45	2126	H.F. 289	See Extra Session	
	46	2127		40th G. A.	
	47	2128	H.F. 296	See Extra Session	
	48-a1	2129		40th G. A.	
	49	2130	H.F. 299	See Extra Session	
	49-a1	2131		40th G. A.	
	50	2132	H.F. 300	See Extra Session	
	51	2133		40th G. A.	
	51-a1	2134	H.F. 301	See Extra Session	
	52	2135		40th G. A.	
	53	2136	S.F. 305	See Extra Session	
	54	2137		40th G. A.	
	54-a1	2138	H.F. 305	See Extra Session	
	55	2139		40th G. A.	
	57	2140	H.F. 310	1	6676
	58	2141	S.F. 312	See Extra Session	
	60	2142		40th G. A.	
	60-a1	2143	H.F. 319	See Extra Session	
	60-a2	2144		40th G. A.	
	60-a3	2145	H.F. 320	See Extra Session	
	61	2146		40th G. A.	
	62	2147	S.F. 321	1	4213
	63	2148	S.F. 325	See Extra Session	
	64	2149		40th G. A.	
	64-a1	2150			

Bill No.	Section	Code	Section	Bill No.	Section	Code	Section
S.F. 326	See Extra Session						
	40th G. A.						
H.F. 329	See Extra Session						
	40th G. A.						
H.F. 330	See Extra Session						
	40th G. A.						
S.F. 330	See Extra Session						
	40th G. A.						
H.F. 331	See Extra Session						
	40th G. A.						
S.F. 331	See Extra Session						
	40th G. A.						
H.F. 332	See Extra Session						
	40th G. A.						
S.F. 332	See Extra Session						
	40th G. A.						
S.F. 333	See Extra Session						
	40th G. A.						
H.F. 334	See Extra Session						
	40th G. A.						
H.F. 335	See Extra Session						
	40th G. A.						
H.F. 336	See Extra Session						
	40th G. A.						
S.F. 336	See Extra Session						
	40th G. A.						
H.F. 337	See Extra Session						
	40th G. A.						
H.F. 339	See Extra Session						
	40th G. A.						
H.F. 340	See Extra Session						
	40th G. A.						

CHAPTER 1

ACQUISITION OF LANDS BY THE UNITED STATES

H. F. 2

AN ACT to amend, revise, and codify sections four (4) to eight (8), inclusive, and forty-nine hundred sixty-two (4962) of the compiled code of Iowa, relating to the acquisition by the United States of lands in this state.

Be It Enacted by the General Assembly of the State of Iowa:

That sections four (4) to eight (8), inclusive, and forty-nine hundred sixty-two (4962) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Acquisition of lands by the United States. The United States of America may acquire by condemnation or otherwise for any of its uses or purposes any real estate in this state, and may exercise exclusive jurisdiction over its holding. This state reserves, when not in conflict with the constitution of the United States or any law enacted in pursuance thereof, the right of service on real estate held by the United States of any notice or process authorized by its laws; and reserves jurisdiction, except when used for naval or military purposes, over all offenses committed thereon against its laws and regulations and ordinances adopted in pursuance thereof. Such real estate shall be exempt from all taxation including special assessments, while held by the United States.

Approved March 2, 1924.

CHAPTER 2

LAWS EFFECTIVE BY PUBLICATION

H. F. 4

AN ACT to amend, revise, and codify section fifty-three (53) of the compiled code of Iowa, relating to copies of laws taking effect by publication.

Be It Enacted by the General Assembly of the State of Iowa:

That section fifty-three (53) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Copies of acts effective by publication. The secretary of state shall, immediately after an act of a general nature takes effect by publication, furnish a certified copy of such act to each clerk of the district court, who shall retain the same on file for public inspection for at least six (6) months, and shall furnish copies thereof on payment of a fee of ten (10) cents for each one hundred (100) words.

Approved February 8, 1924.

CHAPTER 3
DUTIES OF THE AUDITOR OF STATE
H. F. 8

AN ACT to amend, revise, and codify subsection seven (7) of section one hundred eighteen (118), sections one hundred twenty-seven (127) to one hundred thirty-one (131), inclusive, one hundred thirty-three (133), one hundred thirty-four (134), one hundred thirty-six (136), two hundred seventy-four (274) and seven hundred twenty-five (725) of the compiled code of Iowa, and sections one hundred thirty-two (132) and one hundred thirty-five (135) of the supplement to said code, relating to certain duties of the auditor of state and to uniform system of accounts of public corporations and organizations, and to the examination of such accounts.

Be It Enacted by the General Assembly of the State of Iowa:

That subsection seven (7) of section one hundred eighteen (118) and section seven hundred twenty-five (725) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. To superintend fiscal affairs.

7. To superintend fiscal affairs. To superintend the fiscal affairs of the state, and secure their management as required by law.

That sections one hundred twenty-seven (127) to one hundred thirty-one (131), inclusive, one hundred thirty-three (133), one hundred thirty-four (134), one hundred thirty-six (136), and two hundred seventy-four (274) of the compiled Code of Iowa, and sections one hundred thirty-two (132) and one hundred thirty-five (135) of the supplement to said Code are amended, revised, and codified to read as follows:

Sec. 2. Uniform system of accounting. The auditor of state shall prescribe a uniform system of blanks and forms for all financial accounts, receipts, and reports of all county, city, and town offices, including offices of cities acting under special charter. Said system shall, as far as practicable, follow the classifications and definitions of such transactions in use in the national census office, when not in conflict with the laws of this state. Said blanks and forms shall, by said auditor, be revised, from time to time, in order to render the same more efficient and to meet changes in the law.

Sec. 3. Duty to install. It shall be the specific duty of each county, city, and town officer to install and use in his office the system of uniform blanks and forms so prescribed for his office. State examiners of accounts are charged with the specific duty to assist all such officers in installing said system.

Sec. 4. Examination of cities and counties. The auditor of state shall cause the financial condition and transactions of county offices to be examined at least once each year, by a state examiner of accounts, and shall cause a like examination, biennially, of all offices of all cities and towns having a population of three thousand (3,000) or more, including offices of cities acting under special charter.

Sec. 5. State examiners. The auditor of state shall appoint such number of state examiners of accounts as may be necessary to make such examinations. Said examiners shall be of recognized skill and integrity, familiar with the system of accounting in county and city offices and with the laws relating to county and city affairs. Each examiner shall give bond in the sum of two thousand dollars (\$2,000.00), conditioned as the bonds of county officers, which bonds shall be approved and filed as bonds of state officers. Such examiners shall hold their positions for four (4) years, unless sooner removed by the auditor of state for cause, and shall be subject at all times to the direction of said auditor.

Sec. 6. Assistants. The auditor of state shall appoint such additional assistants to the examiners as may be necessary, who shall be subject to discharge at any time by the auditor. Such assistants shall receive such reasonable compensation as the auditor may fix and shall be paid in the same manner as examiners. The compensation of such assistants shall be considered as part of the cost of examination.

Sec. 7. Examinations. Said examiners shall have the right while making said examinations, to examine all papers, books, records, and documents of any of said offices and shall have the right, in the presence of the custodian or his deputy, to have access to the cash drawers and cash in the official custody of such officer, and like right, during business hours, to examine the public accounts of the county or city in any depository which has public funds in its custody pursuant to law.

Sec. 8. Scope of examinations. All examinations shall be made without notice to the office examined. On every examination inquiry shall be made as to the financial condition and resources of the county or city; whether the cost price for improvements and materials in said county or city is in excess of the cost price for like things in other counties or cities of the state; whether the county or city authorities are complying with the law; and whether the accounts and reports are being accurately kept.

Sec. 9. Subpoenas. The auditor of state, and all examiners shall, in all matters pertaining to an authorized examination, have power to issue subpoenas of all kinds, administer oaths and examine witnesses, either orally or in writing, and the expense attending the same, including the expense of taking oral examinations in shorthand, shall be paid as other expenses of the examiner.

Sec. 10. Refusal to testify. In case any witness duly subpoenaed refuses to attend, or refuses to produce documents, books, and papers, or shall attend and refuse to make oath or affirmation, or, being sworn or affirmed, shall refuse to testify, the auditor of state or the examiner may apply to the district court, or any judge of said district having jurisdiction thereof, for the enforcement of attendance and answers to questions as provided by law in the matter of taking depositions.

Sec. 11. Reports. A report of such examination shall be made in triplicate, signed, and verified by the officer making the examination; one (1) copy to be filed with the auditor of state; one (1) copy with the officer under investigation, and one (1) copy with the auditor of the county if county office is under investigation, or with the mayor or city council if a city office is under investigation. All reports shall be open to public inspection.

If said examination discloses any irregularity in the collection or disbursement of public funds or in the abatement of taxes a copy of said report shall be filed with the county attorney and it shall be his duty to cooperate with the state auditor, and, in proper cases, with the attorney general, to secure the correction of the irregularity.

Sec. 12. Duty of attorney general. In the event such examination discloses any grounds which would be ground for removal from office, a fourth copy of said report shall be provided and filed by the auditor of state in the office of the attorney general of the state, who shall thereupon take such action as, in his judgement, the facts and circumstances warrant.

Sec. 13. Disclosures prohibited. No such examiner shall make any disclosure of the result of any investigation, except as he is required by law to report the same or testify in court. Any violation of this provision shall be ground for removal.

Sec. 14. Examination of other municipalities. Any township, school, or municipal corporation, not embraced within the foregoing provisions of this chapter, may, on application to the auditor of state, secure an examination of its financial transactions and the conditions of its funds, or a like examination may be had on an application of twenty-five (25) or more taxpayers of such township, school, or other corporation, accompanied by such showing of facts as, in the opinion of the auditor of state, will justify such examination.

Sec. 15. Bills. Each examiner shall, on the completion of an examination, file with the auditor of state a detailed, itemized, and sworn voucher of his per diem and expenses, which voucher, when approved by said auditor and by the state board of audit, shall be paid from any unappropriated funds in the state treasury.

Sec. 16. State reimbursed. Upon payment by the state of the per diem and expense aforesaid, the auditor of state shall at once file with the warrant-issuing officer of the county or municipality whose office was examined, a copy of the voucher so paid by the state and thereupon said warrant-issuing officer shall at once draw his warrant for said amount on the general funds of his county or municipality in favor of the auditor of state, which warrant shall be placed to the credit of the general fund of the state.

Sec. 17. Biennial report of expenditures. The auditor of state shall, biennially, at the time provided by law, compile a complete report of the expenditures of the several state offices and institutions, except institutions under the management of the state board of control and state board of education. Such report shall show:

1. The amount and nature of all expenditures.
2. The price paid for things purchased or furnished for said departments or institutions.
3. The rates paid as salary or per diem, with the names of the officers, clerks, or employees receiving compensation or payment for expenses.
4. A statement of all supplies drawn by the several offices.
5. A statement of the fees collected by each of the several offices, boards, commissions, and institutions, and the disposition of such fees.

Sec. 18. Additional data. All data required for the foregoing report and not otherwise provided for, shall be reported to said auditor by the several officers, departments, and institutions at such times and in such form as he may direct.

Sec. 19. Biennial report of standing appropriations. The auditor of state shall biennially prepare a separate report containing a complete list of all standing appropriations showing the amount of each appropriation and the purpose for which such appropriation is made and to furnish a copy of such report to each member of the general assembly on or before the first day of the session.

Approved April 18, 1924.

TREASURER OF STATE - APPROPRIATIONS

S. P. 9

AN ACT to amend, revise, and codify sections one hundred forty-four (144), one hundred forty-six (146) to one hundred forty-nine (149), inclusive, one hundred fifty-one (151), one hundred fifty-three (153) to one hundred sixty (160), inclusive, of the compiled code of Iowa, and section one hundred fifty (150) of the supplement to said code, relating to appropriations and the drawing and expenditure thereof, and to certain powers and duties of the treasurer of state, and to the security of the public funds and sections forty-seven hundred sixty-nine-a one (4769-a1) to forty-seven hundred sixty-nine-a five (4769-a5) of the supplement to the compiled code relating to the duty of the county treasurer and treasurer of state relative to state funds.

Be It Enacted by the General Assembly of the State of Iowa:

That sections one hundred forty-six (146) to one hundred forty-nine (149), inclusive, and one hundred fifty-one (151) of the compiled Code of Iowa, and section one hundred fifty (150) of the supplement to said Code are amended, revised, and codified to read as follows:

Section 1. Deposits. The treasurer of state may deposit checks, drafts, or other evidence of indebtedness received by him, and belonging to the state, in banks and other depositories in Des Moines, Iowa, provided said depositories are first approved by the executive council, and have given security to the state in amounts fixed by said council and approved by it, conditioned for the prompt collection of all such paper and the payment of all deposits on the treasurer's order. Charges for collection by said depositories shall not exceed the minimum per cent charged private parties. This section shall not release the treasurer of state, or his bondsmen, county treasurers, or their bondsmen, from any liability now imposed by law.

Sec. 2. Interest on deposits. Depositories of state funds shall pay to the treasurer of state, for the use of the state, interest on all deposits at the rate of two and one-half per cent (2 1/2 %) per annum. Payments shall be made at such times as may, with the approval of the executive council, be agreed on by the treasurer and depository.

That sections 4769-a1 to 4769-a5 of the supplement to the compiled Code are amended, revised and codified to read as follows:

Sec. 2-a1. State funds--duty of county treasurer. The treasurer of each county shall, on or before the fifteenth day of each month, prepare sworn statements of the amount of money in his hands on the last day of the preceding month belonging to the state treasury, not including primary road funds or motor vehicle funds and forward by mail, one such statement to the auditor of state, and one such statement to the treasurer of state.

Sec. 2-a2. Payment to state treasurer. The treasurer of each county shall also, at any time when directed by the treasurer of state as hereafter provided, forthwith pay into state treasury any or all of the said money due the state and remaining in his hands. The treasurer of state is hereby required to receive on all such payments the same kind of money and notes which the county treasurer is authorized and required by law to receive in payment of taxes.

Sec. 2-a3. Cash balance. The treasurer of state shall not draw on the funds in any county treasury so long as the receipts from all sources, not including primary road funds, belonging to the state, are sufficient to maintain in the state treasury and authorized depositories in the aggregate, a cash balance of two million dollars (\$2,000,000.00).

Sec. 2-a4. Restoration of cash balance. When said cash balance is reduced below two million dollars (\$2,000,000.00) the treasurer of state may draw upon each county treasurer in proportion to the amount in his possession, a sum sufficient in the aggregate to increase said cash balance to an amount not to exceed three million dollars (\$3,000,000.00).

Sec. 2-a5. Penalty. In case the treasurer of any county shall fail to prepare and forward the aforesaid statement, or shall fail to promptly honor any draft by the treasurer of state as provided in the preceding section, he shall forfeit and pay for each and every failure, a sum not less than one hundred dollars (\$100.00) or more than five hundred (\$500.00), to be recovered in an action on the treasurer's bond, brought in the name of the state auditor or the treasurer of state.

That sections one hundred fifty-three (153) to one hundred sixty (160), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 3. Swamp land indemnity. All swamp land indemnity money paid by the federal government to this state under any act of congress relating thereto shall be paid by the treasurer of state to the county treasurer of the county where the land, on account of which such payment is made, is located. The county treasurer shall be liable on his bond for the safe custody of said funds and shall promptly notify the board of supervisors of the receipt thereof. Said funds shall be applied by the said supervisors as required by law.

That section one hundred forty-four (144) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 4. Biennial report. The treasurer of state shall, biennially, at the time provided by law, report to the governor the state of the treasury and exhibit therein the amount received and paid out by the treasurer since his last report, and the balance remaining in the treasury.

Approved April 15, 1924.

CHAPTER 5
DEPARTMENT OF JUSTICE
H. F. 10

AN ACT to amend, revise, and codify chapter six (6) of title two (2) of the compiled code of Iowa and of the supplement to said code, relating to the department of justice and the attorney general and making an appropriation for the expenses provided.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter six (6) of title two (2) of the compiled Code of Iowa and of the supplement to said Code is amended, revised, and codified to read as follows:

Section 1. Department of justice. The department of justice, with the attorney general as head thereof, shall be located at the seat of government

Sec. 2. Duties. It shall be the duty of the attorney general, except as otherwise provided by law:

1. To prosecute and defend all causes in the supreme court in which the state is a party or interested.
2. To prosecute and defend in any other court or tribunal, all actions and proceedings, civil or criminal, in which the state may be a party or interested, when, in his judgment, the interest of the state requires such action, or when requested to do so by the governor, executive council, or general assembly.
3. To prosecute and defend all actions and proceedings brought by or against any state officer in his official capacity.
4. To give his opinion in writing, when requested, upon all questions of law submitted to him by the general assembly or by either house thereof, or by any state officer, elective or appointive. Questions submitted by state officers must be of a public nature and relate to the duties of such officer.
5. To prepare drafts for contracts, forms, and other writings which may be required for the use of the state.
6. To report to the governor, at the time provided by law, the condition of his office, opinions rendered, and business transacted of public interest.
7. To supervise county attorneys in all matters pertaining to the duties of their offices, and from time to time to require of them reports as to the condition of public business intrusted to their charge.
8. To promptly account, to the treasurer of state, for all state funds received by him.
9. To keep in proper books a record of all official opinions, and a register of all actions prosecuted and defended by him, and of all proceedings had in relation thereto, which books shall be delivered to his successor.
10. To perform all other duties required by law.

Sec. 3. Disqualification. If, for any reason, the attorney general be disqualified from appearing in any action or proceeding, the executive council shall appoint some suitable person for that purpose and defray the reasonable expense thereof from any unappropriated funds in the state treasury.

Sec. 4. Assistant attorneys general. The attorney general may appoint a first assistant attorney general and such other assistant attorneys general as may be authorized by law, who shall devote their entire time to the duties of their positions. The assistant attorneys general shall, subject to the direction of the attorney general, have the same power and authority as the attorney general.

Sec. 5. Special counsel. No compensation shall be allowed to any person for services as an attorney or counselor to any department of the state government or the head thereof, or to any state board or commission, except in cases specially authorized by law, but the executive council may employ legal assistance, at a reasonable compensation, in any pending action or proceeding to protect the interests of the state, but only upon a sufficient showing, in writing, made by the attorney general, that his department can not for reasons stated by him perform said service, which reasons and action of the council shall be entered upon its records. Such compensation shall be payable out of any unappropriated funds in the state treasury.

Sec. 6. Expenses. The attorney general and his assistants shall be repaid their actual and necessary expenses incurred in transacting their official duties at places other than the seat of government. Such expenses shall be payable out of any funds in the state treasury not otherwise appropriated.

Sec. 7. There is hereby appropriated out of any funds in the state treasury not otherwise appropriated, the sum of two thousand dollars (\$2,000.00), or so much thereof as may be necessary, annually for the biennium ending June 30, 1925, for the purpose of paying the expenses provided for in this act.

Approved February 1, 1924.

EXECUTIVE COUNCIL

H. F. 14

AN ACT to amend, revise, and codify sections two hundred forty-nine (249) to two hundred fifty-six (256), inclusive, two hundred fifty-eight (258) to two hundred sixty-one (261), inclusive, two hundred sixty-three (263) to two hundred sixty-nine (269), inclusive of the compiled code of Iowa, and sections two hundred forty-eight (248) and two hundred sixty-two (262) and fifty-seven hundred forty-four (5744) of the supplement to said code, relating to the executive council and to the powers, duties, and employees thereof.

Be It Enacted by the General Assembly of the State of Iowa:

That sections two hundred forty-nine (249) to two hundred fifty-six (256), inclusive, two hundred fifty-eight (258) to two hundred sixty-one (261), inclusive, two hundred sixty-three (263) to two hundred sixty-nine (269), inclusive, of the compiled Code of Iowa, and sections two hundred forty-eight (248) and two hundred sixty-two (262) and fifty-seven hundred forty-four (5744) of the supplement to said Code, are amended, revised, and codified to read as follows:

CHAPTER
EXECUTIVE COUNCIL

Section 1. How constituted. The executive council shall consist of the:

1. Governor,
2. Secretary of state,
3. Auditor of state,
4. Treasurer of state, and
5. Secretary of agriculture.

A majority shall constitute a quorum. No deputy shall act on the council for his principal.

Sec. 2. Secretary. The executive council shall choose a secretary who shall hold office during its pleasure, and perform such duties as may be required by law or by the executive council.

Sec. 3. Record of proceedings -- certified statements. He shall keep a complete record of the proceedings of the executive council and of the state board of review. When arriving at values for taxable purposes the records shall show the members making the various motions, the amounts such motions designate, the values undertaken to be fixed thereby and the negative and affirmative votes thereon, and record the names of the members voting. Upon the completion of the work of said board of review, he shall immediately transmit to the auditor of state a certified statement of the percentage to be added to or deducted from the valuation of each kind or class of property in the several counties of the state, and to each county auditor of the state a like statement for his county.

Sec. 4. Assessment record. He shall keep an assessment record, wherein shall be recorded the detailed proceedings relating to valuations and assessments of properties made, taxes levied, and levies determined by the executive council, and shall certify to the several county auditors all property assessments and levies so made by the executive council, when such certification is required by law.

Sec. 5. Supplies. He shall have charge of the supplies and postage purchased for state use, and shall keep a stock book record and ledger account of the receipts and disbursements thereof.

Sec. 6. Requisition and report blanks. He shall, under the direction of the executive council, prepare and maintain forms for:

1. Requisitions for supplies for persons entitled to draw the same.
2. Reports of common carriers and all other persons or concerns required by law to make reports to the executive council.

Sec. 7. Report for Iowa official register. He shall, as soon as practicable after January first of each odd-numbered year, prepare a report of the proceedings of the executive council for the two preceding calendar years. Said report shall include a statement of:

1. The assessments of all common carriers, sleeping and dining cars, express and telegraph companies.
 2. The aggregate assessment of telephone property by classes.
 3. The official canvass of the votes cast at the last general election.
 4. The cities and towns, the class of which may have been changed.
 5. Other acts of said council that are of general interest.
- Said report shall be published in the Iowa official register.

Sec. 8. Assessment report. He shall, under the direction of the executive council, annually compile detailed reports of the assessment of railways; sleeping, dining, and equipment cars; express properties, telegraph and telephone properties.

Sec. 9. Contingent fund. A contingent fund set apart for the use of the executive council may be expended for the purpose of paying the expenses of suppressing any insurrection or riot, actual or threatened, when state aid has been rendered by order of the governor, and for repairing, rebuilding, or restoring any state property injured, destroyed, or lost by fire, storm, theft, or unavoidable cause, and for no other purpose whatever.

Sec. 10. Anticipation of revenues. The executive council may anticipate the revenues for any year, when the current revenues for such year are insufficient to pay all warrants issued in said year, by causing state warrants, in an amount not exceeding the estimated state revenues for said year, and drawing not to exceed five (5) per cent per annum, to be issued, advertised, and sold on sealed bids to the highest bidder. All bids and all records pertaining thereto, and the names of all purchasers shall be kept on file.

Sec. 11. Compromise of claims. The executive council, on a written report to it by the attorney general together with his opinion as to the legal effect of the facts, may determine by resolution to be duly entered in its official records, the terms on which claims of doubtful equity or collectibility, and in favor of the state, may be compromised and settled with all or any of the parties thereto. Such terms may be withdrawn prior to acceptance, or in case the debtor fails to comply therewith within a reasonable time. The attorney general shall have full authority to execute all papers necessary to effect any such settlement.

Sec. 12. Court costs. The executive council may pay, out of any money in the state treasury not otherwise appropriated, any expense incurred, or costs taxed to the state, in any proceeding brought by or against any of the state departments or in which the state is a party or interested.

Sec. 13. Report of unexpended balances. All commissions, boards, officers or persons placed in charge, by statute, of special work for which a specific appropriation of state funds has been made, shall, biennially, report to the executive council the progress of such special work, the balance on hand in such fund, a list of all unpaid bills, and the amount of each, then outstanding, with such other information as the council shall from time to time require.

Sec. 14. Notice of hearing to transfer balance. When said council is satisfied that the work for which such special fund was created has been completed or abandoned, it shall fix a day for hearing on the question whether the unexpended balance then on hand should be transferred to the general revenue fund of the state, and shall cause a ten (10) days' notice of such hearing to be given such commission, board, officer, or person, at which hearing showing may be made why such unexpended balance should not be so transferred.

Sec. 15. Order of transfer. If after such hearing the council shall find that said special work has been completed or abandoned, and that there is no good reason why such transfer should not then be made, such findings shall be made a matter of record in the minutes of its proceedings, and the secretary of the council shall at once file a copy of such proceedings with the auditor and treasurer of state.

Sec. 16. Duty to transfer. The auditor and treasurer of state shall, on receipt from the secretary of the council of a copy of such record, make such transfer.

Sec. 17. Exception. The four (4) preceding sections shall not apply to any appropriation for any purpose connected with the operation of any state institution under the control of the state board of control of state institutions, unless the board shall certify to the said council that an unexpended balance of such appropriation will not be needed.

Sec. 18. Assignment of rooms. The executive council shall control the assignment of rooms in the capitol building, provided that room four (4) in the basement story shall be the permanent quarters of the Grand Army of the Republic, department of Iowa. Assignments may be changed at any time. Assignment of rooms which are necessary for legislative purposes, shall terminate on the convening of the general assembly. The various officers to whom room have been so assigned may control the same while the assignment to them is in force. Official apartments shall be used only for the purpose of conducting the business of the state.

Sec. 19. Repairs -- supplies. The executive council may contract for the repairing of all buildings and grounds of the state at the seat of government, for the necessary telephone, telegraph, lighting, and water service for such buildings and grounds, for all necessary furniture, fuel, stores, and supplies for the said buildings and grounds, and for the various departments of the state government at the seat of government. Payment for telephone, telegraph, water, and lighting service shall not exceed the minimum charge to private parties.

Sec. 20. Advertisement for bids. The secretary of the executive council shall, from time to time, on the order of the council, advertise in two (2) newspapers published at the seat of government, and in such other newspapers as the council may order, for sealed proposals for furnishing supplies (except government postage and other non-competitive supplies) which advertisements shall state the kind, quality, quantity, and time and place of delivery, the time and place when such proposals will be opened, and when the same must be filed with such secretary, and other matters as the council may direct.

Sec. 21. Contracts. All bids shall be opened at the time and place specified. Contracts shall be let to the lowest bidder, but the council may reject all bids and readvertise. Successful bidders shall give security, to be approved by the council, for the faithful performance of all contracts.

Sec. 22. Identification of state property. All furniture, stores, or supplies for use in and about the capitol shall, when practicable, be marked with the word "Iowa".

Sec. 23. Sale of state property. Said council may dispose of any personal property when the same shall, for any reason, become unfit for further use by the state.

Sec. 24. Supply account. The executive council shall take charge of all property purchased, and shall keep a complete and itemized account of all such property, with the cost and disposition thereof.

Sec. 25. Officers entitled to supplies. The council shall, unless otherwise provided, furnish the following officers and departments with all articles and supplies required for the public use and necessary to enable them to perform the duties imposed upon them by law:

1. Governor
2. Secretary of state
3. Auditor of state
4. Treasurer of state
5. Secretary of agriculture
6. Attorney general
7. Judges of supreme court

8. Clerk of supreme court
9. Reporter of supreme court
10. Railroad commissioners
11. Commerce council
12. General assembly and members thereof
13. Standing and special committees of the General assembly
14. Chief clerk of the house
15. Secretary of the senate
16. Superintendent of public instruction
17. Board of control of state institutions
18. State board of education and the finance committee thereof
19. Banking department
20. Insurance department
21. Horticultural society
22. Historical department
23. Mine inspectors
24. Labor commissioner
25. Geological board and state geologist
26. Board of parole
27. State department of health
28. State board of audit
29. State board of educational examiners
30. State library
31. Law library
32. State library commission
33. State printing board and superintendent of printing
34. State fire marshal
35. Industrial commissioner
36. Adjutant general
- 36-a. Director of the budget
37. Custodian of public buildings and grounds

This section shall not be construed to prevent the furnishing of supplies to other officers who are entitled to receive them under other provisions of law.

Sec. 26. Postage. Postage shall not be furnished to the general assembly, its members, officers, employees, or committees.

Sec. 27. Drawing supplies. Supplies shall be delivered only on a written requisition on the secretary of said council, signed by the officer entitled thereto, specifying the amount and kind necessary. The secretary shall take receipts for all such supplies and file and preserve the same.

Sec. 28. Account with officer. The council shall keep an accurate, itemized account with each office, board, commission, or person drawing supplies, charging thereto the several articles furnished at the cost price.

Sec. 29. Performance of duty--expense. The executive council shall not employ others, or incur any expense, for the purpose of performing any duty imposed upon such council when such duty may, without neglect of their usual duties, be performed by the members, or by their regular employees, but, subject to such limitation, the council may incur the necessary expense to perform or cause to be performed any legal duty imposed on said council, and pay the same out of any money in the state treasury not otherwise appropriated.

Sec. 30. Necessary record. Before incurring any expense authorized by the preceding section, the council shall, in each case, by resolution, entered upon its records, set forth the necessity for incurring such expense, the special fitness of the one employed to perform such work, the definite rate of compensation or salary allowed, and the total amount of money that may be expended. Compensation or salary for personal services in such cases must be determined by unanimous vote of all members of the council.

Sec. 31. Additional compensation and expenses. Members of the executive council and its regular employees shall be paid no additional salary or compensation for special service, but shall receive their necessary traveling expenses, including subsistence, when absent from the seat of government on official business.

Approved April 26, 1924.

CHAPTER 7
CLAIMS AGAINST THE STATE
S. F. 15

AN ACT to amend, revise, and codify chapter thirteen (13), title two (2), of the compiled code of Iowa and of the supplement to said code; also sections seven hundred fourteen (714) and seven hundred fifteen (715) of said code, and section one hundred eighteen-a one (118-a1) of the supplement to said code, relating to the filing and auditing of claims against the state.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter thirteen (13), title two (2), of the compiled Code of Iowa and of the supplement to said Code and section one hundred eighteen-a one (118-a1) of the supplement to said Code are amended, revised, and codified to read as follows:

Section 1. State board of audit. A state board of audit is hereby created. Said board shall consist of the director of the budget, the auditor of state, and the attorney general. The attorney general may designate one of his legal assistants to act in his place.

Sec. 2. Secretary--duties. The auditor of state shall be ex officio secretary of said board. He shall keep a record which shall show the number of every claim, the date of filing, the name of the claimant, the character of the claim, the amount claimed, and the amount allowed and date thereof.

Sec. 3. Duties. All claims for money due from the state, to be paid from the state treasury, except the monthly or annual salaries of the various officers and employees whose salaries are fixed by law, shall be approved and certified by the state board of audit before warrants in payment of the same are drawn; provided, however, that no claim be allowed when the same will exceed the amount appropriated for any department, office, bureau, commission or institution, under the state government. No claim shall be audited by the board when such claim is presented after the lapse of two (2) years from its accrual. Said board shall have no authority to authorize the creation of a claim against the state.

Sec. 4. Duty in auditing claims. Said board, before approving a claim, shall determine:

1. That the creation of the claim is clearly authorized by law.
2. That the claim has been authorized by an officer or official body having legal authority to so authorize, and that the fact of such authorization has been certified to said board of audit by such officer or official body.
3. That all legal requirements have been observed, including notice and opportunity for competition, if required by law.
4. That the claim is in proper form and duly verified.
5. That the charges are reasonable, proper, and correct, and no part of said claim has been paid.

Sec. 5. Rules. The board of audit shall establish and publish such rules and regulations as it may deem necessary in order to determine the absolute accuracy of every claim, and may, in any case, require such further information as will enable it to discharge its duty and fully protect the state. Claimants may be examined under oath. Any member of the board may administer such oath.

Sec. 6. Itemized vouchers required. Before a warrant shall issue for any claim payable from the state treasury, the claimant shall file an itemized, sworn voucher which shall show in detail the items of service, expense, thing furnished, or contract upon which payment is sought. If the claim be for salary fixed by law, said voucher shall be filed with the auditor of state. If the claim be for other than such salary, said voucher shall be filed with the secretary of the state board of audit. Vouchers for postage, stamped envelopes, and postal cards may be audited as soon as an order therefor is entered by the executive council.

Sec. 7. Exceptions. This chapter shall not apply to the presentation and payment of claims arising from the operation and maintenance of the institutions under the government and control of the state board of control and the state board of education, but such claims shall be presented and paid as otherwise provided by law or by the rules of such boards made pursuant thereto.

Sec. 7-a1. Expense attending conventions. Claims for expenses in attending conventions, and conferences outside the state shall not be allowed unless the voucher is accompanied by so much of the minutes of the executive council, certified to by its secretary, as show that such expense was authorized by said council. This section shall not apply to such claims in favor of the governor, attorney general, railroad commissioners, or commerce council.

Sec. 8. Audit of salary claims. The auditor of state shall audit all claims for salaries authorized by law.

Sec. 9. Issuance of warrant. Upon the audit of a claim by the state board of audit, the voucher shall be passed to the custody of the auditor of state, as such, who shall issue his warrant in accordance with said audit.

Sec. 10. Warrants--how drawn. In no case shall warrants be drawn in the name of the certifying office, department, board, or institution, or in the name of an employee of the same, except for personal service rendered or expense incurred by said employee, unless there be express statutory authority therefor.

Sec. 11. Payee of warrant. All warrants shall be drawn to the order of the person, firm, or contractor entitled to payment or compensation, except that when goods or material are purchased in foreign countries, warrants may be drawn upon the treasurer of state, payable to bearer for net amount of invoice and current exchange, and the treasurer of state shall furnish such foreign draft payable to order of person, firm, or corporation from whom purchase is made.

Sec. 11-a1. Unallowable claims. Claims which are not allowable under the law shall be referred to the attorney general who shall forthwith fully investigate the facts upon which each claim is based with a view to determining whether in equity and good conscience the claim should be paid by the state. He may take written testimony in the form of affidavits or otherwise, and in so doing he and any of his duly appointed assistants shall have power to administer oaths.

Sec. 11-a2. Expenses. The expense attending the taking of such testimony shall be paid out of any funds in the state treasury not otherwise appropriated.

Sec. 11-a3. Report. Immediately upon the organization of the regular session of the general assembly after the completion of said investigation, the attorney general shall report all such testimony to either the senate or house committee on claims, together with a summarized finding of fact in each case.

That sections seven hundred fourteen (714) and seven hundred fifteen (715) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 12. Monthly statements of per diem and expense. Every person who is authorized to contract expense accounts in the service of the state, and who is allowed a per diem for services instead of a fixed compensation, shall, on or before the last day of each month, file with the state board of audit an itemized and sworn voucher of all expenses and days' service, with dates, amounts and place of incurring such expense, for the preceding calendar month.

Sec. 13. Salaries paid from fees. Where the law provides that the amounts allowed for per diem and expenses shall be limited to or paid from fees collected, the warrants for said items shall be drawn against the funds realized from such fees and shall not exceed the amount thereof.

Approved April 26, 1924.

CHAPTER 8

DEPUTIES OF STATE OFFICERS S. F. 17

AN ACT to amend, revise, and codify chapter fifteen (15) of title two (2) of the supplement to the compiled code of Iowa, relating to deputies for certain state officers.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter fifteen (15) of title two (2) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Deputies. The secretary, auditor, treasurer of state and secretary of agriculture may each appoint, in writing, any person, except one holding a state office, as deputy, for whose acts the appointing officer shall be responsible, and from whom the appointing officer shall require bond, which appointment and bond must be approved by the officer having the approval of the principal's bond, and such appointment may be revoked in the same manner. The appointment and revocation shall be filed with and kept by the secretary of state.

Sec. 2. Deputy to qualify. The deputy shall qualify by taking the oath of the principal, to be indorsed upon and filed with the certificate of appointment, and when so qualified he shall, in the absence or disability of the appointing officer, unless otherwise provided, perform all the duties pertaining to the office of the appointing officer.

Approved January 25, 1924.

CHAPTER 9

REPORTS OF PUBLIC OFFICERS--FIXING BIENNIAL FISCAL TERM

H. F. 18

AN ACT to amend, revise, and codify section two hundred ninety-eight (298) of the compiled code of Iowa, and section two hundred ninety-seven (297) of the supplement to said code, relating to the reports of public officers, and fixing the biennial fiscal term.

Be It Enacted by the General Assembly of the State of Iowa:

That section two hundred ninety-eight (298) of the compiled Code of Iowa, and section two hundred ninety-seven (297) of the supplement to said Code are amended, revised, and codified to read as follows:

Section 1. Biennial fiscal term. The biennial fiscal term of the state ends on the thirtieth day of June in each even-numbered year, and the succeeding biennial fiscal term begins on the day following.

Approved April 26, 1924.

CHAPTER 10

RELATING TO MEMORIAL HALLS AND MONUMENTS FOR SOLDIERS, SAILORS, AND MARINES

S. F. 19

AN ACT to amend, revise, and codify sections thirty-three hundred forty-eight (3348) to thirty-three hundred fifty-one (3351), inclusive, thirty-three hundred fifty-three (3353), thirty-seven hundred sixty-five (3765), thirty-seven hundred sixty-eight (3768), and thirty-seven hundred seventy (3770) of the compiled code of Iowa, and sections thirty-three hundred fifty-two (3352), thirty-seven hundred sixty-seven (3767), and thirty-seven hundred sixty-nine (3769) of the supplement to said code, relating to memorial halls and monuments for soldiers, sailors, and marines.

Be It Enacted by the General Assembly of the State of Iowa:

That sections thirty-three hundred forty-eight (3348) to thirty-three hundred fifty-one (3351), inclusive, thirty-three hundred fifty-three (3353), thirty-seven hundred sixty-five (3765), thirty-seven hundred sixty-eight (3768), and thirty-seven hundred seventy (3770) of the compiled Code of Iowa, and sections thirty-three hundred fifty-two (3352), thirty-seven hundred sixty-seven (3767), and thirty-seven hundred sixty-nine (3769) of the supplement to said Code are amended, revised, and codified to read as follows:

CHAPTER _____

MEMORIAL HALLS AND MONUMENTS FOR SOLDIERS, SAILORS, AND MARINES

Section 1. Memorial buildings and monuments. Memorial buildings and monuments designed to commemorate the service rendered by soldiers, sailors, and marines of the United States may be erected and equipped at public expense in the manner provided by this chapter by:

1. Any county which has not heretofore made an appropriation for such purpose under any prior law.
2. Any town or city operating under any form of government.

Sec. 2. Petition--requisites, of. The petition for the erection and equipment of any such hall or monument shall request the submission of the proposition to a vote of the people and shall:

1. When it is proposed to erect the same at the expense of the county, be signed by ten per cent (10%) of the qualified electors thereof as shown by the poll list in the last preceding state election, or by a majority of the members of the Grand Army of the Republic, the Spanish-American war veterans' association and the American Legion of the county.

2. When it is proposed to erect the same at the expense of a city or town, be signed by ten per cent (10%) of the qualified electors thereof as shown by the poll list in the last preceding regular municipal election.

Sec. 3. Election called--proposition submitted. Upon the filing of the requisite petition, the board of supervisors, or city or town council, as the case may be, shall cause the proposition to be submitted at a regular election, or a special election to be called if requested in the petition, in substantially the following form:

"Shall the county (or city or town) of _____ erect and equip (or purchase and equip) a memorial building (or erect a monument) as provided in chapter _____ of title _____ of the Code, and issue bonds in the sum of _____ dollars to cover the expense of the same (or levy a tax of _____ mills on the dollar for a period of _____ years) to defray the expense of the same?"

Sec. 4. Notice of election. Notice of such election shall be given by publication in one (1) newspaper published in the county, city, or town, as the case may be, once each week for at least four (4) consecutive weeks. If no newspaper is published therein, then such notice may be given by posting in three (3) public places within the limits of said corporation, and by publication for four (4) consecutive weeks in a newspaper of general circulation in the county; the last publication to be not less than five (5) nor more than twenty (20) days prior to such election.

Sec. 5. Acquisition of site. When the proposition to erect any such building or monument has been carried by a majority vote of all voters voting thereon, any such county, city, or town shall have the power to purchase or condemn grounds suitable for a site for any such building or monument. Such condemnation proceedings shall be in the manner provided for taking private property for works of internal public improvement.

Sec. 6. May issue bonds--limitation. For the purpose of providing funds for the acquisition of necessary ground therefor, and purchasing, erecting, constructing, or reconstructing such building or monument, and for the necessary equipment therefor, the county, city, or town may issue bonds to be known as liberty memorial bonds, to be issued and sold as provided by law relative to general county and city bonds; they shall provide for portions of such bonds to become due at different, definite periods, but none in less than five (5) nor more than fifty (50) years from date. In issuing such bonds, such county, city, or town may become indebted in an amount which, added to all other indebtedness, shall not exceed five per cent (5%) of the actual value of the

taxable property in such county, city, or town as determined by the last state and county tax lists.

Sec. 7. Liquidation. For the purpose of liquidating such bonds together with the interest thereon, such county, city, or town shall levy upon all the property within the limits thereof, subject to taxation for such purpose, in addition to all other taxes provided by law, a special tax not exceeding in any one (1) year eight (8) mills on the dollar for a period of not exceeding fifty (50) years.

Sec. 8. Tax levy. In case a building or monument be constructed or purchased under this chapter, the county, city, or town shall thereafter provide annually a levy of not more than five (5) mills on all the taxable property within said county, city, or town for the development, operation, and maintenance of such building or monument in care of a city or town.

Sec. 9. Commissioners appointed--vacancies. When the proposition to erect any such building or monument has been carried by a majority vote, the board of supervisors or the city or town council, as the case may be, shall appoint a commission consisting of five (5) members, in the manner and with the qualifications herein after provided, which shall have charge and supervision of the erection of said building or monument, and when erected, the management and control thereof. The term of office of each member shall be three (3) years, and any vacancies occurring in the membership shall be filled in the same manner as the original appointment.

Sec. 10. Qualifications--method of appointing. Each such commissioner shall be an honorably discharged soldier, sailor, or marine of the United States, selected in the following manner: Within sixty (60) days after the election, each post of the Grand Army of the Republic, Spanish-American war veterans, and the American Legion, in the county, city or town, as the case may be, shall appoint three (3) delegates who shall, within ninety (90) days after such election, meet in convention in the county, city or town, as the case may be, and by ballot select five (5) commissioners, whose names shall be forthwith furnished to the board of supervisors, or the city or town council, as the case may be, whereupon said board of supervisors, city or town council shall by resolution appoint them as such commissioners.

Sec. 10-a1. Method when one or more posts do not exist. In case no post of any one of said associations is maintained in the county, city or town, as the case may be, then those which do exist shall proceed in the manner above provided and elect said commissioners.

Sec. 10-a2. Method when any post fails to act. In case any post which does exist fails to send delegates to said convention, then the delegates which do attend shall proceed as above indicated and elect said commissioners.

Sec. 10-a3. Method when posts do not act. In case no convention of delegates from said posts meets and elects said commissioners, then the board of supervisors of the county, or the city or town council, as the case may be, shall, at the expiration of ninety (90) days after the election to erect a building or monument, select and appoint five (5) commissioners.

Sec. 10-a4. Selection of successors. Not less than sixty (60) days before the expiration of the term of office of said commissioners, their successors in office shall be selected in the manner above provided, but if no selection shall have been made in said manner at the expiration of said term of office, then the board of supervisors, or the city or town council, as the case may be, shall appoint such successors.

Sec. 10-a5. Ex officio member of commission. In case any such memorial hall or building shall be a city or town hall, coliseum or auditorium, the mayor of such city or town may be an ex officio member of the commission heretofore provided for, in which case there shall be selected but four (4) commissioners as other wise provided, and such four, together with the mayor, shall constitute a commission of five.

Sec. 11. Disbursement of funds. All funds voted under the provisions of this chapter shall be disbursed by the county or city officers, only upon the written order of said commissioners. Such commission shall report to, and make settlement with the board of supervisors or the city council, as the case may be, at the time and in the manner required of county and city officers.

Sec. 12. Gifts and bequests may be accepted. Gifts and bequests to any county, city, or town, or to the commission, for any of the purposes provided in this chapter, may be accepted and the property shall be used in accordance with the provisions of this chapter, and as may be expressly designated by the donor.

Sec. 13. Named by commission -- uses. Any such memorial hall or building shall be given an appropriate name and shall be available so far as practical for the following purposes:

1. The special accommodations of soldiers, sailors, marines, nurses, and other persons who have been in the military or naval service of the United States.

2. For military headquarters, memorial rooms, library, assembly hall, gymnasium, natatorium, club room, and rest room.

3. County, town or city hall, offices for any county or municipal purpose, community house, recreation center, memorial hospital and municipal coliseum or auditorium.

4. Similar and appropriate purposes in general community and neighborhood uses, under the control and regulation of the custodians thereof.

Sec. 14. Memorial halls -- record -- monuments -- how inscribed. When any such memorial hall shall be erected, the commission shall cause to be kept a record therein which shall contain the name of each soldier, sailor, and marine, who served honorably in any of the wars in which the United States has been engaged, and who enlisted or entered the service from the county, city, or town, as the case may be, stating the time of his service, the name of the war and organization in which he served, and whether or not he died in the service. When any such monuments shall be erected, the names of the deceased soldiers, sailors, and marines referred to in this section, shall be placed thereon, and from time to time the names of others who subsequently die.

Sec. 15. Terms applicable to funds, monuments and memorials previously initiated. In any case of funds heretofore raised or in the process of being raised, by tax levy or other provision of law heretofore existing for any of the purposes provided by this chapter, the board of supervisors or the city or town council, as the case may be, shall cause such funds to be used and applied to all intents and purposes for the acquisition of necessary ground and the purchase, erection, construction or reconstruction and equipment of such monument or memorial building in the same manner and to the same extent as if such funds had been raised for said purpose by a bond issue, as provided in this chapter, and all the provisions of this chapter shall apply to said funds.

All other provisions of this chapter shall apply to any monument or memorial heretofore constructed or hereafter constructed from funds raised under any provision of law heretofore existing.

In all cases covered by this section, the taking effect of this act shall fix the time for the selection and appointment of the commissioners to all intents and purposes the same as an election on the proposition to erect a memorial building or monument, as provided in this chapter.

Approved April 4, 1924.

CHAPTER 11
TIME OF HOLDING ELECTIONS--TERMS OF OFFICERS
H. F. 20

AN ACT to amend, revise, and codify chapter one (1) of title four (4), and section eighty-four hundred fifty-six (8456) of the compiled code of Iowa, relating to time of holding elections and the term of office of the officers elected thereat and authorizing the holding of office regardless of sex.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter one (1) of title four (4) and section eighty-four hundred fifty-six (8456) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. General election. The general election for state, district, county, and township officers shall be held throughout the state on Tuesday, next after the first Monday in November of each even-numbered year.

Sec. 2. Special election. Special elections authorized by law, or held to supply vacancies in any office to be filled by the vote of the qualified voters of the entire state, or of any district, county, or township, may be held at the time designated by such law, or by the officer authorized to order such election.

Sec. 3. Proclamation concerning election. At least thirty (30) days before any general election, the governor shall issue his proclamation, designating all the offices to be filled by the vote of all the electors of the state, or by those of any congressional, legislative, or judicial district, and transmit a copy thereof to the sheriff of each county. Said proclamation shall designate by number the several districts in which congressional and judicial officers are to be chosen without other description.

The office of senator in the state legislature shall be designated substantially as follows:

"In the senatorial districts numbered (giving the number of each senatorial district in which a senator is to be chosen), each one (1) senator."

The office of representative in the state legislature shall be designated as follows:

"In the districts numbered (giving the number of each district in which two (2) representatives are to be chosen), each two (2) representatives. In all other representative districts of the state, each one (1) representative."

Sec. 4. Proclamation concerning revision of constitution. In the years in which the constitution requires a vote on the question of calling a convention and revising the constitution, the following question shall be included in said proclamation:

"Shall there be a convention to revise the constitution and amend the same?"

Sec. 5. Notice of election. The sheriff shall give at least ten (10) days' notice thereof, by causing a copy of such proclamation to be published in some newspaper printed in the county; or, if there be no such paper, by posting such a copy in at least five (5) of the most public places in the county.

Sec. 6. Notice of special election. A similar proclamation shall be issued before any special election ordered by the governor, designating the time at which such special election shall be held; and the sheriff of each county in which such election is to be held shall give notice thereof, as provided in the preceding section.

Sec. 7. Time of choosing officer. At the general election next preceding the expiration of the term of any officer his successor shall be elected.

Sec. 8. Term of office. The term of office of all officers chosen at a general election for a full term shall commence on the second secular day of January next thereafter, except when otherwise provided by the constitution or by statute; that of an officer chosen to fill a vacancy shall commence as soon as he has qualified therefor.

Sec. 9. State officers - term. The governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, secretary of agriculture, and attorney general shall hold office for a term of two (2) years.

Sec. 10. United States senators. Senators in the congress of the United States shall be elected in the same manner in which state officers are elected.

Sec. 11. Judges of the supreme court. Two (2) judges of the supreme court shall be chosen each general state election. In the year nineteen hundred twenty-six (1926) and each six (6) years thereafter, one (1) additional judge shall be elected. The term of office of each judge shall be six (6) years.

Sec. 12. Superintendent of public instruction. The superintendent of public instruction shall be elected at the general election in nineteen hundred twenty-six (1926) and each four (4) years thereafter.

Sec. 13. Railroad commissioners. Two (2) railroad commissioners shall be elected at the general election in nineteen hundred twenty-six (1926) and every four (4) years thereafter. One (1) railroad commissioner shall be elected in the year nineteen hundred twenty-four (1924) and every four (4) years thereafter.

Sec. 14. Judge of district court. Judges of the district court shall be elected at the general election in each judicial district and hold office for four (4) years, except when elected to fill a vacancy, in which case the election shall be only for the unexpired term.

Sec. 15. State senators. Senators in the general assembly shall be elected at the general election in the respective senatorial districts and shall hold office for the term of four (4) years.

Sec. 16. Representatives. Members of the house of representatives shall be elected at the general election in the respective representative districts and hold office for the term of two (2) years.

Sec. 17. County officers. There shall be elected in each county, at each general election, an auditor, a treasurer, a clerk of the district court, a sheriff, a recorder of deeds, a county attorney, and a coroner, who shall hold office for the term of two (2) years.

Sec. 18. Board of supervisors and township trustees. There shall be elected, biennially, in counties and townships, members of the board of supervisors and township trustees, respectively, for a term of three (3) years to succeed those whose terms of office will expire on the second secular day in January following said election; there shall also be elected a member or members for a term of three (3) years to succeed those whose terms will expire on the second secular day in January one (1) year later than the aforesaid date. It shall be specified on the ballot when each shall begin his term of office.

Sec. 19. Board of supervisors - limitation. No person shall be elected a member of the board of supervisors who is a resident of the same township with any of the members holding over, except that:

1. A member-elect may be a resident of the same township as a member he is elected to succeed.

2. In counties having five (5) or seven (7) supervisors two (2) members may be residents of a township which embraces a city of thirty-five thousand (35,000) population.

Sec. 20. Justices and constables. In all townships, except such as are included in the territorial limits of municipal courts, there shall be elected, biennially, two (2) justices of the peace and two (2) constables, who shall hold office two (2) years and be county officers.

Sec. 21. Township clerk. There shall be elected, biennially, in each civil township one (1) township clerk, who shall hold his office for the term of two (2) years.

Sec. 22. Township assessor. Township assessors shall be elected biennially and shall hold office for two (2) years. In townships embracing no city or town, the election shall be by the voters of the entire township. In townships embracing a city or town, the election shall be by the voters of the township residing outside the corporate limits of such city or town. Such assessor shall be a resident of the territory of the township outside such city or town.

Sec. 23. Sex no disqualification. No person shall be disqualified on account of sex from holding any office created by the statutes of this state.

Approved February 26, 1924.

CHAPTER 12
NOMINATION AND ELECTION OF JUDGES
S. F. 23

AN ACT to amend, revise, and codify chapter four (4) of title four (4) of the compiled code of Iowa, relating to the nomination and election of judges of the supreme, district, and superior courts.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter four (4) of title four (4) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. State judicial convention. A state judicial convention of each political party shall be held not less than one (1), nor more than two (2) weeks, after the regular state convention of such party.

Sec. 2. Call. Such state judicial convention shall convene at a time and place to be fixed by the state party committee, which shall issue a call therefor in the same manner that the call for the regular state convention is issued.

Sec. 3. Delegates. Delegates to the state judicial convention shall be elected at, and certified by, the county conventions at the same time and in the same manner as delegates to the regular state convention, except that no person shall be elected to act as delegate to both conventions.

Sec. 4. Number. Each county shall be entitled to the same number of delegates at the state judicial convention that it is entitled to have at the regular state convention.

Sec. 5. Procedure. The method of procedure, organization, and voting of delegates shall be the same in the state judicial convention as is provided for the regular state party convention.

Sec. 6. Nomination. The state judicial convention shall nominate candidates for the office of judge of the supreme court and may transact such other business as is proper. Such judges shall be elected at the general election in November in the same manner as the governor is elected, except that the state board of canvassers shall canvass the returns and declare the result.

Sec. 7. District central committee. In each judicial district there shall be a district central committee composed of one (1) member from each county of such district, except that in districts composed wholly of one (1) county there shall be three (3) members of such committee, and in districts composed of two (2) counties there shall be two (2) members of such committee from the county having the larger population. Such committeemen shall be selected by the county convention in each county held in accordance with the provisions of the law relative to nominations by primary election. Vacancies in any such district committee shall be filled by the county central committee of the county where such vacancy occurs.

Sec. 8. District judicial convention. In each judicial district in which a judge of the district court is to be elected, a judicial convention shall be held by each political party participating in the primary election of that year. Such convention shall be held not earlier than the first, nor later than the fifth, Thursday following the date of holding the county convention.

Sec. 9. Call. Not less than ten (10) days nor more than forty (40) days before the day fixed for holding the county convention, a call for such judicial convention to be held shall be issued by the party central committee for such district, and published in at least one (1) newspaper of general circulation in each county in the district, which shall state, among other things, the number of delegates each county in the district shall be entitled to, and the time and place of holding the convention.

Sec. 10. Filing, publishing, and presenting call. Such call shall be filed with the county auditor in each county in the district not less than five (5) days before the date of holding the county convention as now fixed by law, and the county auditor shall attach a copy thereof to the certified list of delegates required to be delivered by him to the chairman of the county central committee of the respective political parties.

Sec. 11. Delegates. Each county convention held in such judicial district shall select such number of delegates to the judicial convention as is specified for that county in the call for such judicial convention.

Sec. 12. Organization. The organization and procedure in such judicial district convention shall be the same as in the state convention. Such convention may nominate as many candidates for the office of judge of the district court as there are judges in said district to be elected at the general election to be held in the year in which such convention is held, and may transact such other business as may properly come before it.

Sec. 13. District judges--how elected. Judges of the district court shall be elected at the general election in the same manner as state senators are elected.

Sec. 14. Certification to secretary of state. All nominations for the office of judge of the supreme or district court shall be certified to the secretary of state, as near as may be in the same manner that nominations for other state offices are now certified under existing law.

Sec. 15. Certification to county auditor. The names of such nominees shall, at the time of certifying nominations under the primary election, be certified by the secretary of state to the officer having charge of the printing of the ballots.

Sec. 16. Form of printing of ballots. - The names of such nominees shall be printed on the ballot under the proper party designation in the manner required by law for the printing of the names of candidates for state and district offices.

Sec. 17. Objections to certificate of nomination. Objections to the legal sufficiency of such certificate of nomination or eligibility of the candidate shall be governed by the provisions of law of this title relative to objections to certificates of nomination by political organizations which are not political parties.

Sec. 18. Judges of superior court. Judges of superior courts shall be nominated and elected in the manner provided by law for the nomination and election of other elective officers in the cities where such courts are located.

Sec. 19. General election laws applicable. All the laws relating to the certificates of nomination, filing the same, certifying nominations to the officers having charge of the printing of the ballots, printing of the names of candidates on the official ballot, the method of withdrawal, filling vacancies, conducting general elections, canvassing the ballot, announcing the result, recounting the ballot, publishing notice of nomination and election, contesting the election, and the penalty for illegal voting, misconduct of the election officials, and the making of the sworn return, shall, so far as applicable, be the same for the election of supreme, district, and superior judges as is now provided by the general election laws of Iowa for the election of state, district, county, and city officers.

Sec. 20. Nomination by petition. Candidates for the offices named in this chapter may be nominated by petition as elsewhere provided in this title, but no person so nominated shall be permitted to use the name of any political party authorized under this chapter to nominate candidates for such office.

Approved February 7, 1924.

CHAPTER 13
REGISTRATION OF VOTERS
H. F. 24

AN ACT to amend, revise, and codify chapter five (5) of title (4) of the compiled code of Iowa and of the supplement to said code, relating to the registration of voters.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter five (5) of title four (4) of the compiled Code of Iowa and of the supplement to said Code is amended, revised, and codified to read as follows:

Section 1. Registration required. Registration of voters shall be made for all elections, in all cities, including cities acting under special charter, having a population of six thousand (6,000) or more, not counting inmates of any state institution.

Registration of voters shall not be made for school elections except as otherwise provided.

Sec. 2. Appointment of registers. The city council shall, for each precinct in the city and on or before the sixth Monday preceding each general election, appoint one (1) suitable person from each of the two (2) political parties which cast the greatest number of votes at the last general election, from three (3) names presented by each chairman of the city central political committee of such parties, to be registers of voters.

Sec. 3. Vacancies. If for any cause any register shall not be appointed at or before the time above mentioned, or, if appointed, shall be unable for any cause to serve, the mayor of such city shall forthwith, on similar recommendation, make such appointments and fill all vacancies.

Sec. 4. Consolidation of precincts. All cities in which registration is required, including cities under special charter, may, by resolution passed not less than thirty (30) days or more than sixty (60) days preceding any general, city, or special election, consolidate the voting precincts of the city into registration districts for the purpose of registration only and appoint registers for such registration districts and designate the place of meeting, at one of the usual voting places within the consolidated district; but such registers must be residents and electors of the registration district in which they are to serve.

Sec. 5. Consolidation - books and supplies. In case of consolidation as aforesaid, the registers for the consolidated district shall be furnished with separate blank registration books for each voting precinct embraced in the consolidation, and each registration shall be entered in the books for that voting precinct of which the registering voter is a resident and in no other books. Said registers shall perform within said consolidated district all the duties which would devolve upon the several boards of registers in case there were no consolidation.

Sec. 6. Effect of consolidation. An order of consolidation as aforesaid shall have the effect of terminating the term of office of all registers of all precincts embraced in the consolidation, and the registers appointed to act in the consolidated district shall serve only for the election in question.

Sec. 7. Qualification of registers. Said registers shall be electors of the precinct in which they are to serve, of good clerical ability, temperate, of good habits and reputation, and shall be able to speak the English language understandingly.

Sec. 8. Oath of registers. Said registers shall qualify by taking an oath or affirmation to the effect that they will well and truly discharge all of the duties required of them by law.

Sec. 9. Term of office and compensation. Registers shall hold their office for two (2) years and receive compensation at the rate of three dollars (\$3.00) for each day of eight (8) hours engaged in the discharge of their duties.

Sec. 10. Notice of registration. The times and places of making registration of voters shall be published by the mayor in the two (2) leading political party papers published in such city, except no publication shall be required for a special election. If there be but one (1) such paper published in the city, publication of notice therein shall be sufficient.

Sec. 11. Time of publication. The publication shall be made for a period of three (3) days prior to the opening of the registry book, if the paper is a daily paper, and for one (1) week, if a weekly paper, and shall call the attention of the voters to the necessity of complying with the laws with reference to registration, in order to be entitled to vote at the ensuing election

Sec. 12. Form of registry books. Registry books shall be substantially in the following form:

REGISTER OF VOTERS,-----PRECINCT-----WARD.

Number	Residence	Name	Age	Nativity	Term of Residence		County	State	Naturalized	Date of papers	Court	By act of Congress	Qualified voter	Date of application	Last preceding place of residence	SIGNATURE
					Color	Precinct, street number										

Sec. 13. Expense of registers, registry book, and supplies. Said registry book and all blanks and materials necessary to carry out the provisions of this chapter shall be furnished by the city clerk and shall be printed at the equal expense of the city and county. Registers shall be paid by the city in city elections and in all other cases by the county.

Sec. 14. Registry book open for public inspection. Registry books shall be open for public inspection and examination during the time fixed for registration.

Sec. 15. Place of meeting of registers. The registers, in case the city council fails to consolidate the voting precincts into registration districts, shall meet at the usual voting place in the precinct for which they have been appointed. In case of such consolidation, the registers shall meet at the usual voting place specified in the resolution of the city council consolidating the precincts. The meeting of the registers on election day shall be convenient to but not within one hundred (100) feet of the voting place.

Sec. 16. Time of meeting of registers. Registers shall meet:

1. On the second Thursday prior to any general, city, or special election.
2. On the last Saturday before any such election.
3. On the day of such election.

Sec. 17. Duration of meeting. At the first meeting the registers shall hold a session for two (2) consecutive days, and in presidential years, the session shall be for three (3) consecutive days. All sessions shall be from eight (8) o'clock a.m. to nine (9) o'clock p.m., except on election day, when the session shall end with the closing of the polls.

Sec. 18. Right of registration. Any person claiming to be a voter, or that he will be on election day, may appear before said registers in the election precinct where he or she claims the right to vote, and make and subscribe, under oath, the statement in said registry book. The signature of the applicant shall be made at the right-hand end of the line under the column "signature". No person shall register at any other time or place than is designated in this chapter, except as otherwise specially provided by law.

Sec. 19. Oath. The following oath shall be administered by one of the registers to each applicant for registration:

"You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence, name, place of birth, your qualifications as an elector, or voter, and your right as such to register and vote under the laws of this state."

Sec. 20. Questions propounded to applicant. The registers shall, after the administration of said oath, carefully and fully examine said applicant relative to all matters of information indicated by the registry book and, in addition:

1. Whether said applicant came into the precinct for the sole purpose of voting at said election.
2. How long he intends to reside in said precinct.
3. Such other questions as may tend to test his qualifications as a resident of the precinct, citizenship, and right to vote.

Sec. 21. Completing registration. If the applicant appears to have the right to be registered, the register shall fill out the above prescribed form of statement, which the applicant shall sign and swear to, as above provided.

Sec. 22. Keeping registry book. The following requirements shall be observed in the making of registrations, and in the preparation and keeping of the registry book:

1. Each statement for each registrant shall be dated and consecutively numbered, commencing with the number "1" at each registration.
2. The registry book shall, at the close of each day's registration, be ruled off so as to prevent further entries.
3. The registry book shall, when not in use by the registers, be kept in the custody of the city clerk until disposed of as provided by law.

Sec. 23. Alphabetical list of registration. The registers shall, within three (3) days after the completion of the registration, made in the second week preceding the election, prepare two (2) alphabetical lists of the names of all persons registered, which lists shall contain, for each person, all the information appearing on the registry book, and, in addition, the date when each person removed to such precinct from his or her last preceding place of residence when such removal occurred within one (1) year.

Sec. 24. Posting alphabetical list. One of said lists shall be forthwith conspicuously posted by the registers at the usual place of holding elections in such precinct, for inspection of the public, and the other copy shall be retained in their possession.

Sec. 25. Correction of registry. At the meeting on Saturday preceding the election the registers shall:

1. Revise and correct the registry book by striking therefrom the name of any person not entitled to vote at said election.

2. Add to such book, consecutively numbering them, the names of all persons applying for registration who on election day will be entitled to vote in said precinct.

3. Revise and correct the alphabetical list which is in their possession so that it will correspond to the registration to date.

Sec. 26. Certifying and copying alphabetical list. When the alphabetical list has been revised and corrected, it shall be certified and copied by the registers, who shall deliver, or cause to be delivered, such list and copy to the judges of the election of the proper precinct, which delivery shall be made on election day, and before the opening of the polls.

Sec. 26-a. Division of lists. The original of said alphabetical list and the copy thereof may each be divided by the registers into not exceeding three separately bound parts.

Sec. 27. Use of lists at election. At the opening of the polls and before any ballot shall be received, the judges of the election shall appoint one (1) of their number, or one (1) of the clerks, to check the name of each voter whose name is on the alphabetical lists, to whom a ballot is delivered.

Sec. 28. Return of alphabetical lists. The copy of the alphabetical list thus delivered shall be preserved by the judges, and returned with the vote from that precinct, and the original alphabetical list shall be returned to the city clerk.

Sec. 29. Hearing on corrections of lists. All proceedings of registers shall be public, and any person entitled to vote in a precinct shall have the right to be heard before them in reference to corrections of or additions to the lists of such precinct. No person shall be admitted to registry unless he appears in person, except as in this chapter provided, and, if demanded, he shall furnish to the registers such proof of his right thereto as may by law be required by judges of election of any person offering to vote.

Sec. 30. Registration of sick voters. If an elector is, by reason of sickness, unable to go to the place of registry on any day the registers may be in session, the registers shall, upon the filing before them, by a registered elector, of an affidavit to that effect, visit such sick elector at his place of residence on any day when not in session, administer the oath, and place his name on the registry book and alphabetical list, if found entitled thereto.

Sec. 31. Registration on election day. Registration on election day shall be granted to the following named persons and to no others:

1. To a person who was absent from the city during all the days fixed for registration.

2. To a person who, being a foreigner, has received his final papers since the last preceding day for registration.

3. To a person whose name was, on the preceding Saturday, and in the absence of such person, stricken from the registration, and who, on said election day, shall prove to the satisfaction of said registers that he is a lawfully qualified voter of said precinct.

Sec. 32. Certificates granted on election day. Certificates of registration granted on election day shall contain:

1. All the data showing the qualification of the voter as shown by the registration.
2. The special matter showing this voter's right to such certificate under the preceding section.
3. A signed verification of all such data and matter by the applicant.
4. An indorsement by the registers to the effect that the person therein named is a qualified voter in that precinct and that he is entitled to be registered as such.
5. An affidavit of a freeholder who is a registered voter in that precinct, who shall make oath to the qualification of the applicant as a voter in that precinct.

Sec. 33. Wrongful striking from the list. If the applicant be one whose name was stricken from the registration, such affidavit of said freeholder shall contain the facts showing the right of said applicant to vote in that precinct. Registration in such cases shall be made in the manner required for regular registration.

Sec. 34. Certificates delivered to judges. Certificates of registration granted on election day shall be handed in to the judges of election when a ballot is delivered to him. The data therefrom, showing the voter's name and his qualification as a voter, shall be entered on the alphabetical lists by the judges and clerks of the election, under the appropriate headings, and the original certificate shall be returned to the city clerk, who shall carefully preserve it in the same manner and for the same time as the alphabetical list and poll book.

Sec. 35. Registers to certify duplicate registrations. The registers, prior to each election except presidential elections, and after completing their registration, shall certify the names of all persons by them registered to the registers of the ward or precinct of the same city, which the registration shows such persons gave as their last place of residence.

Sec. 36. Striking off names. The registers to whom names are certified under the preceding sections shall strike the names of such persons so certified from the registry lists of the ward or precinct in which they last resided, if found thereon.

Sec. 37. New registry - how often. A new registry of voters shall be taken in each year of a presidential election.

Sec. 38. Registration book in nonpresidential years. For all state or municipal elections, general or special, except in presidential years, the registers shall prepare a new registry book, by copying from the poll book of the preceding general election all the names found therein, adding thereto those of all persons registered and voting at any subsequent election, which new registry book shall show all the facts of qualification of each voter as they appear on the last preceding registry book, which, when thus made up, shall be used at each election until a new registry book is prepared as required by law.

Sec. 39. Transfer constitutes registration. Every person thus registered, as provided in the preceding section, shall be considered as entitled to vote at any election at which said registry book may be used, unless his name shall be dropped by the correction of registration, as authorized by law.

Sec. 40. Clerk to furnish registration records to registers. The city clerk shall, on the application of the registers, deliver to them, prior to their first meeting for each election, the registry book, alphabetical list, and poll book, which they require in order to properly prepare the necessary registry book for the next ensuing election; all of which shall be returned to him when they have completed their work for such election.

Sec. 41. City clerk to preserve registration records. The city clerk shall carefully preserve all registry books and alphabetical lists and other papers pertaining to the registration, until destroyed as provided by law.

Sec. 42. Penalty. If any register or judge of election shall wilfully neglect or disregard any duty imposed, or shall make, or permit to be made, any registration, statement, or list, except at the time and place and in the manner herein authorized and prescribed, or shall knowingly make, or permit to be made, any false statement as aforesaid, or if any person shall wilfully make, or authorize to be made, any statement required to be made, false in any particular, or shall violate any of the provisions of this chapter, every such register or judge of election, person or persons, shall be guilty of a misdemeanor.

Approved January 25, 1924.

CHAPTER 14
METHOD OF CONDUCTING ELECTIONS
S. F. 25

AN ACT to amend, revise, and codify chapter six (6) of title four (4) of the compiled code of Iowa and of the supplement to said code, and section thirty-four hundred forty-two (3442) of the compiled code of Iowa, and sections four hundred ninety-nine-a four (499-a4) and four hundred ninety-nine-a eleven (499-all) of the supplement to said code, relating to the method of conducting elections.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter six (6) of title four (4) of the compiled Code of Iowa and of the supplement to said Code, and section thirty-four hundred forty-two (3442) of the compiled Code of Iowa, and sections four hundred ninety-nine-a four (499-a4) and four hundred ninety-nine-a eleven (499-all) of the supplement to said Code are amended, revised, and codified to read as follows:

Section 1. Elections included. The provisions of this chapter shall apply to all elections known to the laws of the state, except school elections.

Sec. 2. Terms defined. For the purposes of this chapter:

1. The term "general election" means any election held for the choice of national, state, judicial, district, county, or township officers.
2. The term "city election" means any municipal election held in a city of town.
3. The term "special election" means any other election held for any purpose authorized or required by law.

Sec. 3. Election precincts. Election precincts shall, except as otherwise provided, be as follows:

1. Each township when there is no part of a city therein.
2. The portion of a township outside the limits of any city.
3. Such divisions of cities as may be fixed by the council by ordinance.
4. Each incorporated town, for town elections.

Sec. 4. Change in precincts by supervisors. The board of supervisors may divide a township or part thereof, into two (2) or more precincts, or change or abolish such division. An order establishing precincts shall define their boundaries.

Sec. 5. City precincts. The council of a city may, from time to time, by ordinance definitely fixing the boundaries, divide the city into such number of election precincts as will best serve the convenience of the voters.

Sec. 6. Power to combine township and city precincts. The board of supervisors and the council of any city of less than thirty-five hundred (3500) inhabitants, not including the inmates of any state institution, may combine any part of the township outside of such city with any or all the wards or precincts thereof as one (1) election precinct, or change or abolish such precinct.

Sec. 7. Portions of townships combined. No precinct shall contain different townships or parts thereof, except where, by reason of the existence of a village or incorporated town on or near a township line, the board of supervisors may create a voting precinct in compact form, from said town or village, and may include therein territory adjoining and adjacent to said village or town, which is situated in two (2) or more townships.

Sec. 8. Changes in precincts. In cases contemplated in the preceding section, the board may, from time to time, make such changes in said boundaries as the convenience of the voters may require.

Sec. 9. Proper place of voting. No person shall vote in any precinct but that of his residence, except as provided in section thirty-five hundred eleven-a one (3511-a1) of the supplement to the compiled Code.

Sec. 10. Polling places for certain precincts. Polling places for precincts outside the limits of a city, but within the township, or originally within and set off as a separate township from the township in which the city is in whole or in part situated, and a polling place for a township which entirely surrounds another township containing a city, may be fixed at some room or rooms in the courthouse or in some other building within the limits of the city as the board of supervisors may provide.

Sec. 11. Notice of boundaries of precincts. The board of supervisors or council shall number or name the several precincts established, and cause the boundaries of each to be recorded in the records of said board of supervisors or council, as the case may be, and publish notice thereof in some newspaper of general circulation, published in such county or city, once each week for three (3) consecutive weeks, the last to be made at least thirty (30) days before the next general election. The precincts thus established shall continue until changed.

Sec. 12. Election boards. Election boards shall consist of three (3) judges and two (2) clerks. Not more than two (2) judges and not more than one (1) clerk shall belong to the same political party or organization, if there be one (1) or more electors of another party qualified and willing to act as such judge or clerk. Providing that nothing in this act shall change or abrogate any of the provisions of law relating to double election boards.

Sec. 13. Judges in cities and towns. In cities and towns, the councilmen shall be judges of election; but in case more than two (2) councilmen belonging to the same political party or organization are residents of the same election precinct, the county board of supervisors may designate which of them shall serve as judge.

Sec. 14. Judges and clerk in township precincts. In township precincts, the clerk of the township shall be clerk of election of the precinct in which he resides, and the trustees of the township shall be judges of election, except that, in township not divided into election precincts, if all the trustees be of the same political party, the board of supervisors shall determine by lot which two (2) of the three (3) trustees shall be judges of such precinct.

Sec. 15. Supervisors to choose additional members. The membership of such election board shall be made up or completed by the board of supervisors from the parties which cast the largest and next largest number of votes in said precinct at the last general election, or that one which is unrepresented.

Sec. 16. Council to act in cities and towns. In city and town elections the powers given in this chapter and duties herein made incumbent upon the board of supervisors shall be performed by the council.

Sec. 17. Boards with only one voting machine. The election board in precincts using only one (1) voting machine shall consist of three (3) judges, only two (2) of whom shall be of the same political party, and two (2) of whom shall also act as clerks.

Sec. 18. Vacancies occurring on election day. If, at the opening of the polls in any precinct, there shall be a vacancy in the office of clerk or judge of election, the same shall be filled by the members of the board present, and from the political party which is entitled to such vacant office under the provisions of this chapter.

Sec. 19. Boards for special elections -- duty of auditor. The election board at any special election shall be the same as at the last preceding general election. In case of vacancies happening therein, the county auditor may make the appointment to fill the same when the board of supervisors is not in session.

Sec. 20. Compensation of members. The members of election boards shall receive thirty cents (30c) per hour while engaged in the discharge of their duties.

Sec. 21. Polling places. In townships the trustees, except as otherwise provided, shall provide at the expense of the county, suitable places in which to hold all elections provided for in this chapter, and see that the same are warmed and lighted.

Sec. 21-a1. Duty of mayor and clerk. In cities and towns, the duties placed upon the trustees by the preceding section shall be performed by the mayor and clerk.

Sec. 21-a2. Notice of change. When a change is made from the usual place of holding elections in the township, notice of such change shall be given by posting up notices in three (3) public places in the township, ten (10) days prior to the day on which the election is to be held.

Sec. 22. Schoolhouse as polling places. In precincts outside of cities and towns the election shall, if practicable, be held in the public school building. All damage to the building or furniture shall be paid by the county.

Sec. 23. Arrangement and number of polling places and booths. The number, arrangement and construction of polling places and voting booths shall be as follows:

1. A guard rail shall be so constructed and placed that only such persons as are inside such rail can approach within six (6) feet of the ballot box, or of the booths.

2. The voting booths shall be so arranged that they can only be reached by passing within said guard rail, and so that they shall be in plain view of the election officers, and both booths and ballot boxes shall be in plain view of persons outside of the guard rail.

3. Each booth shall be at least three (3) feet square, and having three (3) sides inclosed, the side in front to open and shut by a door swinging outward, or closed with a curtain.

4. Each side of the booth shall be seven (7) feet high, and the door or curtain shall extend to within two (2) feet of the floor, and shall be closed while the voter is preparing his ballot.

5. Each booth shall contain a shelf at least one (1) foot wide, at a convenient height for writing, and shall be well lighted.

6. The number of voting booths shall not be less than one (1) to every sixty (60) voters or fraction thereof who voted at the last preceding election in the precinct.

7. The booths and compartments shall be so built and arranged, if possible, as to be permanent, so that after the election they may be taken down and deposited with the township, city or town clerk, as the case may be, for safekeeping and for future use.

Sec. 24. Ballot boxes. The auditor shall furnish each precinct in the county, except as provided in the next section, the necessary ballot boxes with locks and keys therefor.

Sec. 25. Separate ballot box and ballots for township officers. When the territory of a precinct is such that one or more of the officers of a township can be legally voted for by only a part of the precinct voters, the auditor shall prepare separate ballots for such township officer or officers, and the trustees shall furnish a separate ballot box in which such special ballots shall be deposited when voted. Only such special ballots shall be placed in said special ballot box. The judges of election shall have the right to administer an oath to any person and to examine him under oath in order to determine whether he is entitled to vote for the township officer or officers.

Sec. 26. Auditor to furnish poll books and supplies. The auditor shall prepare and furnish to each precinct two (2) poll books, and all other books, blanks, materials and supplies necessary to carry out the provisions of this chapter. Each poll book shall contain a column for the names of the voters, a column for the number, and sufficient printed blank leaves to contain the entries of the oaths, certificates, and returns.

Sec. 27. Voting by ballot. In all elections regulated by this chapter, the voting shall be by ballots printed and distributed as hereinafter provided, except as may be otherwise specially directed by law.

Sec. 28. All candidates on one ballot--exception. The names of all candidates to be voted for in such election precinct, except presidential electors, shall be printed on one (1) ballot.

Sec. 29. Arrangement of party nominees. All nominations of any political party or group of petitioners, except as provided in the preceding section, shall be placed under the party name or title of such party or group, as designated by them in their certificates of nomination or petitions, or if none be designated, then under some suitable title, and the ballot shall contain no other names, except as provided in the following section.

Sec. 30. Candidates for president in place of electors. The candidates for electors of president and vice president of any political party or group of petitioners shall not be placed on the ballot, but in the years in which they are elected the names of candidates for president and vice president, respectively, of such parties or group of petitioners shall be placed on the ballot, as the names of candidates for United States senators are placed thereon, under their respective party, petition or adopted titles for each political party, or group of petitioners, nominating a set of candidates for electors.

Sec. 31. One square for president and vice president. Upon the left-hand margin of each separate column of the ballot, immediately opposite the names of the candidates for president and vice president, a single square, the sides of which shall not be less than one-fourth (1/4) of an inch in length, shall be printed in front of a bracket inclosing the names of the said candidates for president and vice president. The votes for said candidates shall be counted and certified to by the election judges in the same manner as the votes for other candidates.

Sec. 32. United States senators. At all elections next preceding the expiration of the term of office of United States senator, there shall be placed upon the official ballot in the proper place the names of candidates for all parties or groups of petitioners for said office that have been nominated by law. The votes for said candidates shall be counted and certified to by the election judges in the same manner as votes for other candidates.

Sec. 33. Order of arranging names. Each list of candidates for the several parties and groups of petitioners shall be placed in a separate column on the ballot, in such order as the authorities charged with the printing of the ballots shall decide, except as otherwise provided, and be called a ticket.

Sec. 33-a1. Candidates of nonparty organization. The term "group of petitioners" as used in the foregoing sections shall embrace an organization which is not a political party as defined by law.

Sec. 34. Columns to be separated. Each of the columns containing the list of candidates, including the party name, shall be separated by a distinct line.

Sec. 35. Candidate's name to appear but once. The name of a candidate shall not appear upon the ballot in more than one (1) place for the same office, whether nominated by convention, primary, caucus, or petition, except as hereinafter provided.

Sec. 36. Dual nomination. When two (2) or more political parties, or when two (2) or more political organizations which are not political parties, or when a political party and a political organization which is not a political party, nominate the same candidate for the same office, such nominee shall forthwith designate, in writing, the political party name, or the political organization name, under which he desires to have his name printed on the official ballot for the ensuing general election; such written designation shall be filed with the officer with whom the nomination papers, or certificate of nomination by a convention or caucus, is filed and the name of such nominee shall appear on the ballot in accordance therewith.

Sec. 37. Failure to designate. If the designation referred to in the preceding section be not filed, the following rules shall govern:

1. If the nomination be by two (2) or more political parties, the name of such nominee shall be printed under the party designation under which nomination papers were first filed in his behalf.

2. If the nomination be by a political party and also by a political organization which is not a political party, the name of such nominee shall be printed under the name of the political party or political organization first filing nomination papers, or certificate of nomination, as the case may be.

3. If the nomination be by two (2) or more political organizations which are not political parties, the name of such nominee shall be printed under the name of the political organization filing a certificate of nomination of such candidate.

Sec. 38. Nominees for judge of district court. The name of a nominee for the office of judge of the district court shall be printed on said general official ballot as a candidate of each political party, political organization, or group of petitioners nominating such candidate. The bar association or convention of attorneys of any county or judicial district shall be deemed a political organization for the purpose of this section.

Sec. 39. Form of official ballot. Said ballot shall be substantially in the following form:

<input type="radio"/> REPUBLICAN	<input type="radio"/> DEMOCRATIC	<input type="radio"/> PROHIBITION	<input type="radio"/> UNION LABOR
For President, A _____ B _____ of Ohio.	For President, N _____ O _____ of Virginia.	For President, A _____ B _____ of Maine.	For President, N _____ O _____ of Idaho.
For Vice Pres- ident, C _____ D _____ of New York.	For Vice Pres- ident, P _____ Q _____ of Indiana.	For Vice Pres- ident, C _____ D _____ of Illinois.	For Vice Pres- ident, P _____ Q _____ of Ohio.
For United States Senator, <input type="checkbox"/> E _____ F _____ of _____ County.	For United States Senator, <input type="checkbox"/> R _____ S _____ of _____ County.	For United States Senator, <input type="checkbox"/> E _____ F _____ of _____ County.	For United States Senator, <input type="checkbox"/> R _____ S _____ of _____ County.
For Governor, <input type="checkbox"/> G _____ H _____ of _____ County.	For Governor, <input type="checkbox"/> T _____ U _____ of _____ County.	For Governor, <input type="checkbox"/> G _____ H _____ of _____ County.	For Governor, <input type="checkbox"/> T _____ U _____ of _____ County.
For Lieutenant Governor, <input type="checkbox"/> I _____ J _____ of _____ County.	For Lieutenant Governor, <input type="checkbox"/> V _____ W _____ of _____ County.	For Lieutenant Governor, <input type="checkbox"/> I _____ J _____ of _____ County.	For Lieutenant Governor, <input type="checkbox"/> V _____ W _____ of _____ County.
For Judge of Supreme Court, <input type="checkbox"/> L _____ M _____ of _____ County.	For Judge of Supreme Court, <input type="checkbox"/> X _____ Y _____ of _____ County.	For Judge of Supreme Court, <input type="checkbox"/> L _____ M _____ of _____ County.	For Judge of Supreme Court, <input type="checkbox"/> X _____ Y _____ of _____ County.

Sec. 40. Constitutional amendment or other public measure. When a constitutional amendment or other public measure is to be voted upon by the electors, it shall be printed in full upon a separate ballot, preceded by the words, "shall the following amendment to the constitution (or public measure) be adopted?"

Sec. 41. Form of ballot. Upon the right-hand margin opposite said words, two (2) spaces shall be left, one (1) for votes favoring such amendment or public measure, and the other for votes opposing the same. In one (1) of these spaces the word "yes" or other word required by law shall be printed; in the other, the word "no" or other word required, and to the right of each space a square shall be printed to receive the voting cross.

Sec. 42. General form of ballot. Ballots referred to in the two (2) preceding sections shall be substantially in the following form:

"Shall the following amendment to the constitution (or public measure) be adopted?"

(Here insert in full the proposed constitutional amendment or public measure.)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Sec. 43. Marking ballots on public measures. The elector shall designate his vote by a cross mark, thus, "X", placed in the proper square.

Sec. 44. Notice to be published on ballots. At the top of ballots on such public measures shall be printed the following:

"(Notice to voters. For an affirmative vote upon any question submitted upon this ballot make a cross (X) mark in the square after the word 'Yes'. For a negative vote make a similar mark in the square following the word 'No'.)"

Sec. 45. Different measures on same ballot. If more than one (1) constitutional amendment or public measure is to be voted upon, they shall be printed upon the same ballot, one (1) below the other, with one (1) inch space between the several constitutional amendments or public measures to be submitted.

Sec. 46. Printing of ballots on public measures. All of such ballots for the same polling place shall be of the same size, similarly printed, upon yellow colored paper. On the back of each ballot shall be printed appropriate words, showing that such ballot relates to a constitutional or other question to be submitted to the electors, so as to distinguish the said ballots from the official ballot for candidates for office, and a facsimile of the signature of the auditor or other officer who has caused the ballot to be printed.

Sec. 47. Indorsement and delivery of ballots. Ballots on such public measures shall be indorsed and given to each voter by the judges of election, as in case of ballots generally, and shall be subject to all other laws governing ballots for candidates, so far as the same shall be applicable.

Sec. 48. County auditor to control printing. For all elections held under this chapter, except those of cities or towns, the county auditor shall have charge of the printing of ballots in his county, and shall cause to be placed thereon the names of all candidates which have been certified to him by the secretary of state, in the order the same appear upon said certificate, together with those of all other candidates to be voted for thereat, whose nominations have been made in conformity with law.

Sec. 49. Candidates for township offices -- when omitted. The name of a candidate for a township office shall not be placed upon the general official ballot for a precinct when the territory of said precinct is such that only a part of the precinct voters can legally vote for said candidate. In such cases special ballots shall be prepared as heretofore provided.

Sec. 50. City or town clerk to control printing. In city or town election, the clerk shall have charge of the printing of the ballots, and shall cause to be placed thereon the names of all candidates to be voted for thereat, whose nominations have been made as provided by law.

Sec. 51. Publication of ballot. For publication of the official ballot, forty cents (40c) for each ten (10) lines of brevier or its equivalent may be charged, the space necessarily occupied thereby being measured as if it were in brevier type set solid. In no case shall the cost of publishing the official ballot exceed forty dollars (\$40.00) for each of the two (2) papers in which it shall be published, except in presidential years, when it shall not exceed the sum of seventy dollars (\$70.00) for each of said papers.

Sec. 52. Delivery of ballots to judges. In all cases the ballots shall be furnished the election judges at the polling place in each precinct not less than twelve (12) hours before the opening of the polls on the morning of the election.

Sec. 53. Maximum cost of printing. The cost of printing the official election ballots shall not exceed twenty-five dollars (\$25.00) per thousand ballots or fraction thereof except in presidential years, when the cost shall not exceed thirty dollars (\$30.00) per thousand where two thousand or more ballots are printed for a county. Where less than two thousand ballots are printed the price shall not exceed thirty dollars (\$30.00) per thousand, except in presidential years when the price shall not exceed forty dollars (\$40.00) per thousand or fraction thereof.

Sec. 54. Method and style of printing ballots. Ballots shall be prepared as follows:

1. They shall be on plain white paper, through which the printing or writing can not be read.
2. The party name shall be printed in capital letters, not less than one-fourth ($1/4$) of an inch in height.
3. The names of candidates shall be printed in capital letters, not less than one-eighth ($1/8$), nor more than one-fourth ($1/4$) of an inch in height.
4. A square, the sides of which shall not be less than one-fourth ($1/4$) of an inch in length, shall be printed at the beginning of each line in which the name of a candidate is printed, except as otherwise provided.
5. On the outside of the ballot, so as to appear when folded, shall be printed the words "Official ballot," followed by the designation of the polling place for which the ballot is prepared, the date of the election, and a facsimile of the signature of the auditor or other officer who has caused the ballot to be printed.

Sec. 55. Vacancies certified before ballots are printed. The name supplied for a vacancy by the certificate of the secretary of state, or by nomination certificates or papers for a vacancy filed with the county auditor, or city or town clerk, shall, if the ballots are not already printed, be placed on the ballots in place of the name of the original nominee.

Sec. 56. Vacancies certified after ballots are printed. If vacancies be certified after the ballots have been printed, new ballots, whenever practicable, shall be furnished.

Sec. 57. Inserting name of vacancy nominee. When it may not be practicable, after a vacancy has been certified, to have new ballots printed, the election officers having charge of them shall place the name supplied for the vacancy upon each ballot used before delivering it to the judges of election.

Sec. 58. Furnishing judges name of vacancy nominee--pasters. If said ballots have been delivered to the judges of election before vacancy has been certified, said auditor or clerk shall immediately furnish the name of such substituted nominee to all judges of election within the territory in which said nominee may be a candidate.

Pastors with the name of the substituted nominee thereon shall likewise be furnished the voter with his ballot when possible to do so.

Sec. 59. Filling in name of vacancy nominee. Judges of election having charge of the ballots shall, in the case contemplated in the preceding section, place the name supplied for the vacancy upon each ballot issued before delivering it to the voter, by affixing a paster, or by writing or stamping the name thereon.

Sec. 60. Time of printing -- inspection and correction. Ballots shall be printed and in the possession of the officer charged with their distribution in time to enable him to furnish ballots to absent voters as provided by law. Said printed ballots shall be subject to the inspection of candidates and their agents. If mistakes are discovered, they shall be corrected without delay, in the manner provided in this chapter.

Sec. 61. Number ballots delivered. The officers charged with the printing of the ballots shall cause to be delivered to the judges of election seventy-five (75) ballots, of the kind to be voted in such precinct, for every fifty (50) votes or fraction thereof cast therein at the last preceding election of state officers.

Sec. 62. Packing ballots, delivery, and receipts. Such ballots shall be put up in separate sealed packages, with marks on the outside, clearly designating the polling place for which they are intended and the number of ballots inclosed, and receipt therefor shall be given by the judge or judges of election to whom they are delivered, which receipt shall be preserved by the officer charged with the printing of the ballots.

Sec. 63. Reserve supply of ballots. Any officer charged with the printing and distribution of ballots shall provide and retain at his office an ample supply of ballots, in addition to those distributed to the several voting precincts, and if at any time the ballots furnished to any precinct shall be lost, destroyed or exhausted before the polls are closed, on written application, signed by a majority of the judges of such precinct, or signed and sworn to by one (1) of such judges, he shall immediately cause to be delivered to such judges, at the polling place, such additional supply of ballots as may be required, and sufficient to comply with the provisions of this chapter.

Sec. 64. Form of reserve supply. For general elections, the supply of ballots so retained shall only equal the number provided for the precinct casting the largest vote at the preceding general election, and shall include only the portions of the various tickets to be voted for throughout the entire county, with blank spaces in which the names of candidates omitted may be written by the voter, and with blank spaces in the indorsement upon the back of such ballots, in which the name of the precinct shall be written by the judges of election.

Sec. 65. Attorney general to furnish instruction. The attorney general shall prepare, and from time to time revise, written instructions to the voters relative to voting, and deliver such instructions to the secretary of state. Such instructions shall cover the following matters:

1. The manner of obtaining ballots.
2. The manner of marking ballots.
3. That unmarked or improperly marked ballots will not be counted.
4. The method of gaining assistance in marking ballots.
5. That any erasures or identification marks, or otherwise spoiling or defacing a ballot, will render it invalid.
6. Not to vote a spoiled or defaced ballot.
7. How to obtain a new ballot in place of a spoiled or defaced one.
8. Upon the right of an employee to absent himself for two (2) hours for the purpose of voting, by application for leave so to do made before

the day of election, without deduction from his salary or wages.

9. Any other matters thought necessary.

Sec. 66. Secretary of state to furnish copies of instructions. The secretary of state shall furnish county auditors and city clerks with copies of the foregoing instructions.

Sec. 67. Judges to be furnished instructions. The county auditor and city clerk shall cause copies of the foregoing instructions to be printed in large, clear type, under the heading of "Card of Instructions", and shall furnish the judges of election with a sufficient number of such cards as will enable them to comply with the following section.

Sec. 68. Posting instruction cards and sample ballots. The judges of election, before the opening of the polls, shall cause said cards of instruction to be securely posted as follows:

1. One (1) copy in each voting booth.
2. Not less than four (4) copies, with an equal number of sample ballots, in and about the polling place.

Sec. 69. Publication of list of nominations. The county auditor shall, prior to the day of election, publish a list of all nominations made as provided by law, and to be voted for at such election, except township, city or town officers. Such publication shall be, as near as may be, in the form in which such nominees will appear on the official ballot. Such publication shall be in two (2) newspapers, representing, if possible, the political parties which cast at the preceding general election the largest number and the next largest number of votes.

Sec. 70. Time of opening polls. At all elections the polls shall be opened at eight (8) o'clock in the forenoon, except in cities where registration is required, when the polls shall be opened at seven (7) o'clock in the forenoon, or in each case as soon thereafter as vacancies in the places of judges or clerks of election have been filled. In all cases the polls shall be closed at seven (7) o'clock in the evening.

Sec. 71. Oath. Before opening the polls, each of the judges and clerks shall take the following oath: "I, A.B., do solemnly swear that I will impartially, and to the best of my knowledge and ability, perform the duties of judge (or clerk) of this election, and will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same."

Sec. 72. How administered. Any one (1) of the judges or clerks present may administer the oath to the others, and it shall be entered in the poll books, subscribed by the person taking it, and certified by the officer administering it.

Sec. 73. Ballot furnished to voter. The judges of election of their respective precincts shall have charge of the ballots and furnish them to the voters. Any person desiring to vote shall give his name, and, if required, his residence, to such judges, one (1) of whom shall thereupon announce the same in a loud and distinct tone of voice.

Sec. 74. Voting under registration. In precincts where registration is required, if such name is found on the register of voters by the officer having charge thereof, he shall likewise repeat such name in the same manner; if the name of the person desiring to vote is not found on the register of voters, his ballot shall not be received until he shall have complied with the law prescribing the manner and conditions of voting by unregistered voters.

Sec. 75. Challenges. Any person offering to vote may be challenged as unqualified by any judge or elector; and it is the duty of each of the judges to challenge any person offering to vote whom he knows or suspects not to be duly qualified. No judge shall receive a ballot from a voter who is challenged, until such voter shall have established his right to vote.

Sec. 76. Examination on challenge. When any person is so challenged, the judges shall explain to him the qualifications of an elector, and may examine him under oath touching his qualifications as a voter.

Sec. 77. Oath in case of challenge. If the person challenged, be duly registered, or if such person is offering to vote in a precinct where registration is not required, and insists that he is qualified, and the challenge be not withdrawn, one (1) of the judges shall tender to him the following oath:

"You do solemnly swear that you are a citizen of the United States, that you are a resident in good faith of this precinct, that you are twenty-one (21) years of age as you verily believe, that you have been a resident of this county sixty (60) days, and of this state six (6) months next preceding this election, and that you have not voted at this election."

If said person takes such oath, his vote shall be received.

Sec. 78. Voter to receive one ballot--indorsement by judge. One (1) of the judges of election shall give the voter one (1) ballot and only one (1), on the back of which a judge shall indorse his initials, in such manner that they may be seen when the ballot is properly folded. No ballot without said official indorsement shall be deposited in the ballot box. The voter's name shall immediately be checked on the registry list.

Sec. 79. Names to be entered on poll book. The name of each person, when a ballot is delivered to him, shall be entered by each of the clerks of election in the poll book kept by him, in the place provided therefor.

Sec. 80. Marking and return of ballot. On receipt of the ballot, the voter shall, without leaving the inclosed space, retire alone to one (1) of the voting booths, and without delay mark his ballot, and, before leaving the voting booth, shall fold the same in such manner as to conceal the marks thereon, and deliver the same to one (1) of the judges of election. The number of the voter on the poll books or register lists shall not be indorsed on the back of his ballot.

Sec. 81. Depositing ballots. One (1) of the judges of election shall at once, after receiving the ballot, in the presence of the voter, deposit such ballot in the ballot box and the voter shall quit said inclosed space as soon as he has voted.

Sec. 82. Failure to vote--return of ballot. Any voter who, after receiving an official ballot, decides not to vote, shall, before retiring from within the guard rail, surrender to the election officers the official ballot which has been given him, and such fact shall be noted on each of the poll lists. A refusal to surrender such ballot shall subject the person so offending to immediate arrest and the penalties provided in this chapter.

Sec. 83. Prohibited ballot--taking ballot from polling place. No voter shall vote or offer to vote any ballot except such as he has received from the judges of election, nor take or remove any ballot from the polling place before the close of the poll.

Sec. 84. Limitation on time for voting. No voter shall be allowed to occupy a voting booth already occupied by another, nor remain within said inclosed space more than ten (10) minutes, nor to occupy a voting booth more than five (5) minutes, in case all of said voting booths are in use and other voters waiting to occupy the same, nor to again enter the inclosed space after having voted; nor shall more than two (2) voters in excess of the whole number of voting booths provided be allowed at any one (1) time in such inclosed space, except by the authority of the election officers to keep order and enforce the law.

Sec. 85. Selection of officials to assist voters. At, or before, the opening of the polls, the judges of each precinct shall select two (2) members of the election board, of different political parties, to assist voters who may be unable to mark their ballot.

Sec. 86. Assisting voter. Any voter who may declare upon oath that he can not read the English language, or that, by reason of any physical disability other than intoxication, he is unable to mark his ballot, shall, upon request, be assisted by said two (2) officers, in marking said ballot. Said officers shall mark said ballot as directed by the voter, and shall thereafter give no information regarding the same.

Sec. 87. Assistance to voter indicated on poll book. The clerks of election shall enter upon the poll lists, after the name of any elector who received such assistance in marking his ballot, a memorandum of the fact.

Sec. 88. Voting mark. The voting mark shall be a cross which shall be placed in the circle at the head of a ticket, or in the squares opposite the names of candidates.

Sec. 89. But one vote for same office except in groups. No voter shall vote for more than one (1) candidate for the same office, nor for a greater number of candidates for two (2) or more offices of the same class than there are offices of such class to be filled at such election.

Sec. 90. How to mark a straight ticket. If the names of all candidates for whom a voter desires to vote appear upon the same ticket, and he desires to vote for all candidates whose names appear upon such ticket he may do so in any one of the following ways:

1. He may place a cross in the circle at the top of such ticket without making a cross in any square beneath said circle.
2. He may place a cross in the square opposite the name of each such candidate without making any cross in the circle at the top of such ticket.
3. He may place a cross in the circle at the top of such ticket and also a cross in any or all of the squares beneath said circle.

Sec. 91. Voting part of ticket only. If the names of all candidates for whom the voter desires to vote appear upon a single ticket but he does not desire to vote for all the candidates whose names appear thereon, he shall place a cross in the square opposite the name of each such candidate for whom he desires to vote without making any cross in the circle at the top of such ticket.

Sec. 92. Group candidates for offices of same class. Where two (2) or more offices of the same class are to be filled at the same election, and all of the candidates for such offices, for whom the voter desires to vote, appear upon his party ticket at the top of which he has marked a cross in the circle, he need not otherwise indicate his vote for such candidates; but if the name of any candidate for whom he desires to vote for such office appears upon a different ticket, then as to such group of candidates the cross in the circle does not apply and to indicate his choice the voter must place a cross in the square opposite the name of each such candidate for whom he desires to vote whether the same appears under such marked circle or not.

Sec. 93. How to mark a mixed ticket. If the names of all candidates for whom a voter desires to vote do not appear upon the same ticket, he may indicate the candidates of his choice by marking his ballot in any one (1) of the following ways:

1. He may place a cross in the circle at the top of a ticket on which the names of some of the candidates for whom he desires to vote appear and also a cross in the square opposite the name of each other candidate of his choice, whose name appears upon some ticket other than the one in which he has marked the circle at the top.
2. He may place a cross in the square opposite the name of each candidate for whom he desires to vote without placing any cross in any circle.

Sec. 94. Counting ballots. The ballots shall be counted according to the markings thereon, respectively, as provided in the six (6) preceding sections, and not otherwise. If, for any reason, it is impossible to determine from a ballot, as marked, the choice of the voter for any office, such ballot shall not be counted for such office. When there is a conflict between the cross in the circle on one ticket and the cross in the square on another ticket on the ballot, the cross in the square shall be held to control, and the cross in the circle in such case shall not apply as to that office. Any ballot marked in any other manner than as authorized in the six (6) preceding sections, and in such manner as to show that the voter employed such mark for the purpose of identifying his ballot, shall be rejected.

Sec. 95. Writing name on ballot. The voter may also insert in writing in the proper place the name of any person for whom he desires to vote and place a cross in the square opposite thereto. The writing of such name without making a cross opposite thereto, or the making of a cross in a square opposite a blank without writing a name therein, shall not effect the validity of the remainder of the ballot.

Sec. 96. Spoiled ballots. Any voter who shall spoil his ballot may, on returning the same to the judges, receive another in place thereof, but no voter shall receive more than three (3) ballots, including the one (1) first delivered to him. None but ballots provided in accordance with the provisions of this chapter shall be counted.

Sec. 97. Defective ballot does not nullify vote. No ballot properly marked by the voter shall be rejected:

1. Because of any discrepancy between the printed ballot and the nomination paper, or certificate of nomination, or certified abstract of the canvassing board.
2. Because of any error in stamping or writing the indorsement thereon by the officials charged with such duties.
3. Because of any error on the part of the officer charged with such duty in delivering the wrong ballots at any polling place.

Sec. 98. Defective ballots--how counted. Said defective ballots shall be counted for the candidate or candidates for such offices named in the nomination papers, certificate of nomination, or certified abstract.

Sec. 99. Wrong ballots--how counted. Said wrong ballots shall be counted as cast for all candidates for whom the voter had the right to vote, and for whom he did vote,

Sec. 99-a1. Duties of counting and receiving boards. The counting boards shall proceed to their respective voting places to which they have been appointed at one o'clock p.m., and shall take charge of the ballot box containing the ballots already cast in that precinct. It shall retire to a partitioned space or room provided for that purpose and there proceed to count and tabulate the ballots as it shall find them deposited in the ballot box. The receiving board shall continue to receive the votes of electors in the other box provided, until such time as the counting board shall have finished counting and tabulating the ballots cast in the first ballot box. The two boards shall then exchange the first box for the second box and so continue until they have counted and tabulated all the votes cast on that election day. When the hour arrives for closing the polls, the receiving board shall certify to all matters pertaining to casting of ballots and shall then unite with the counting board in the counting of ballots. The judges shall then divide the ballots not counted and each group of judges and clerks shall proceed to canvass their portion of the same. When the canvass has been completed the judges and clerks shall report the result of their canvass which report shall be incorporated in the returns provided by law.

Sec. 100. Persons permitted at polling places. The following persons shall be permitted to be present at and in the immediate vicinity of the polling places, provided they do not solicit votes:

1. Any person who is by law authorized to perform or is charged with the performance of official duties at the election.
2. Any number of persons, not exceeding three (3) from each political party having candidates to be voted for at such election, to act as challenging committees, who are appointed and accredited by the executive or central committee of such political party or organization.
3. Any number of persons not exceeding three (3) from each of such political parties, appointed and accredited in the same manner as above prescribed for challenging committees, to witness the counting of ballots.

Sec. 101. When judges and clerks may order arrest. Any judge or clerk of election shall order the arrest of any person who conducts himself in a noisy, riotous, tumultuous or disorderly manner at or about the polls, so as to disturb the election, or insults or abuses the judges or clerks of election, or commits a breach of the peace, or violates any of the provisions of this chapter.

Sec. 102. Judges may commit disorderly person. Any constable or special policeman may forthwith arrest such person and bring him before the judges of election, and they, by a warrant under their hands, may commit him to the jail of the county for a term not exceeding twenty-four (24) hours, but they shall permit him to vote.

Sec. 103. Prohibited acts on election day. The following acts, except as specially authorized by law, are prohibited on any election day:

1. Loitering, congregating, electioneering, treating voters, or soliciting votes, during the receiving of the ballots, within one hundred (100) feet of any outside door of any building affording access to any room where the polls are held, or of any outside door of any building affording access to any hallway, corridor, stairway or other means of reaching the room where the polls are held.
2. Interrupting, hindering or opposing any voter while in or approaching the polling place for the purpose of voting.
3. A voter allowing any person to see how his ballot is marked.
4. A false statement by a voter as to his ability to mark his ballot.
5. Interfering or attempting to interfere with a voter when inside the inclosed space, or when marking his ballot.
6. Endeavoring to induce a voter to show how he marks, or has marked his ballot.

7. Marking, or causing in any manner to be marked, on any ballot, any character for the purpose of identifying such ballot.

Sec. 104. Penalty. Any violation of the provisions of the preceding section shall be punished by a fine of less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00), or by imprisonment for not less than ten (10) days nor more than thirty (30) days in the county jail, or by both fine and imprisonment.

Sec. 105. Employees entitled to time to vote. Any person entitled to vote at a general election shall, on the day of such election, be entitled to absent himself from any services in which he is employed for a period of two (2) hours, between the time of opening and closing the polls, which period may be designated by the employer, and such voter shall not be liable to any penalty, nor shall any deduction be made from his usual salary or wages, on account of such absence, but application for such absence shall be made prior to the day of election.

Sec. 106. Intimidation of employees by employer. Any employer who shall refuse to an employee the privilege conferred by the preceding section, or shall subject such employee to a penalty or reduction of wages because of the exercise of such privilege, or shall in any manner attempt to influence or control such employee as to how he shall vote, by offering any reward, or threatening discharge from employment, or otherwise intimidating or attempting to intimidate such employee from exercising his right to vote, shall be punished by a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00).

Sec. 107. Acts declared unlawful. It shall be unlawful for any person, prior to the closing of the polls, wilfully to do any of the following acts:

1. Destroy, deface, tear down, or remove any list of candidates, card of instruction, or specimen ballot posted as provided by law.
2. Remove or destroy any of the supplies or articles furnished for the purpose of enabling voters to prepare their ballots.

Sec. 108. Penalty. Any person violating the preceding section shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), or imprisoned not less than ten (10) nor more than thirty (30) days, or both said fine and imprisonment.

Sec. 109. Official neglect or misconduct. Any public officer upon whom a duty is imposed by this chapter, who shall wilfully neglect to perform such duty, or who shall wilfully perform it in such a way as to hinder the object thereof, or shall disclose to anyone, except as may be ordered by any court of justice, the manner in which any ballot may have been voted, shall be punished by a fine of not less than five dollars (\$5.00) nor more than one thousand dollars (\$1,000.00), or by imprisonment in the penitentiary not less than one (1) nor more than five (5) years, or by both fine and imprisonment.

Sec. 110. Special police. The city council shall detail and employ, at each election, from citizens, or from the police force of the city, from two (2) to four (4) special policemen for each voting precinct and fully empower them for the special occasion of such election to prevent violations of this chapter, or of any other lawful command made under this chapter. Said special police shall be men of good character and reputation and shall be appointed on the nomination of the principal political committee of each political party recognized as the two (2) leading parties, and in equal numbers from each of said political parties. No other peace officer than those above named shall exercise his authority for preserving order at or within one hundred (100) feet of such voting places, unless called in by an emergency. If no policeman be in attendance, the judges of election may appoint one (1) or more specially, by writing, who shall have all the powers of such policeman.

Sec. 111. Constables. Except in voting precincts within any city, any constable of the township, who may be designated by the judges of election, shall attend at the place of election; if none attend, the judges of the election may, in writing, specially appoint one (1) or more, who shall have all the powers of a regular constable.

Sec. 112. Preserving order. All special policemen and constables are authorized and required to preserve order and peace at all places of election, and such special policemen, constables, and all other persons are authorized and required to obey the lawful orders and commands of said judges of election given to prevent violations of this chapter.

Sec. 113. Compensation of police. The special policemen appointed under the provision of this chapter, when not appointed from the police force of the city, shall be entitled to receive two dollars (\$2.00) a day for their services.

Sec. 114. Election expenses. The expenses of necessary booths, guard rails, and ballot boxes shall be paid by the county. All other election expenses authorized by law shall be paid by the county in case of general elections or special elections held by the county, and in all other cases by the city, town or other municipality in which the election is held.

Sec. 115. Penalty. Any person violating or attempting to violate any provisions or requirements of this chapter, or failing or refusing to comply with any order or command of an election officer, made in pursuance of the provisions of this chapter, shall, unless otherwise provided, be punished by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), or by imprisonment of not less than twenty (20) days, nor more than six (6) months, in the county jail.

Sec. 116. Promise of position prohibited. It shall be unlawful for any candidate for any office to be voted for at any primary, general, municipal, or special election, prior to his nomination or election, to promise, either directly or indirectly, to support or use his influence in behalf of any person or persons for any position, place, or office, or to promise directly or indirectly to name or appoint any person or persons to any place, position, or office in consideration of any person or persons supporting him or using his, her, or their influence in securing his or her nomination, election, or appointment.

Sec. 117. Promise of influence prohibited. It shall be unlawful for any person to solicit from any candidate for any office to be voted for at any primary, municipal, general, or special election, or any candidate for appointment to any public office, prior to his nomination, election, or appointment, to promise, directly or indirectly, to support or use his or her influence in behalf of any person or persons for any position, place, or office, or to promise either directly or indirectly to name or appoint any person or persons to any place, position, or office in consideration of any person or persons supporting him or her, or using his, her, or their influence in securing his or her nomination, election, or appointment.

Sec. 118. Penalty. Any person violating any of the provisions of the two (2) preceding sections shall be deemed guilty of a misdemeanor and punished by a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00), or by imprisonment in the county jail not less than thirty (30) days nor more than six (6) months.

Approved April 4, 1924.

CHAPTER 15
CANVASS OF VOTES AT ELECTIONS
H. F. 26

AN ACT to amend, revise, and codify sections four hundred sixty-six (466) to four hundred sixty-eight (468), inclusive, four hundred seventy (470), four hundred seventy-one (471), four hundred seventy-three (473) to four hundred seventy-six (476), inclusive, four hundred seventy-nine (479) to four hundred eighty-one (481), inclusive, four hundred eighty-four (484), four hundred eighty-five (485), four hundred eighty-seven (487) to four hundred ninety (490), inclusive, and four hundred ninety-five (495) of the compiled code of Iowa, relating to the canvass of votes at elections.

Be It Enacted by the General Assembly of the State of Iowa:

That section four hundred sixty-six (466) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Canvass by judges. When the poll is closed, the judges shall forthwith, and without adjournment:

1. Publicly canvass the vote, and credit each candidate with the number of votes counted for him.
2. Ascertain the result of the vote.
3. Compare the poll lists and correct errors therein.
4. Cause each clerk to keep a tally list of the count.

Sec. 2. When judges declare election. The candidate receiving the highest number of votes, if for an office in that precinct alone, shall be declared elected, and the judges shall issue certificates accordingly.

That section four hundred sixty-seven (467) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 3. Double or defective ballots. If two (2) or more marked ballots are so folded together as to appear to be cast as one (1), the judges shall indorse thereon "Rejected as double." Such ballots shall not be counted, but shall be folded together and kept as hereinafter directed. Every ballot not counted shall be indorsed "Defective" on the back thereof.

Sec. 4. Ballots objected to. Every ballot objected to by a judge or challenger, but counted, shall be indorsed on the back thereof "Objected to", and there shall also be indorsed thereon, and signed by the judges, a statement as to how it was counted.

Sec. 5. Disputed ballots returned separately. All ballots indorsed as required by the two (2) preceding sections shall be inclosed and securely sealed in an envelope, on which the judges shall indorse "Disputed ballots", with a signed statement of the precinct in which, and date of the election at which, they were cast.

That section four hundred sixty-eight (468) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 6. Ballots in excess of poll list. If the ballots for any officer exceed the number of the voters in the poll lists, such fact shall be certified, with the number of the excess, in the return,

Sec. 7. Effect of error on county office - township office. If, in case of such excess, the vote of the precinct where the error occurred would change the result as to a county officer if the person appearing to be elected were deprived of so many votes, then the election shall be set aside as to him in that precinct, and a new election ordered therein; but no person residing in another precinct at the time of the general election shall be allowed to vote at such special election.

If the error occurs in relation to a township officer, the trustees may order a new election or not, in their discretion.

Sec. 8. Effect of error on state office - tie vote. If the error be in relation to a district or state officer, it shall be certified with the number of the excess to the state canvassers. If the error affects the result of the election, the canvass shall be suspended and a new vote ordered in the precinct where the error occurred. When there is a tie vote due to such excess, there shall be a new election. No person residing in another precinct at the time of the general election shall be allowed to vote at such special election. When the new vote is taken and returned, the canvass shall be completed.

That section four hundred seventy (470) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 9. Proclamation of result. When the canvass is completed one (1) of the judges shall publicly announce the total number of votes received by each of the persons voted for, the office for which he is designated, as announced by the clerks, and the number of votes for, and the number of votes against, any proposition which shall have been submitted to a vote of the people.

Sec. 10. Return and preservation of ballots. Immediately after making such proclamation, and before separating, the judges shall fold in two (2) folds, and string closely upon a single piece of flexible wire, all ballots which have been counted by them, except those indorsed "Rejected as double", "Defective", or "Objected to", unite the ends of such wire in a firm knot, seal the knot in such a manner that it cannot be untied without breaking the seal, inclose the ballots so strung in an envelope, and securely seal such envelope. The judges shall at once return all the ballots to the officer from whom they were received, who shall carefully preserve them for six (6) months.

That section four hundred seventy-one (471) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 11. Destruction of general election ballots. If at the expiration of six (6) months no contest is pending, the officer having the ballots in custody, without opening the package in which they have been inclosed, shall destroy the same by burning, in the presence of two (2) electors, one (1) from each of the two (2) leading political parties, who shall be designated by the chairman of the board of supervisors, or, in municipal elections, by the mayor of the city or town.

Sec. 12. Destruction of primary election ballots. The ballots cast at a primary election, with the nomination papers, shall, where no contest is pending, be destroyed ten (10) days prior to the holding of the general election following the primary election at which said ballots were cast.

Sec. 13. Destruction in abeyance pending contest. If a contest is pending, the ballots shall be kept until the contest is finally determined, and then so destroyed.

That section four hundred seventy-three (473) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 14. Return of poll book and registration book. In each precinct, one (1) of the poll books containing the aforesaid signed and attested return, and one (1) of the registration books, if any, shall be delivered by one (1) of the judges within two (2) days to the county auditor.

Sec. 15. Return of remaining poll and registration book. The other of said poll books and the other registration book, if any, shall be forthwith delivered by one (1) of the judges to the township, city or town clerk, depending on whether the precinct is a township, city or town precinct.

Sec. 16. Preservation of books. The receiving officer shall file said books, and the registry books and lists and other papers pertaining to registration, in his office, and preserve the same for three (3) years and until the determination of any contest then pending, after which they shall be destroyed.

That section four hundred seventy-four (474) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 17. Canvass of returns for city, town, and township officers. If there are two (2) or more precincts in any township, city or ward, the trustees and clerk, or the mayor and clerk, as the case may be, shall, on the day after the election, meet and canvass the returns from all precincts for votes cast for officers to be elected by such township, city or ward.

Sec. 18. Abstracts and certificates for precinct officers. The returns shall be opened in the presence of all the canvassers, and an abstract of votes made and signed by them, and the result declared, and a certificate of election signed by them giving the candidates elected. If the mayor shall have been a candidate at such election, a justice of the peace of the county, selected by the clerk, shall act with him in making the canvass.

That section four hundred seventy-five (475) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 19. Notice to candidate of his election. Notice of the result of the election of the township, city and town officers shall be given by the township, city or town clerk, as the case may be, within five (5) days thereafter by mailing notice to each person who has been declared elected, which notice shall specify the office to which such person has been elected and requiring him to appear before the proper officer and qualify according to law.

That section four hundred seventy-six (476) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 20. Messengers for missing returns. The county auditor shall, on the fourth day following an election, send messengers for all returns not then received by him. The expense of securing such returns shall be paid by the county.

That sections four hundred seventy-nine (479), four hundred eighty (480), four hundred eighty-one (481), and four hundred eighty-four (484) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 21. Duplicate abstracts. All abstracts of votes, except the abstracts of votes for county officers, shall be made in duplicate, and signed by the board of county canvassers. One of said abstracts shall be forwarded to the secretary of state, and the other filed by the county auditor.

Sec. 22. Declaration of election. Each abstract of the votes for such officers as the county alone elects, except district judges, and senators and representatives in the general assembly, shall contain a declaration of whom the canvassers determine to be elected.

That section four hundred eighty-five (485) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 23. Abstracts forwarded to secretary of state. The auditor shall, within ten (10) days after the election, forward to the secretary of state, in separate, securely sealed envelopes, one of the said duplicate abstracts of votes for each of the following offices:

1. President and vice president of the United States.
2. Governor and lieutenant governor.
3. United States senator.
4. Representative in congress.
5. Supreme and district judges.
6. Senators and representatives in the general assembly for the county alone.
7. Senators in the general assembly in districts comprising more than one county.
8. All state officers not otherwise specified above.

Sec. 24. Abstract for governor and lieutenant governor. The envelopes containing the abstracts of votes for governor and lieutenant governor shall be indorsed substantially as follows: "Abstracts of votes for governor and lieutenant governor from _____ county," (naming the county). After being so indorsed said envelope shall be addressed, "To the Speaker of the House of Representatives."

Sec. 25. Indorsement on other envelopes. Said remaining envelopes shall be indorsed substantially in the manner provided in the preceding section, with changes necessary to indicate the particular office, and each shall be addressed, "To the Secretary of State."

Sec. 26. Forwarding of envelopes. Said envelopes, including the one addressed to the speaker, after being prepared, sealed, and indorsed as aforesaid, shall be placed in one package and forwarded to the secretary of state.

That sections four hundred eighty-seven (487) to four hundred ninety (490), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 27. Envelopes containing abstracts on governor and lieutenant governor. The envelopes containing the abstracts of votes for governor and lieutenant governor shall not be opened by the secretary of state, but he shall securely preserve the same and deliver them to the speaker of the house of representatives at the time said abstracts are canvassed as provided by law.

Sec. 28. Envelopes containing other abstracts. All other envelopes containing abstracts of votes shall be kept by the secretary of state, unopened, until the time fixed by law for the canvass of such abstracts, and they shall then be opened only in the presence of the state board of canvassers

Sec. 29. State canvassing board. The executive council shall constitute a board of canvassers of all abstracts of votes required to be filed with the secretary of state, except for the offices of governor and lieutenant governor. No member of such board shall take part in canvassing the votes for an office for which he is a candidate.

Sec. 30. Time of state canvass. On the twentieth day after the day of election, the board of state canvassers shall open and canvass all of the returns. If they are not received from all the counties, it may adjourn, not exceeding twenty (20) days, for the purpose of obtaining them, and, when received, shall proceed with the canvass. The returns of votes cast for senators and representatives in the general assembly shall be canvassed at least twenty (20) days prior to the convening of the general assembly.

That section four hundred ninety-five (495) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 31. Senator or representative in congress. The certificate of the election of a senator or representative in congress shall be signed by the governor, with the seal of the state affixed, and be countersigned by the secretary of state.

Approved February 20, 1924.

CHAPTER 16
ABSENT VOTERS
S. F. 27

AN ACT to amend, revise, and codify chapter nine (9) of title four (4) of the compiled code of Iowa and of the supplement to said code, relating to the right of a voter to vote when disabled or when absent from the polls on election day, or when engaged in the service of the government of the United States, or of this state.

Be It Enacted by the General Assembly of the State of Iowa

That chapter nine (9) of title four (4) of the compiled Code of Iowa and of the supplement to said Code is amended, revised, and codified to read as follows:

Section 1. Absent voter--right to vote--conditions. Any qualified voter of this state may, as provided in this chapter, vote at any general, municipal, special, or primary election, or at any election held in any independent town, city, or consolidated school district.

1. When, through the nature of his business he is, on election day, absent from the county in which he is a qualified voter, or, when he expects, in the course of said business, to be so absent.

2. When, through illness or physical disability, he is prevented from personally going to the polls on election day and voting.

Sec. 2. Application for ballot. Any voter, under the circumstances specified in the preceding section, may, on any day not Sunday or a holiday, and not more than twenty (20) days prior to the date of election, make application to the county auditor, or to the city or town clerk, as the case may be, for an official ballot to be voted at such election.

Sec. 2-a1. Secretary of school board. In the application of this chapter to elections held in independent city, town, and consolidated school districts, the secretary of the school board shall perform the duty herein imposed on the county auditor or clerk of the city or town.

Sec. 3. Officers to furnish blank applications. Said officers shall furnish to all qualified voters of the county, city or town of which they are such officers, blanks on which to make application for such ballot.

Sec. 4. Form of blank application. Applications for ballots shall be made on blanks substantially in the following form:

"APPLICATION FOR BALLOT TO BE VOTED AT THE _____ ELECTION ON

State of _____)
County of _____) ss.

I, _____, do solemnly swear that I have been a resident of the state of Iowa for six (6) months, of the county of _____ for sixty (60) days, and of the _____ precinct of _____ ward of the city, town or township of _____ ten (10) days next preceding this election, and that I am a duly qualified voter entitled to vote at said election; that my occupation is _____, and that on account of _____ I cannot be at the polls

(Business, illness, or physical disability)
on election day, and I hereby make application for an official ballot or ballots to be voted by me at such election, and that I will return said ballot or ballots to the officer issuing same, on or before the day of said election. I am affiliated with the _____ party

(Fill out only in case of primary election)

Signed _____

Date _____

Residence (Street and number, if any) _____

City or town _____ P.O. Address _____

Subscribed and sworn to before me this _____ day of

_____ A. D. 19 _____

Sec. 5. Residence in precinct. The requirement in the preceding section for ten (10) days' residence in the precinct shall not apply to general elections as defined in chapter six (6) of this title.

Sec. 6. Penalty clause added to forms. Immediately below said form, sections thirty-two (32) and thirty-three (33) of this act shall be printed in full.

Sec. 7. When party affiliation shown. Said application shall designate the voter's party affiliation only when the application is for a primary election ballot.

Sec. 8. Auditor or clerk to mail ballot. Upon receipt of such application, and immediately after the ballots are printed, it shall be the duty of such auditor or clerk to mail to said applicant, postage prepaid, such official ballot or ballots as such applicant would have the right to cast at such election. But if the voter is absent from the county and requests said application by letter, or some one makes the request for him, after the ballots are printed, then the auditor may send him both the application and ballot at the same time.

Sec. 9. Personal delivery of ballot. Such officer shall deliver said ballot or ballots to any qualified elector applying in person at the office of such auditor or clerk, as the case may be, and subscribing to the foregoing application, not more than fifteen (15) days before the date of said election, but said ballot shall be immediately marked, inclosed in the ballot envelope with proper affidavit thereon, and returned to said officer.

Sec. 10. Duty of auditor--form of affidavit. It shall be the duty of said auditor or clerk to fold said ballot or ballots in the manner in which they are required to be folded when voted, and to inclose the same in an unsealed envelope, to be furnished by him, which envelope shall bear upon the face thereof the name, official title, and postoffice address of such auditor or clerk.

Sec. 11. Voter's affidavit on envelope. On the reverse side of said unsealed envelope shall be printed a blank form of affidavit in substantially the following form:

"State of _____ }
County of _____ } ss.

I, _____, do solemnly swear that the following matters relating to my qualifications for registration and voting are true; residence, city, town or township of _____ street, No. _____ county, Iowa. Age _____ years, Nativity _____ Color _____, Sex _____. Term of residence in precinct _____, Term of residence in county _____ Term of residence in state _____. Naturalized _____ Date of naturalization papers _____. Court in which naturalized _____, Date of application _____ Whether by act of congress _____. Whether qualified voter _____ Last preceding place of residence, city, town or township of _____ street, No. _____. I am affiliated with the _____

party. I am engaged in the business
(Fill out only in case of primary election)
or work of _____; that I shall be prevented from
attending the polls on the day of election on account of (here affiant will state
whether absence from the county of his residence or physical disability), and
that I have marked the inclosed ballot in secret.

Signed _____

Subscribed and sworn to before me this _____ day of _____.

A. D. _____, and I hereby certify that the affiant exhibited the
inclosed ballot to me unmarked; that he then in my presence and in the presence
of no other person, and in such manner that I could not see his vote, marked
such ballot and inclosed and sealed the same in this envelope; that the affiant
was not solicited or advised by me for or against any candidate or measure.

(Official title.)^a

Sec. 12. When party affiliation shown. Said affidavit shall designate
the voter's party affiliation only in case the ballot inclosed is a primary
election ballot.

Sec. 13. Marking ballot. The voter, on receipt of said ballot or ballots,
shall, in the presence of the officer administering the oath and of no other
person, mark such ballot or ballots, but in such manner that such officer will
not know how such ballot is marked.

Sec. 14. Taking and subscribing oath and inclosing ballot. After
marking such ballot, the voter shall, before said officer, make and subscribe to
the affidavit on the reverse side of the envelope, and, in the presence of such
officer, fold such ballot, or ballots, separately, so as to conceal the markings
thereon, and deposit the same in said envelope, which shall then be securely
sealed.

Sec. 15. Mailing or delivering ballot. The sealed envelope containing
the said ballot or ballots may be personally delivered by the voter to the
auditor, deputy, or clerk. If not so delivered, said envelope shall be inclosed
in a carrier envelope, which shall also be securely sealed, and mailed by the
voter, postage paid, to said auditor or clerk.

Sec. 16. Manner of preserving ballot and application. Upon the receipt
of such ballot, the auditor or clerk shall, at once, inclose the same, unopened,
together with the application made by the voter, in a large carrier envelope,
securely seal the same, and indorse thereon, over his official signature, the
following:

1. Names of the judges of election of the precinct (naming it) of which the voter is a resident.

2. The name of the city or town in which or near which such judges will hold the election in said precinct.

3. The street number, or other clear designation of the polling place in said precinct, and a statement that "This envelope contains an absent voter's ballot and must be opened only at the polls on election day while said polls are open."

Sec. 17. Delivery of ballot with election supplies. In case said voter's ballot is received by the auditor or clerk, prior to the delivery of the official ballots to the judges of election of the precinct in which said elector resides, such ballot, envelope and application, sealed in the carrier envelope, shall be inclosed in such package and therewith delivered to the judges of such precinct.

Sec. 18. Auditor may mail or personally deliver. If said voter's ballot be received after the time specified in the preceding section, said receiving officer shall at once mail said carrier envelope, postage prepaid, to said judges. Said officer may, in person, or by deputized agent, personally deliver said envelope to said judges, if he can so do without expense to the county, city, or town.

Sec. 19. Receipt for ballot. In case ballots and applications are personally delivered, the delivering officer shall take the receipt of the judges therefor.

Sec. 20. Ballots rejected. All ballots forwarded to absent voters and not received by the auditor or city or town clerk in time for delivery to the judges of election before the closing of the polls, shall be rejected.

Sec. 21. Casting ballots. At any time between the opening and closing of the polls on such election day the judges of election of said precinct shall open the outer or carrier envelope only, announce the absent or disabled voter's name, and compare the signature upon the application with the signature upon the affidavit on the ballot envelope. In case the judges find the affidavits executed, that the signature correspond, the applicant a duly qualified elector of the precinct, and that the applicant has not voted in person at said election, they shall open the envelope containing the voter's ballot in such manner as not to deface or destroy the affidavit thereon, and take out the ballot or ballots therein contained without unfolding or permitting the same to be unfolded or examined, and, having indorsed the ballot in like manner as other ballots are required to be indorsed, deposit the same in the proper ballot box and enter the voter's name in the poll book, the same as if he had been present and voted in person.

Sec. 22. Precincts using voting machines. In precincts using voting machines, none of said ballot envelopes shall be opened until immediately after the closing of the polls to voters who vote in person. If there be more than one absent voter's ballot entitled to be cast, they shall, without being unfolded, be thoroughly intermingled in some proper manner, after which they shall be unfolded and, under the personal supervision of all the judges, be registered on the voting machine the same as if the absent voter had been present and voted in person.

Sec. 23. Rejecting ballot. In case such affidavit is found to be insufficient, or that the signatures do not correspond, or that the applicant is not a duly qualified elector in such precinct, or that the ballot envelope is open, or has been opened and resealed, or that the ballot envelope contains more than one (1) ballot of any one kind, or that said voter has voted in person, such vote shall not be accepted or counted.

Sec. 24. Rejected ballots--how handled. Every ballot not counted shall be indorsed on the back thereof "Rejected because (giving reason therefor)." All rejected ballots shall be inclosed and securely sealed in an envelope on which the judges shall indorse "Defective ballots", with a statement of the precinct in which and the date of the election at which they were cast, signed by the judges and returned to the same officer and in the same manner as by law provided for the return and preservation of official ballots voted at such election.

Sec. 25. Rejection of ballot--return of envelope. If the ballot is rejected, said ballot envelope, with the affidavit of the voter indorsed thereon, shall be returned with said rejected ballot in the envelope indorsed "Defective ballots".

Sec. 26. Affidavit envelope constitutes registration. The affidavit upon the ballot envelope shall constitute a sufficient registration of the voter in precincts where registration is required.

Sec. 27. Alphabetical list completed. The judges of election shall, in case the ballot is deposited in the box, enter the voter's name on the alphabetical lists if not already there, with the same data as is entered when a certificate of registration is filed.

Sec. 28. Ballot envelope preserved. The ballot envelope having the voter's affidavit thereon shall, in case the ballot is deposited in the box, be preserved and returned with the certificate of registration, poll book and alphabetical lists to the city clerk, who shall preserve the same, and it shall be used by the registers of election, in precincts where registration is required, in making up the new registry lists from the poll books, and such affidavit shall serve as the registration record of the voter for the new registry books and lists.

Sec. 29. Challenges. The vote of any absent voter may be challenged for cause and the judges of election shall determine the legality of such ballot as in other cases.

Sec. 30. Ballot of deceased voter. When it shall be made to appear by due proof to the judges of election that any elector, who has so marked and forwarded his ballot, has died before the ballot is deposited in the ballot box, then the ballot of such deceased voter shall be indorsed, "Rejected because voter is dead", and be returned by the judges of election with the unused ballots to the official issuing it; but the casting of the ballot of a deceased voter shall not invalidate the election.

Sec. 31. Laws made applicable. This chapter and all other election laws now in force, and not inconsistent with this chapter, shall apply to all counties, cities and towns in which voting machines are used, and the proper election officials in such counties shall take such action as is necessary to carry out the provisions of this chapter.

Sec. 32. False affidavit. Any person who shall wilfully swear falsely to any of such affidavits shall be guilty of perjury, and punished accordingly.

Sec. 33. Refusal to return ballot. Any person who, having procured an official ballot or ballots, shall wilfully neglect or refuse to cast or return the same in the manner provided, or who shall wilfully violate any provision of this chapter, shall, unless otherwise provided, be fined not to exceed one hundred dollars (\$100.00), or imprisoned in the county jail not to exceed thirty (30) days. Any person who applies for a ballot and wilfully neglects or refuses to return the same shall be deemed to have committed an offense in the county to which such ballot was returnable.

Sec. 34. Offenses by officers. If any county auditor, city or town clerk, or any election officer shall refuse or neglect to perform any of the duties prescribed by this chapter, or shall violate any of the provisions thereof, he shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), or imprisoned in the county jail not to exceed ninety (90) days.

Approved April 10, 1924.

CHAPTER 17
PRESIDENTIAL ELECTORS
H. F. 28

AN ACT to amend, revise, and codify section five hundred thirty-five (535) of the supplement to the compiled code of Iowa, relating to the election of presidential electors.

Be It Enacted by the General Assembly of the State of Iowa:

That section five hundred thirty-five (535) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Presidential electors - time of election - qualifications. At the general election in the years of the presidential election, or at such other times as the congress of the United States may direct, there shall be elected by the voters of the state one (1) person from each congressional district into which the state is divided, as elector of president and vice president, and two (2) from the state at large, no one (1) of whom shall be a person holding the office of senator or representative in congress, or any office of trust or profit under the United States

Sec. 2. Vote for president deemed vote for all party electors. A vote for the candidates of any political party, or group of petitioners, for president and vice president of the United States, shall be conclusively deemed to be a vote for each candidate nominated in each district and in the state at large by said party, or group of petitioners, for presidential electors and shall be so counted and recorded for such electors.

Sec. 3. Canvass of votes. The canvass of the votes for candidates for president and vice president of the United States and the returns thereof shall be a canvass and return of the votes cast for the electors of the same party or group of petitioners respectively, and the certificate of such election made by the governor shall be in accord with such return.

Sec. 4. Nonpolitical parties. The term "group of petitioners" as used in this chapter shall embrace an organization which is not a political party as defined by law.

Sec. 5. Presidential nominees. The names of the candidates for president and vice president, respectively, of a political party as defined in the law relating to primary elections, shall, at least twenty days prior to the election, be certified to the secretary of state by the chairman and secretary of the state central committee of said party.

Approved January 26, 1924.

CHAPTER 18
ELECTION EXPENSES OF CANDIDATES
S. F. 29

AN ACT to amend, revise, and codify chapter eleven (11) of title four (4) of the compiled code of Iowa and of the supplement to said code, relating to the making of statements of expenses by candidates for office.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter eleven (11) of title four (4) of the compiled Code of Iowa and of the supplement to said Code is amended, revised, and codified to read as follows:

Section 1. Statement of election expenses. Every candidate for any office voted for at any primary, municipal or general election shall, within thirty (30) days after the holding of such election, file a true, detailed and sworn statement showing all sums of money or other things of value disbursed, expended or promised, directly or indirectly, by him, and to the best of his knowledge and belief by any other person or persons in his behalf for the purpose of aiding or securing his nomination or election.

Sec. 2. Requirement of statement. Such statement shall show the dates, amounts, and from whom such sums of money or other things of value were received, and the dates, amounts, purposes, and to whom paid or disbursed, and shall include the assessment of any person, or organization in charge of the campaign of such candidate.

Sec. 3. Filing of statement. Such statement shall be filed:

1. With the county auditor, in case of municipal or county offices.
2. With the secretary of state, in case of state or federal offices.

Sec. 4. Sworn statements by party chairmen. The chairmen of each party central committee for the state, district, or county, shall file a true, detailed, and sworn statement of receipts and expenditures within thirty (30) days after the general election. The chairmen of state and district central committees shall file said statements with the secretary of state; and the chairmen of county central committees, with the county auditor. Such statements shall contain all the information required to be filed by candidates, and in addition thereto shall state the amounts or balances remaining on hand.

Sec. 5. Additional statements. If after the filing of any of the foregoing statements said candidate or chairman shall, directly or indirectly, receive any money or other thing of value contributed, expressly or tacitly, for the purpose of reimbursing or aiding said candidate in his nomination or election, or for the purpose of defraying the expense of said committee, said candidate, or chairman, as the case may be, shall within thirty days after the receipt of such contribution or gift file a like sworn statement.

Sec. 6. Statements open to public inspection. Said statements shall be open at all times to the inspection of the public, and remain on file and be a part of the permanent records in the office where filed.

Sec. 7. Limitation on expenses of candidate. It shall be unlawful for any candidate to expend in connection with any primary election campaign more than fifty per centum of the annual salary applicable to the position for which he is a candidate and unlawful for him to expend in connection with his campaign for election to any office more than fifty per centum of the annual salary applicable to the position for which he is a candidate. It shall be unlawful for anyone who is a candidate for the office of State Representative or State Senator to expend in connection with any primary election campaign or general election campaign more than fifty per cent (50%) of the salary of a member at one regular session of the general assembly of Iowa.

Sec. 8. Penalty. The violation of any provision of this chapter shall constitute a misdemeanor.

Approved February 7, 1924.

CHAPTER 19
CONTEST ON STATE OFFICERS
H. F. 30

AN ACT to amend, revise, and codify sections five hundred sixty-nine (569), five hundred seventy-two (572) and five hundred seventy-three (573) of the compiled code of Iowa, relating to contesting elections of state officers.

Be It Enacted by the General Assembly of the State of Iowa:

That section five hundred sixty-nine (569) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Contest court. The court for the trial of contested state offices, except that of governor and lieutenant governor, shall consist of three district judges, not interested, who shall be selected by the chief justice of the supreme court, except that when the chief justice is a party to the contest, the governor shall select said district judges.

That sections five hundred seventy-two (572) and five hundred seventy-three (573) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 2. Selection of court. Upon the filing of such statement, the chief justice of the supreme court, or governor, as the case may be, shall select the membership of the court to try such contest, and immediately certify such selection to the clerk of the supreme court. Vacancies shall also be filled by the chief justice, or governor, as the case may be.

Sec. 3. Notice of selection. The clerk of the supreme court, on receipt of such certificate, shall forthwith in writing notify the member of such court of contest of their selection.

Sec. 4. Organization of court. The members so selected for said contest court shall, in cases of contest over offices other than district judge, meet at the seat of government, within ten (10) days after said notification and qualify by taking the oath required in case of contest over the office of presidential elector, and proceed, at said place, with the discharge of their duties.

Sec. 5. Contest relative to office of district judge. In case of contests relative to the office of district judge, such selected members of said court shall meet, qualify, and transact the business of said court of contest at such place or places as they may designate, and in such case, after organizing, may select a clerk other than the one heretofore specified.

Sec. 6. Delivery of papers. Upon the organization of said court of contest, all papers in the possession of the clerk of the supreme court shall be forthwith delivered to said court of contest.

Sec. 7. Limitation on hearing. The time for the trial of any contest relative to a state office shall not be set beyond the last Monday in January following the election.

Sec. 8. Notice to incumbent - trial. Upon the organization of said court of contest, the court shall cause a notice of said contest to be served on the incumbent, together with a copy of the statement of contest filed by the contestant. No trial shall be held sooner than twenty (20) days following said notice, except by consent of all parties.

Approved February 27, 1924.

CHAPTER 20
QUALIFICATION BY PUBLIC OFFICERS
S. F. 31

AN ACT to amend, revise, and codify sections six hundred (600), six hundred nine (609), and six hundred ten (610) of the compiled code of Iowa, relating to the time and manner of qualifying of elected or appointed officers.

Be It Enacted by the General Assembly of the State of Iowa:

That sections six hundred (600), six hundred nine (609), and six hundred ten (610) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. General time to qualify. Each officer, elective or appointive, before entering upon his duties as such, shall qualify by taking the prescribed oath and by giving, when required, a bond, which qualification shall be perfected, unless otherwise specified, before noon of the second secular day in January of the first year of the term for which such officer was elected.

Sec. 2. City and town officers - time to qualify. City and town officers shall so qualify within ten (10) days after their election has been declared by the board of canvassers.

Sec. 3. Unavoidable casualty. When on account of sickness, the inclement state of the weather, unavoidable absence, or casualty, an officer has been prevented from qualifying within the prescribed time, he may do so within ten (10) days after the time herein fixed.

Sec. 4. Contest - time to qualify. In case the election of an officer is contested, the successful party shall qualify within ten (10) days after the decision is rendered.

Approved January 31, 1924.

CHAPTER 21
BONDS OF PUBLIC OFFICERS
H. F. 32

AN ACT to amend, revise, and codify chapter nineteen (19) of title four (4) of the compiled code of Iowa and of the supplement to said code, and sections two hundred forty-one-a thirty-six (241-a36) and two hundred forty-seven-a one (247-a1) of the supplement to said code, relating to the bonds of public officers, and to the appointment of a superintendent of printing and of a custodian of public buildings and grounds.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter nineteen (19) of title four (4) of the compiled Code of Iowa and of the supplement to said Code is amended, revised, and codified to read as follows:

Section 1. Bond not required. Bonds shall not be required of the following public officers:

1. Governor.
2. Lieutenant governor.
3. Members of the general assembly.
4. Judges of the supreme, district, superior, and municipal courts.
5. Township trustees.
6. Aldermen, councilmen, and commissioners of cities and towns.

Sec. 2. Conditions of bond of public officers. All other public officers, except as otherwise specially provided, shall give bond with the conditions, in substance, as follows:

That as _____ (naming the office), in _____ (city, town, township, county, or state of Iowa), he will render a true account of his office and of his doings therein to the proper authority, when required thereby or by law; that he will promptly pay over to the officer or person entitled thereto all moneys which may come into his hands by virtue of his office; that he will promptly account for all balances of money remaining in his hands at the termination of his office; that he will exercise all reasonable diligence and care in the preservation and lawful disposal of all money, books, papers, securities or other property appertaining to his said office, and deliver them to his successor, or to any other person authorized to receive the same; and that he will faithfully and impartially, without fear, favor, fraud, or oppression, discharge all duties now or hereafter required of his office by law.

Sec. 3. Liability of surety. The sureties on such bond shall be liable for all money or public property that may come into the hands of such officer at any time during his possession of such office.

Sec. 4. Conditions of other bonds. All other bonds required by law, when not otherwise specially provided, shall be conditioned as the bonds of public officers.

Sec. 5. Want of compliance - effect. All bonds required by law shall be construed as impliedly containing the conditions required by statute, anything in the terms of said bonds to the contrary notwithstanding.

Sec. 6. State officers - amount of bonds. State officers shall give bonds in an amount as follows:

1. Secretary of state, auditor of state, attorney general, clerk of the supreme court, not less than ten thousand dollars (\$10,000.00).
2. Treasurer of state, not less than three hundred thousand dollars (\$300,000.00).
3. Members board of control of state institutions, twenty-five thousand dollars (\$25,000.00).
4. Each member of the finance committee of the state board of education, twenty-five thousand dollars (\$25,000.00).
5. Each treasurer of a state institution under the control of the state board of education, an amount to be fixed by the board substantially equal to twice the highest amount of money liable to come into his hands at any one (1) time.
6. Commissioner of public health, secretary of agriculture, and each railroad commissioner, not less than five thousand dollars (\$5,000.00).
7. Superintendent of public instruction, not less than two thousand dollars (\$2,000.00).
8. Custodian of public buildings and grounds, such amount as the executive council may fix.
9. Commissioners of insurance, fifty thousand dollars (\$50,000.00).
10. Superintendent of banking, twenty thousand dollars (\$20,000.00).
11. State fire marshal, five thousand dollars (\$5,000.00).
12. Mine inspectors, two thousand dollars (\$2,000.00).
13. Labor commissioner, two thousand dollars (\$2,000.00).
14. Deputy labor commissioner, one thousand dollars (\$1,000.00).
15. State game warden, five thousand dollars (\$5,000.00).
16. Deputy game wardens, five hundred dollars (\$500.00).
17. Secretary of executive council, such amount as the executive council may fix.
18. State librarian, five thousand dollars (\$5,000.00).
19. Law librarian, three thousand dollars (\$3,000.00).
20. Curator historical department, one thousand dollars (\$1,000.00).
21. Superintendent of printing, five thousand dollars (\$5,000.00).
22. Industrial commissioner, one thousand dollars (\$1,000.00).
23. Members state highway commission, five thousand dollars (\$5,000.00).
24. Reporter of the supreme court, not less than one thousand dollars (\$1,000.00).
25. All other public officers, in the amount provided by law, or as fixed under the following section.

Sec. 7. Amount of bond, when not fixed by law. In all cases where no amount, or a minimum amount is fixed by law for the official bond of a public officer, the approving officer or board shall fix the bond at such amount as public interests may require.

Sec. 8. When premium paid by the state. The sum of two thousand dollars (\$2,000.00), or so much thereof as is necessary, is annually for the biennium ending July 1, 1925 appropriated from any unappropriated funds in the state treasury for the purpose of paying the cost of the bonds of the treasurer and deputy treasurer of state, when the surety on said bond is an incorporated surety company. The premium on the bond of the custodian of public grounds and buildings shall be paid from any unappropriated funds in the state treasury, which sum is hereby appropriated until July 1, 1925.

Sec. 9. County, city, town, and township officers. The bonds of the following county officers, viz.: treasurers, clerks of the district courts, county attorneys, recorders, coroners, auditors, superintendents of schools, sheriffs, justices of the peace, and constables, and city, town, and township assessors, shall each be in a penal sum to be fixed by the board of supervisors.

Sec. 10. Minimum of bonds. Bonds of members of the board of supervisors, treasurers, clerks of the district courts, county auditors, sheriffs, and county attorneys shall not be in less sum than five thousand dollars (\$5,000.00) each, and those of justices and constables, not less than five hundred dollars (\$500.00) each.

Sec. 11. Expense of treasurer's bond paid by county. If any county treasurer shall elect to furnish a bond with any association or incorporation as surety as provided in this chapter, the reasonable cost of such bond shall be paid by the county where the bond is filed.

Sec. 12. Municipal officers. The bonds of all municipal officers who are required to give bonds shall each be in such penal sum as may be provided by law or as the council shall from time to time prescribe by ordinance; but the bonds of mayors shall not be in less sum than five hundred dollars (\$500.00) each.

Sec. 13. Bonds of deputy officers. Bonds required by law of deputy state, county, city, and town officers shall, unless otherwise provided, be in such amounts as may be fixed by the governor, board of supervisors, or the council, as the case may be, with sureties as required for the bonds of the principal, and filed with the same officer. The giving of such bond shall not relieve the principal from liability for the official acts of the deputy.

Sec. 14. Minimum number of sureties - qualifications. Every bond required by this chapter, except as hereinafter specified, shall be executed with at least two (2) sureties, each of whom shall be a freholder of the state. The bonds of the state treasurer and of the county treasurer shall have not less than four (4) sureties, possessed of like qualifications.

Sec. 15. Surety company bonds. Any association or incorporation which does the business of insuring the fidelity of others, and which has authority by law to do business in this state, shall be accepted as surety upon bonds required by law.

Sec. 16. Beneficiary of bond. All bonds of public officers shall run to the state, and be for the use and benefit of any corporation, public or private, or person injured or sustaining loss, with a right of action in the name of the state for its or his use.

Sec. 17. Approval of bonds. Bonds shall be approved:

1. By the governor, in case of state and district officers, elective or appointive.
2. By the board of supervisors, in case of county officers, township clerks, and assessors.
3. By a judge of the district court of the county in question, in case of members of the board of supervisors.
4. By the township clerk, in case of other township officers.
5. By the mayor, or as may be provided by ordinance, in case of city or town officers.
6. By the city or town council, in case of the office of mayor.

Sec. 18. Time for approval. All bonds shall be approved or disapproved within five (5) days after their presentation for that purpose, and indorsed, in case of approval, to that effect and filed.

Sec. 19. Approval by auditor. When a bond, approvable by the board of supervisors, of any public officer is presented after the final adjournment of the January session of said board, except those of the county auditor and treasurer, the auditor may approve such bond, in which case he shall report his action to the board at its next session. The action of the auditor in approving the bond shall stand as the action of the board unless the board enters its disapproval. If such disapproval be entered, the new bond must be given within five (5) days from the date of such decision, but the old bond shall stand good for all acts done up to the time of the approval of the new bond.

Sec. 20. Failure of board to approve - application to judge. If the board of supervisors refuses or neglects to approve the bond of any county officer, he may within five (5) days thereafter, or after the expiration of the time allowed for such approval, present the same for approval to a judge of the district court of the proper district, who shall fix a day for the hearing. Notice of such hearing shall be given the board and return made in the same manner as in a civil action, and the court or judge at the time fixed shall, unless good cause for postponement be shown, proceed to hear the matter and approve the bond, if found sufficient, and such approval shall have the same force and effect as an approval by the board.

Sec. 21. Custody of bond. The bonds and official oaths of public officers shall, after approval and proper record, be filed:

1. For all state officers, elective or appointive, except those of the secretary of state, with the secretary of state.
2. For the secretary of state, with the state auditor.
3. For county and township officers, except those of the county auditor, with the county auditor.
4. For county auditor, with the county treasurer.
5. For members of the board of supervisors, and for justices of the peace, with the clerk of the district court.
6. For officers of cities and towns, and officers not otherwise provided for, when both bond and oath are required, in the office of the officer or clerk of the body approving the bond.
7. For officers of cities and towns when only an oath is required, in the office of the mayor.

Sec. 22. Recording of bonds. The secretary of state, each county auditor, and each auditor or clerk of a city or town, shall keep a book, to be known as the "Record of Official Bonds", and all official bonds shall be recorded therein in full as follows:

1. In the record kept by the secretary of state, the official bonds of all state officers, elective or appointive, except the bonds of notaries public.
2. In the record kept by the county auditor, the official bonds of all county officers, elective or appointive, justices of the peace, township clerks, constables, and all assessors.
3. In the record kept by the city or town auditor or clerk, the official bonds of all city or town officers, elective or appointive.

Said records shall have an index which, under the title of each office, shall show the name of each principal, his sureties, and the date of the filing of the bond. A bond when recorded shall be returned to the officer charged with the custody thereof.

Sec. 23. Failure to give bond. Any officer who acts in an official capacity without giving bond when such bond is required shall be fined in an amount not exceeding the amount of the bond required of him.

That section two hundred forty-one-a thirty-six (241-a36) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 24. Superintendent of printing - appointment - duties. The printing board shall, by a majority vote, appoint some person having the same qualifications as the appointive members of the board who shall be officially known as superintendent of printing, and be ex officio secretary and general executive officer of the board. Said superintendent shall serve during the pleasure of the board.

That section two hundred forty-seven-a one (247-a1) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 25. Appointment and tenure. The executive council shall appoint a custodian of public buildings and grounds who shall hold office during the pleasure of said council.

Approved February 2, 1924.

CHAPTER 22
RELEASE OF SURETIES ON BONDS
S. F. 33

AN ACT to amend, revise, and codify sections six hundred thirty-two (632) and six hundred thirty-eight (638) of the compiled code of Iowa, relating to the release of sureties on bonds required by law.

Be It Enacted by the General Assembly of the State of Iowa:

That section six hundred thirty-two (632) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Release of sureties on bonds of public officers. When any surety on the bond of a public officer desires to be relieved of his obligation, he may petition the approving officer or board for relief, stating the grounds therefor.

That section six hundred thirty-eight (638) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 2. Release of sureties on other bonds. When the principal on the bond has been appointed by a judge or court or is under the jurisdiction of a court, the petition for release must be presented to said court and the release shall be made subject to the orders of said court. Sureties on other bonds required by law who desire to be released of their obligation may proceed in the manner required for release in case of bonds of public officers. The provisions of this section shall not apply to sureties on bonds given to secure the performance of contracts for public works, nor to sureties on appearance bonds in criminal cases.

Sec. 3. Return of premium by surety. When a surety is released as heretofore provided, he shall refund to the party entitled thereto the premium paid, if any, less a pro rata part thereof for the time said bond has been in force.

Approved March 17, 1924.

AN ACT to amend, revise, and codify chapter twenty-one (21) of title four (4) of the compiled code of Iowa and of the supplement to said code, relating to removal from office.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter twenty-one (21) of title four (4) of the compiled Code of Iowa and of the supplement to said Code is amended, revised, and codified to read as follows:

Section 1. Removal by court or judge. Any appointive or elective officer, except such as may be removed only by impeachment, holding any public office in the state or in any division or municipality thereof, may be removed from office by the district court for any of the following reasons:

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

2. For wilful misconduct or maladministration in office.

3. For corruption.

4. For extortion.

5. Upon conviction of a felony.

6. For intoxication, or upon conviction of being intoxicated.

Sec. 2. Jurisdiction. The jurisdiction of the proceeding provided for in this chapter shall be as follows:

1. As to state officers whose offices are located at the seat of government, the district court of Polk county.

2. As to state officers whose duties are confined to a district within the state, the district court of any county within such district.

3. As to county, municipal, or other officers, the district court of the county in which such officers' duties are to be performed.

Sec. 3. Who may file petition. The petition for removal may be filed:

1. By the attorney general in all cases.

2. As to state officers, by not fewer than twenty-five (25) electors of the state.

3. As to any other officer, by five (5) qualified electors of the district, county, or municipality where the duties of the office are to be performed.

4. As to district officers, by the county attorney of any county in the district.

5. As to all county and municipal officers, by the county attorney of the county where the duties of the office are to be performed.

Sec. 4. Form of petition - other pleading. The petition shall be filed in the name of the state of Iowa. The accused shall be named as defendant and the petition, unless filed by the attorney general, shall be verified. The petition shall state the charges against the accused and may be amended as in ordinary actions, and shall be filed in the office of the clerk of the district court of the county having jurisdiction. The petition shall be deemed denied but the accused may plead thereto.

Sec. 5. Notice to accused. Upon the filing of a petition, notice of such filing and of the time and place of hearing shall be served upon the accused in the manner required for the service of notice of the commencement of an ordinary action. Said time shall not be less than ten (10) days nor more than twenty (20) days after completed service of said notice.

Sec. 6. Suspension from office pending trial. Upon the filing of the petition in the office of the clerk of the district court, and presentation of the same to the judge, the court or judge may suspend the accused from office, if in his judgement sufficient cause appear from the petition and affidavits which may be presented in support of the charges contained therein.

Sec. 7. Effect of suspension. In case of suspension, the order shall be served upon the officer in question and it shall be unlawful for him to exercise or attempt to exercise any of the functions of his office until such suspension is revoked.

Sec. 8. Governor to direct filing. The governor shall direct the attorney general to file such petition against any of said officers whenever he has reasonable grounds for such direction. The attorney general shall comply with such direction and prosecute such action.

Sec. 9. Duty of county attorney. The county attorney of any county in which an action is instituted under the last preceding section shall, at the request of the attorney general, appear and assist in the prosecution of such action. In all other cases instituted in his county, the county attorney shall appear and prosecute when the officer sought to be removed is other than himself.

Sec. 10. Special prosecutor when county attorney is defendant. When the proceeding is brought to remove the county attorney, the court may appoint an attorney to appear in behalf of the state and prosecute such proceedings.

Sec. 11. Application for judge outside district. At any time not less than five (5) days prior to the time the accused is required to appear, a copy of the petition may be filed by either party in the office of the clerk of the supreme court, together with an application to the supreme court for the appointment of a judge outside the judicial district in which the trial is to be had to hear said petition.

Sec. 12. Appointment of judge outside. It shall be the duty of the chief justice of the supreme court, upon the filing of said copy and application, or in his absence or inability to act, any justice thereof, to forthwith issue a written commission directing a district judge outside of such district to proceed to the county in which the complaint was filed, and hear the same. The clerk of the supreme court shall transmit a certified copy of said order to the clerk of the district court where the cause is pending.

Sec. 13. Order by appointed judge. Upon the receipt of such commission, said judge shall immediately make an order fixing a time and place of hearing in the county in which the petition is filed. Said time shall not be less than ten (10) days nor more than twenty (20) days from the date of the order.

Sec. 14. Filing order - effect. Said order shall be forwarded to the clerk of the district court of the county in which the hearing is to be had. Said order shall supersede the time and place specified in any notice already served.

Sec. 15. Notice to accused. The clerk shall file said order, and forthwith give the defendant, by mail, notice of the time and place of hearing.

Sec. 16. Nature of action - when triable. The proceeding shall be summary in its nature, shall be triable as an equitable action, and may be heard either in vacation or term time.

Sec. 17. Temporary officer. Upon such suspension, the board or person authorized to fill a vacancy in the office, shall temporarily fill the office by appointment. In case of a suspension of a clerk or sheriff, the district court or judge thereof may supply such place by appointment until a temporary appointment shall be made. Such orders of suspension and temporary appointment of county and township officers shall be certified to the county auditor, and be by him entered in the election book; those of city and town officers, certified to the clerk and entered upon the records; in case of other officers, to the person or body making the original appointment.

Sec. 18. Judgment of removal. Judgment of removal, if rendered, shall be entered of record, and the vacancy forthwith filled as provided by law.

Sec. 19. Hearing on appeal. In case of appeal, the supreme court shall fix the time of hearing and the filing of abstracts and arguments, and said cause shall be advanced and take precedence over all other causes upon the court calendar, and shall be heard at the next term after the appeal is taken, provided the abstract and arguments are filed in said court in time for said action to be heard.

Sec. 20. Effect of appeal. The taking of an appeal by the defendant and the filing of a supersedeas bond shall not operate to stay the proceedings of the district court or judge, or restore said defendant to office pending such appeal.

Sec. 21. Effect of dismissal. If the petition be dismissed on final hearing on the merits, the defendant shall have judgment against the state, if the action was instituted by the attorney general, and against the county, city, town, or other subdivision of the state if the action is otherwise instituted, for the reasonable and necessary expenses incurred by the defendant in making his defense, including a reasonable attorney fee, to be fixed by the court or judge. Such payment shall be made out of any funds in the state treasury not otherwise appropriated, or out of the general fund of the county, city, town, or other subdivision of the state, as the case may be.

Sec. 22. Complaint without probable cause. If the action is instituted upon complaint of citizens, and it appears to the court that there was no reasonable cause for filing the complaint, such expense may be taxed as costs against the complaining parties.

Sec. 23. Expense of judge and reporter. A judge who is required to preside at such hearing, outside of his judicial district, and the judge's official reporter who is required to report such hearing, shall be allowed, from the state treasury, their necessary and actual expenses incurred by reason of such hearing.

Sec. 24. Appointive state officers. Any appointive state officer may also be removed from office by a majority vote of the executive council for any of the following causes:

1. Habitual or wilful neglect of duty.
2. Any disability preventing a proper discharge of the duties of his office.
3. Gross partiality.
4. Oppression.
5. Extortion.
6. Corruption.
7. Wilful misconduct or maladministration in office.
8. Conviction of felony.
9. A failure to produce and fully account for all public funds and property in his hands at any inspection or settlement.
10. Becoming ineligible to hold office.

Sec. 24-a1. Subpoenas - contempt. The executive council, in any investigation held by it, may issue subpoenas for witnesses and for the production of records, books, papers, and other evidence. If a witness, duly subpoenaed, refuses to appear, or refuses to testify, or otherwise refuses to comply with said subpoena, such fact shall be certified by such council to the district court or judge of the county where the hearing is being held and said court or judge shall proceed with said refusal as though the same had occurred in a legal proceeding before said court or judge.

Sec. 24-a2. Witness fee. Said witnesses, if in the employ of the state, shall not be entitled to any witness fees but shall receive the mileage allowed witnesses in the district court. Other witnesses shall receive the fees and mileage allowed witnesses in district court. A sum sufficient to pay said fees and mileage is hereby appropriated out of any unappropriated funds in the state treasury.

Sec. 25. City or town officers. Any city or town officer, elective or appointive, may be removed from office, after hearing on written charges filed with the council of such city or town, for any cause which would be ground for an equitable action for removal in the district court, but such removal can only be made by a two-thirds (2-3) vote of the entire council.

Sec. 26. Method of removal - limitation. The council, including councils of cities acting under special charters, may, by ordinance, provide as to the manner of preferring and hearing such charges. No person shall be twice removed by the council from the same office for the same offense. Proceedings before the council shall not be a bar to proceedings in the district as in this chapter provided.

Approved April 26, 1924.

CHAPTER 24
VACANCIES IN OFFICE
S. F. 35

AN ACT to amend, revise, and codify sections six hundred sixty-eight (668) and six hundred seventy-one (671) of the compiled code of Iowa, relating to vacancies in office.

Be It Enacted by the General Assembly of the State of Iowa:

That sections six hundred sixty-eight (668) and six hundred seventy-one (671) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Vacancies - how filled. Vacancies shall be filled by the officer or board named, and in the manner, and under the conditions, following:

1. United States senator. In the office of United States senator, when the vacancy occurs when the senate of the United States is in session, or when such senate will convene prior to the next general election, by the governor.

2. State offices. In all state offices, judges of courts of record, officers, trustees, inspectors and members of all boards or commissions, and all persons filling any position of trust or profit in the state, by the governor, except when some other method is specially provided.

3. Supreme court appointees. In the offices of clerk and reporter of the supreme court, by the supreme court.

4. County offices. In county offices, including justices of the peace and constables, by the board of supervisors.

5. Board of supervisors. In the membership of the board of supervisors, by the clerk of the district court, auditor and recorder.

6. Clerk of the district court. In the office of the clerk of the district court, by the said court or by a judge thereof, by order entered of record in the court journal which order shall be effective until the vacancy shall be filled in the manner provided by law.

7. Township offices. In township offices, including trustees, by the trustees, but where the offices of the three (3) trustees are all vacant, the county auditor shall appoint.

Approved February 15, 1924.

CHAPTER 25
ADMINISTRATION OF OATHS
S. F. 39

AN ACT to amend, revise, and codify section seven hundred four (704) of the compiled code of Iowa, relating to the administration of oaths.

Be It Enacted by the General Assembly of the State of Iowa:

That section seven hundred four (704) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. General authority. The following officers are empowered to administer oaths and to take affirmations:

1. Judges of the supreme, district, superior, municipal, and police courts.
2. Official court reporters of district, superior, and municipal courts in taking depositions under appointment or by agreement of counsel.
3. Clerks and deputy clerks of said district, superior, police, and municipal courts.
4. Justices of the peace within the county of their residence.
5. Notaries public within the county of their appointment, and within any adjoining county in which they have filed with the clerk of the district court of said adjoining county a certified copy of their certificate of appointment.

Sec. 2. Limited authority. The following officers and persons are empowered to administer oaths and to take affirmations in any matter pertaining to the business of their respective office, position, or appointment:

1. Governor, secretary of state, secretary of agriculture, auditor of state, treasurer of state, attorney general.
2. Members of all boards, commissions, or bodies created by law.
3. All county officers other than those named in the preceding section.
4. Mayors and clerks of cities and towns, judges and clerks of election, township clerks, assessors, and surveyors.
5. All duly appointed referees or appraisers.

Sec. 3. Jurat by deputy. In preparing a jurat to an oath or affirmation administered by a deputy, it shall be sufficient for the deputy to affix his own name, together with the designation of his official position, and the seal of his principal, if any.

Approved February 27, 1924.

CHAPTER 26
SALARIES, FEES, DEPOSITS, AND LEGAL NOTICES
H. F. 40

AN ACT to amend, revise, and codify sections seven hundred six (706), seven hundred seven (707), seven hundred ten (710), seven hundred sixteen (716), seven hundred seventeen (717), seven hundred nineteen (719) to seven hundred twenty-two (722), inclusive, of the compiled code of Iowa, relating to the deposit of public funds by officers, and to the salaries, fees, expenses, and expenditures of such officers, and to the publication and posting of legal notices.

Be It Enacted by the General Assembly of the State of Iowa:

That sections seven hundred six (706) and seven hundred seven (707) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Appraisers of property. The compensation of appraisers appointed by authority of law to appraise property for any purpose shall be fifty cents (50c) per hour for each appraiser for the time necessarily spent in effecting the appraisal and five cents (5c) a mile for the distance traveled in going to and returning from the place of appraisal, which shall, unless otherwise provided, be paid out of the property appraised or by the owner thereof.

That section seven hundred ten (710) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 2. Fees payable in advance. All fees, unless otherwise specifically provided, are payable in advance, if demanded, except in the following cases:

1. When the fees grow out of a criminal prosecution.
2. When the fees are payable by the state or county.
3. When the orders, judgments, or decrees of a court are to be entered, or performed, or its writs executed.

Sec. 3. Witnesses for defendant in criminal cases. Witnesses subpoenaed for the defendant in criminal cases may demand their fees in advance as in civil cases, unless the subpoena shows that it is issued under the order of the judge.

That sections seven hundred sixteen (716) and seven hundred seventeen (717) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 4. Deposit of state funds. All elective and appointive state officers, boards, commissions, and departments, except the state fair board, the state board of education and the board of control of state institutions, shall, within ten (10) days succeeding the collection thereof, deposit, with the treasurer of state, or to the credit of said treasurer in any depository by him designated ninety per cent (90%) of all fees, commissions, and moneys collected or received; the balance actually collected in cash, remaining in the hands of any officer, board or department shall not exceed the sum of five thousand (\$5,000) and no money collected shall be held more than thirty days.

Sec. 5. Statement itemized. Each deposit shall be accompanied by an itemized statement of the sources from which the money has been collected, and the funds to be credited, a duplicate of which shall, at the time, be filed with the auditor of state.

Sec. 6. Auditor and treasurer to keep account. The treasurer and auditor of state shall each keep an accurate account of the moneys so deposited.

That sections seven hundred nineteen (719) to seven hundred twenty-two (722), inclusive, of the compiled Code of Iowa, are amended, revised, and codified to read as follows:

Sec. 7. Publication of legal notices. The compensation, when not otherwise fixed, for the publication in a newspaper of any notice, order, citation, or other publication required or allowed by law, shall not exceed one dollar (\$1.00) for one (1) insertion, and fifty cents (50c) for each subsequent insertion, for each ten (10) lines of brevier type, or its equivalent, in a column not less than two and one-sixth (2 1/6) inches in width.

Sec. 8. Selection of newspapers. Publications may be made in a newspaper published once a week or oftener. The plaintiff or executor or his attorney, in all publications concerning actions, executions, and estates, may designate the newspaper in which such publication shall be made.

Sec. 9. Refusal to publish. If publication be refused when copy therefor, with the cost or security for payment of the cost, is tendered, such publication may be made in some other newspaper of general circulation at or nearest to the county seat, with the same effect as if made in the newspaper so refusing.

Sec. 10. Days of publication. When the publication is in a newspaper which is published oftener than once a week, the succeeding publications of such notice, shall be on the same day of the week as the first publication. This section shall not apply to any notice for the publication of which provision inconsistent herewith is specially made.

Sec. 11. Posting advertisements. In all cases where an officer in the discharge of his duty is required to post an advertisement or notice, he shall, when not otherwise provided, be allowed twenty-five cents (25c) and the same mileage as a sheriff.

Sec. 12. Party to pay for publication. Publications required by law, shall, in the first instance, be paid for by the party causing publication, and shall be taxed as costs in the proceeding.

Approved February 20, 1924.

CHAPTER 27
COAL MINES AND MINING
S. F. 41

AN ACT to amend, revise, and codify chapter one (1) of title five (5) of the compiled code of Iowa, and of the supplement to said code, relating to coal mines, and mining.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter one (1) of title five (5) of the compiled Code of Iowa, and of the supplement to said Code is amended, revised, and codified to read as follows:

CHAPTER 1
COAL MINES AND MINING

Section 1. Board of examiners. The executive council shall, on or before June thirtieth of each even-numbered year, appoint a board of five (5) examiners, consisting of two (2) practical miners and two (2) mine operators, all holding certificates of competency as mine foremen, and one (1) mining engineer, each of whom shall have had at least five (5) years' actual experience in his profession immediately preceding his appointment, who shall hold office for a term of two (2) years, and until their successors have been appointed and have qualified.

Sec. 2. Qualifications--malfeasance--removal. No member of said board shall be interested in or connected with any school, scheme, plan, or device having for its object the preparation, education, or instruction of persons in the knowledge required of applicants for certificates of competency. Any member of said board shall be summarily removed from office by the executive council, upon due notice and hearing, for violation of the law, malfeasance or misfeasance in the performance of his duties or for other sufficient cause and his successor shall thereupon be appointed by the said executive council for the unexpired term.

Sec. 3. Meetings--regulations--examinations--notice. The board shall meet in the office of the state mine inspectors at the seat of government on the first Monday in March of each even-numbered year for the examination of applicants for certificates of competency for mine inspector, and at such other times and places as shall be necessary in the discharge of its duties. They shall adopt rules and regulations and prescribe and conduct such examinations of applicants as shall carry out the purpose and intent of this chapter in relation to the qualifications of mine inspectors. Notice of all such examinations shall be published in at least one (1) newspaper in each mine district not less than fifteen (15) days preceding the date of such examination. The board shall hold such meetings at such times and places as may be necessary for the examination of applicants for certificates of mine hoisting engineers and mine foremen. They shall prescribe and adopt such rules and regulations therefor as may be reasonably necessary for the conducting of such examinations, which shall include among other things to be determined by the board, the following:

Examination of Mine Foremen.

A knowledge on the part of such applicants of

- (a) the conditions relating to the safety of the underground workings of a mine;
- (b) the nature and properties of noxious, poisonous and explosive gases found in mines;
- (c) the different systems of working coal mines and ventilation thereof;
- (d) the administering of first aid treatment to injured workmen.

Examination of Hoisting Engineers.

A knowledge on the part of such applicants of

- (a) the conditions relating to the safety of machinery in charge of a mine hoisting engineer, including all property connected therewith used in operating such machinery and also the machinery utilized at escape ways and shafts and ventilating apparatus.

Such questions shall not be exclusive of any other questions to be presented by the board, but the board shall prepare and present such additional questions as they may deem best to carry out the spirit and intent of the law. The board shall issue to those examined and found to possess the requisite qualifications, certificates of competency for the position of mine foremen or mine hoisting engineers.

Sec. 4. Examination--qualification of candidates for mine inspector. The examination for mine inspectors shall consist of oral and written questions in theoretical and practical mining and mine engineering, on the nature and properties of noxious and poisonous gases found in mines, and on the different systems of working and ventilating coal and gypsum mines. During the progress of the examination, access to books, memoranda, or notes shall not be allowed, and the board shall issue to those examined and found to possess the requisite qualifications, certificates of competency for the position of mine inspector; but certificates shall be granted only to persons of twenty-five (25) years of age or over, of good moral character, citizens of the state, and with at least five (5) years' experience in the practical working of mines, and who have not been acting as agent or superintendent of any mines for at least six (6) months next preceding such examination.

Sec. 5. Mine inspectors--vacancies. The governor shall on or before July first (1), nineteen hundred twenty-seven (1927), and every four (4) years thereafter, appoint three (3) mine inspectors from those receiving certificates of competency from the board of examiners as by law provided, who shall hold their office for a term of four (4) years and until their successors shall be appointed and qualify, subject to removal by him for cause. Any vacancies occurring shall be filled in the same manner as original appointments, for the unexpired term only.

The mine inspectors in office at the time this section takes effect shall continue to serve as such until June thirtieth (30th), nineteen hundred twenty-seven (1927).

Sec. 6. Removal of inspector--charges--bond--notice. Charges of gross neglect of duty or malfeasance in office against any inspector may be made in writing, sworn to and filed with the governor, and must be made by five (5) miners, or one (1) or more mine operators; such charges shall be accompanied with a bond in the sum of five hundred dollars (\$500.00), running to the state, with two (2) or more sureties approved by the clerk of the district court of the county in which the sureties reside, conditioned on the payment of all costs and expenses arising from the investigation of the charges, and thereupon the governor shall convene the board of examiners at such time and place as he may designate, giving the inspector and the person whose name first appears in the charge ten (10) days' notice thereof.

Sec. 7. Manner of trial--report of findings--costs. The board, at the time and place fixed, shall proceed to hear, try, and determine the matter, and for this purpose shall summon any material witness desired by either party, and any member may administer the proper oath to all witnesses. Evidence may also be taken by deposition as in other cases, and continuances of the hearing may be granted in furtherance of justice and upon the application of either party. After the evidence has been fully heard, the board shall report to the governor its action and decision. If the charges are sustained, the inspector shall be forthwith removed by the governor, and the costs and expenses of the hearing taxed against the inspector, but if the charges are not sustained, the costs shall be taxed against the parties filing the charges and their bondsmen.

Sec. 8. Appeal--notice--manner of trial. The aggrieved party shall have the right to appeal from such findings and order to the district court of any county in the district of the inspector against whom charges were made, by giving notice in writing to the board, or any member thereof, served in the same manner as original notices, within ten (10) days from the time of filing the findings with the governor, or if the order of removal is made, within ten (10) days therefrom. Upon such appeal all matters shall be heard bearing upon the charges made, and the pleadings may be amended within the discretion of the court. The appeal shall be tried as an equitable action and the first term after the appeal is perfected shall be the trial term. Upon such hearing the court shall render and enter such order or decree as the evidence warrants in equity and justice. Nothing herein contained shall prevent the governor from proceeding under any law provided for the suspension or removal of state officers for malfeasance or non-feasance in office.

Sec. 9. Qualifications of inspector. Each inspector shall devote his entire time and attention to the business incumbent upon him. An inspector shall in no way be financially interested in or connected with any mining property or directly or indirectly act as agent, officer, or representative of any person, firm, or corporation engaged or interested in mining or any business connected therewith.

Sec. 10. General office--report to governor. The three (3) inspectors shall maintain a general office at the seat of government and keep therein all records, correspondence, documents, apparatus, or other property pertaining to their office; they shall at the time provided by law, make a biennial report to the governor of their official doings, including therein all matters which by this chapter are specially committed to their charge, adding such suggestions as to needed future legislation as in their opinion may be important.

Sec. 11. Inspection districts--local office--expenses. The governor shall divide the state into three (3) inspection districts, and assign one (1) inspector to each district. Each inspector shall maintain an office at some suitable place in his district, to be approved by the governor, and shall reside in the district and remain therein, unless engaged in the conduct of his official duties. The expenses of the local office of the mine inspector, including rental and other necessary expenses, not exceeding one hundred eighty dollars (\$180.00) per year, shall be paid by the state.

Sec. 12. Duties of inspector--record. He shall examine, test, and adjust, as often as he deems necessary, all scales, beams, and other apparatus used in weighing coal at the mines. He shall examine all the mines in his district as often as the time will permit, which examination shall be made at least once every six (6) months, keep a record of the inspections made, showing date, the condition in which the mine is found, the extent and manner in which the laws relating to the government of mines and their operation are observed and obeyed, the progress made in improvements for better security to health and life, number of accidents happening and their character, the number employed, and such other matters as may be of public interest and connected with the mining industries of the state.

Sec. 12-a1. Posting of reports. Inspectors, immediately after making an inspection, shall post or cause to be posted, at some convenient and conspicuous place to which employees of such mine and their representatives shall have free access, a summary report of the conditions found to exist in the mine, together with any requests or orders made for changes or repairs.

Sec. 12-a2. Duty of mine owner. The owner of every mine in this state, subject to inspection, shall provide a suitable place for posting of reports as provided in the preceding section, which place shall be so located and constructed as to protect the report, when posted, from the weather and from improper removal. The place for posting such report and the means of protection therefor, shall conform to the direction of the mine inspector.

Sec. 12-a3. Unlawful destruction. Any person who, without the consent of the mine inspector, intentionally destroys such report or place for keeping the same, shall be deemed guilty of a misdemeanor.

Sec. 13. Right to enter mine--assistance by owner. The inspector shall have the right at all reasonable times, by day or night, to enter any mine in his district or any district to which he may be sent by the governor, for the purpose of ascertaining its condition, and the manner of its operation, by making personal examination and inquiry in relation thereto, but not so as to unnecessarily obstruct or impede the working of the mines; and to this end the mine owner or person in charge shall furnish such mine inspector all necessary assistance.

Sec. 14. Terms defined. Wherever the word "operator" occurs in this chapter it shall include the owner, lessee, agent, managing officer, and person in charge of any mine.

Sec. 15. Maps--surveys. The operator of any mine shall comply with the following provisions relative to maps and surveys:

1. Each mine map shall be drawn to a scale of not more than two hundred (200) feet to the inch.

2. Each map shall show the name of the state, county, and township in which the mine is located; the designation of the mine, the name of the company or operator, the certificate of the mining engineer or surveyor as to the accuracy and date of the survey, the north point, and the scale to which the map is drawn.

3. Every such map or plan shall correctly show the surface boundary lines of the coal rights pertaining to each mine and all section or quarter section lines or corners within the same, the lines of town lots and streets, the tracks and sidetracks of all railroads, the location of wagon roads, rivers, streams, and ponds, and reservations made of coal and mineral.

4. For the underground workings said map shall show all shafts, slopes, tunnels, or other openings to the surface or to the workings of a contiguous mine; all excavations, entries, rooms, and crosscuts; the location of the escape ways, and of the fan or furnace or other means of ventilation and the direction of air currents, and the location of permanent pumps, hauling engines, engine planes, abandoned works, fire walls, and standing water.

5. A separate and similar map drawn to the same scale in all cases shall be made of each and every seam of coal operated in any mine in this state. A separate map shall also be made of the surface whenever the surface buildings, lines, or objects are so numerous as to obscure the details of the mine workings if drawn upon the same sheet with them, and in such case the surface map shall be drawn upon transparent cloth or paper so that it can be laid upon the map of the underground workings and thus truly indicate the local relation of lines and objects on the surface to the excavations of the mine and any other principal workings of the mine.

6. Each map of underground workings shall also show by profile drawing and measurement, the last one hundred fifty (150) feet approaching the boundary lines, showing the rise and dip of the seam.

7. The original or true copies of all such maps shall be kept at the office of the mine, and true copies thereof shall also be furnished the state mine inspector for the district in which said mine is located, within thirty (30) days after the completion of the same.

8. An accurate extension of the last preceding survey of every mine in active operation shall be made once in every twelve (12) months prior to July first of every year and the result of such survey, with the date thereof, shall be promptly and accurately entered upon the original map, and a true, correct, and accurate copy of said extended map shall be forwarded to the inspector of mines in the district in which said mine is located so as to show all changes in plan of new work in the mine, and all extensions of the old workings to the most advanced face or boundary of said workings which have been made since the last preceding survey, and the parts of the mine abandoned or worked out after the last preceding survey shall be clearly indicated and shown by coloring, which copy must be delivered to the inspector of mines within thirty (30) days after the last survey is made.

9. When any coal mine is worked out or is about to be abandoned or indefinitely closed, the operator of the same shall make or cause to be made a completed and extended map of said mine and the result of the same shall be duly extended on all maps of the mine and copies thereof so as to show all excavations and the most advanced workings of the mine, and their exact relation to the boundary or section lines on the surface, and deliver to the inspector a copy of the completed map.

10. The inspector shall order a survey to be made of the workings of any mine, and the result to be extended on the maps of the same and the copies thereof, when in his judgment the safety of the workmen, the support of the surface, the conservation of the property, or the safety of an adjoining mine requires it. If not made by the operator when ordered by the inspector, such inspector shall cause it to be made and paid for by the state and the amount collected from the operator.

Sec. 16. Failure to furnish map. When the operator of any mine neglects or refuses for a period of ninety (90) days to furnish to said inspector the map or plan, or a copy thereof, of such mine or any extension thereof, as provided in this chapter, the inspector shall cause to be made an accurate map or plan of such mine or extension as the case may be, at the expense of the operator. The cost shall be paid by the state and recovered from such operator. It shall be the duty of the county attorney of the county in which such mine is located, at the request of the inspector, to bring action in the name of the state for such recovery.

Sec. 17. Maps property of state--custody--copies. The maps so delivered to the inspector shall be the property of the state and shall remain in the custody of the inspector during his term of office, and be delivered to his successor in office. They shall be kept at the office of the inspector and be open to examination by all persons interested in the same; but such examination shall only be made in the presence of the inspector or his office assistant, and he shall not permit any copies of the same to be made without the written consent of the operator or the owner of the property, except as otherwise provided.

Sec. 18. Escape ways and air shafts. The operator of any mine shall construct and maintain at least two (2) distinct openings for each seam of coal worked, which, in mines operated by shaft, shall be separated by natural strata of not less than three hundred (300) feet in breadth, and in mines operated by slope or drift not less than two hundred (200) feet in breadth, through which ingress and egress at all times shall be unobstructed to the employees and persons having occasion to use the same as escape ways or places of exit from the mine; but where five (5) or a less number of persons are employed, the mine inspector in the exercise of a sound discretion shall have the power to waive the requirements of this section.

Sec. 19. Stairways for escape--air shafts separated. All escape shafts not provided with hoisting appliances as hereinafter provided shall have stairs at an angle of not more than sixty (60) degrees in ascent, nor less than two and one-half (2 1/2) feet in width, with proper, safe, and substantial landings at convenient and easy distances, and equipped with substantial hand rails or banisters. If a shaft be used for an escape way and air shaft, that part used as an escape way shall be divided and partitioned closely with substantial material from the part used as an air shaft, all of which shall be kept in safe condition.

Sec. 20. Hoisting appliances for escape shafts. All escape shafts not provided with stairs shall be provided with suitable appliances for hoisting underground workmen at all time, ready for use both day and night, while the workmen are in the mine. The hoisting apparatus shall be separate and apart from the hoisting shaft, and the equipment shall include a depth indicator, brake on the drum, steel or iron cable, safety catches on cages, and covers on cages to securely protect any person on the cage.

Sec. 21. Underground connections with contiguous mine. Where two (2) or more mines are connected underground the owners by joint agreement may use the hoisting shaft, slope, or drift of the one as an escape way for the other, and the road or traveling ways thereto on either side shall be kept clear of every obstruction to travel by the respective operators, and the intervening doors, if any, shall remain unlocked and ready at all time for immediate use. When such connection has once been established between contiguous mines, it shall be unlawful for the operator of either mine to close the same without consent both of contiguous operators and of the inspector of mines of the district; but when either operator desires to abandon mining operations, the expenses and duty of maintaining such connection shall devolve upon the party continuing operation.

Sec. 22. Location of shafts--approval of inspector. No escape shaft or other place of exit, air shaft or opening for ventilation, not including hoisting shafts, shall be located or constructed without first giving notice to the mine inspector, and obtaining his approval thereof in writing, who shall retain a copy and file in his office and preserve with other records of that mine.

Sec. 23. Additional air way or escape way. The mine inspector of the district in which any mine is located shall have the right at any time to order such additional air way or escape way, shaft, opening, or other place of exit as may be deemed necessary for the purpose of furnishing necessary additional ventilation or means of escape.

Sec. 24. Appeal from order--time and manner of trial. The operator shall have the right to appeal from such order to the district court, where the action shall be tried in equity, and shall have precedence over any and all other cases, and the first term held after the taking of such appeal shall be the trial term; but in any case the mine inspector may elect, by giving five (5) days' notice to the party taking the appeal, to bring said cause on for hearing before any judge of the judicial district in which such mine is located, who shall have discretion to fix a time and place for such trial in vacation. Upon such hearing the court shall render and enter such order or decree as the evidence warrants in equity and justice.

Sec. 25. Ventilation--obstruction prohibited. Escape ways shall be ventilated and kept free from vitiated air, accumulation of ice, and obstructions of every kind; nor shall steam or heated air be discharged therein during the daytime unless an attendant be kept in charge thereof and the equipment so arranged that the steam or warm air may be readily turned off at any time, and a conspicuous signboard placed in plain view indicating the point where the steam or warm air may be turned off. All surface or other water which flows therein shall be conducted by rings or other means to receptacles so as to keep the stairway reasonably free from water.

Sec. 26. Traveling ways--signboards--inspection. In any mine affected by this chapter and every seam of coal or other mineral worked therein, the following requirements shall apply:

1. There shall be constructed, kept, and maintained safe and assessable traveling ways to and from any and all escape ways or places of exit, which shall be maintained free from falls of roof, standing water, and other obstructions and made at least five (5) feet high and seven (7) feet wide. But in any case when, in the judgment of the inspector of the district where the mine is located, it is impracticable by reason of any conditions to make the traveling way of such dimensions, then the traveling way may be made and maintained not less than three (3) feet in height and six (6) feet in width, upon written permission of the mine inspector.

2. At all points where the passage or traveling ways to an escape shaft or place of exit intersect other roadways or entries, conspicuous signboards shall be placed thereat indicating the way to such shaft or place of exit.

3. All traveling ways shall be inspected by the mine foreman or his assistant at least once each week, and written report of their condition made and filed in the office of the mine, which shall be open for examination to all the employees of the mine and all other persons entitled thereto at all reasonable times.

Sec. 27. Dispute as to orders of inspector--copy of order--appeal. If any dispute or difference should arise as to the findings or orders of the mine inspector under the provisions of the preceding section, between such inspector and employer operating the mine, or between such inspector and at least five (5) employees working in the mine, then and in that case the inspector shall furnish, on demand, to the aggrieved party or parties a copy of his findings or orders complained of and he shall also file the originals thereof in the general office of the state mine inspectors, and the aggrieved party or parties may have the right to appeal from said findings and orders to the district court of the county in which said mine is located on the same terms and conditions as appeals from orders relating to airshafts and escape ways.

Sec. 28. Time and manner of trial--final order. When an appeal is taken as provided in the preceding section, the case shall be docketed and precedence given over all other cases excepting criminal cases where the party is in jail, and the inspector may bring the case on for hearing before any judge of the judicial district where the mine is located by giving five (5) days' notice in writing to the opposite party. If the evidence shows that the order was reasonable one as made by the inspector the findings and order of the inspector shall stand as made by him. If the evidence shows that the order was not a reasonable one, the court shall vacate it or so modify it as to be equitable and just.

Sec. 29. Traveling way around hoisting shafts. At the bottom of each hoisting shaft there shall be constructed a safe and convenient traveling way around the shaft for employees and animals, and it shall be unlawful for any person to pass across the shaft bottom in any other manner than by such traveling way, except such employees as may be necessary to perform the work at the bottom of the shaft, or those engaged in making repairs.

Sec. 30. Place of refuge in haulage roads. On all single-track haulage roads where hauling is done by machinery or other mechanical device, and on all gravity or inclined planes in mines where it is impracticable to construct a separate traveling way, and which persons employed in the mines must use while performing their work, or travel, on foot, to and from their work, places of refuge must be cut in the side wall not less than three (3) feet in depth and four (4) feet wide and five (5) feet high, and not more than twenty (20) yards apart unless there be a clear space of not less than two and one-half (2 1/2) feet between the car when on the track and the rib or side of the entry of the haulage way.

Sec. 31. Separate traveling way--exception. In no case shall such haulage way referred to in the preceding section be used as a traveling way unless it shall first be determined by the inspector that it is impracticable to construct, keep, or maintain a separate traveling way; and in all cases, unless otherwise determined by the inspector to be impracticable, there shall be kept and maintained a separate traveling way for the employees which shall at all times be maintained in good and safe condition and free from falls of roof and other obstructions.

Sec. 3. Signals--tripbar lights. On every such haulage way over one hundred (100) feet in length used as a traveling way and when haulage is done by tail rope or cable, a signal line and code of signals shall be maintained so as to afford means of communication at all times between the haulage engineer and persons along such haulage way; and a conspicuous light shall be carried on the front of trip or train of cars moved by mechanical means.

Sec. 33. Doors in haulage ways--duty of employees. On all haulage ways where doors are maintained to direct the air current, it shall be unlawful for any person at any time to leave any of the doors open that direct the air current. Each person shall, after passing through such doors, see that they are properly closed.

Sec. 34. Entries used by draft animals--width--exception. All entries constructed after July fourth, nineteen hundred eleven (1911), in which the haulage is done by animals and wherein employees work or use the same as a means of ingress and egress to and from their working places, shall be maintained substantially eight (8) feet in width from one rib or side of the entry or haulage way to the opposite side, and shall be kept free from timbers or refuse and as even on the surface each side of the track as may be reasonably practicable; but this section shall not apply to such haulage ways in longwall work when the inspector of the district where the mine is located shall determine that it is impracticable to maintain such width of entry or haulage way.

Sec. 35. Area of breaks-through in rooms and entries. All breaks-through in entries must be of an area of not less than twenty-five (25) feet and in rooms not less than twenty (20) feet to secure proper ventilation.

Sec. 36. Breaks-through in entries--when and how closed. All breaks-through in entries except the last one shall be securely closed and all stoppings in breaks-through except the one next to the last in entries shall be made with some substantial material so as to securely and completely close the same, and prevent the air from passing through or in any part thereof, which shall be subject to the state mine inspector's approval, who is hereby authorized and empowered to require any change to be made in the material or construction of such stoppings. The stopping in next to the last break-through in entries may be constructed temporarily of some suitable material until one (1) additional break-through has been made, when the temporary stopping shall be replaced by permanent stoppings as by this section provided.

Sec. 37. Breaks-through in rooms--when and how closed. All breaks-through in the rooms, except the last one, shall be closed and securely fastened so as to prevent the air from passing through the same, which stoppings shall be subject to the approval of the mine inspector of the district in which the mine is operated.

Sec. 38. Closing of abandoned rooms and entries. The mouth or openings of all abandoned rooms, entries, and workings shall be securely closed with permanent stoppings, in such manner as to prevent the passage of air or the escape of gases.

Sec. 39. Precaution against fire--location of buildings. It shall be unlawful to erect, keep, or maintain any inflammable structure or building or other material in the space intervening between the main or hoisting shaft, slope, or drift, and the escape shaft or other place of exit; or any powder magazine in such location or manner as to jeopardize the free and safe exit of employees from the mine by any escape shaft or other place of exit in case of fire or other casualty to the main shaft, slope, drift, buildings, or other structures.

Sec. 40. Boiler and engine rooms. All boiler and engine rooms at any mine shall be constructed of fireproof material, and in no case shall the boiler room be placed within sixty (60) feet of the hoisting shaft, slope, or drift.

Sec. 41. Shaft lights. In all cases, after twilight, or when steam or other causes obscure the plain view of the top and openings of any shaft, there shall be maintained a good substantial light, but in no case shall an open light or torch be used.

Sec. 42. Ventilation--amount of air--circulation. The operator of any mine shall provide and maintain an amount of ventilation of not less than one hundred (100) cubic feet of air per minute for each person employed in the mine and not less than five hundred (500) cubic feet of air per minute for each animal used therein, which shall be so circulated throughout the mine as to dilute, render harmless, and expel all noxious and poisonous gases in all working parts of the mine. In no case shall the air current be greater distance than sixty (60) feet from the working face, except when making crosscuts in entries for an air course, then the distance shall not be greater than seventy (70) feet; but in a special case requiring it, the state mine inspector may, in writing, grant permission to go beyond the limit herein mentioned. When the air current is carried to the working face of the room in double room mining, such air current shall be treated as a compliance with this section.

Sec. 43. Air measurements--when and how taken--record. The measurement of the air currents in any mine shall be taken at the bottom of the intake and near the mouth of each split thereof, and also near the working face of the entries. The person in charge of the mine shall be furnished with an anemometer by the owner or lessee of the mine, and shall take the measurements of the air as in this section provided at least once each week and make a record thereof showing the time and place the measurements were taken. Such record shall be kept at the office of the mine, and a report showing such measurements sent each month to the inspector of the district.

Sec. 44. Air current split--number of men on split. In every mine the air current shall be split and so conducted that not more than eighty (80) employees at any time shall be working on or in each split, except in case of emergency. But the inspector of the district where the mine is located may in writing grant permission for a greater number not exceeding fifty (50) additional when the required number of cubic feet of air per minute is properly circulated therein.

Sec. 45. Contrivances for supplying air--prohibition. Efficient means in the way of exhaust steam, fans, furnaces or other contrivances of sufficient capacity shall be kept in operation to supply air current, but if a furnace is used it shall be so constructed by lining the upcast for a distance of not less than fifty (50) feet or for such greater distance as in special cases may be required by the mine inspector, with incombustible material. No furnace shaft shall be constructed in connection with an escape shaft or other way of exit for the employees of a mine.

Sec. 46. Unhealthful conditions--changes ordered--suspension of work--violation--penalty. When the mine inspector finds the air insufficient or the employees working under unsafe or improper health conditions, he shall at once give notice to the mine operator, and upon failure to make the necessary changes within such time as the inspector shall fix, such inspector shall order the employees, except such as may be necessary to correct the defect and make the repairs, to cease work and remain out of the mine until such conditions are corrected.

Sec. 47. Speaking tubes. The operator of any mine shall, where the voice cannot be distinctly heard from top to bottom, provide and maintain a metal speaking tube or other adequate means of communication and keep the same in complete order from the bottom or interior to the top of exterior.

Sec. 48. Signaller at bottom. In all cases where mechanical means are used in any mine to hoist or lower employees, the operator of such mine shall keep and maintain a suitable, sober, and competent person at the top and at the bottom in charge of the signals during such time of lowering and raising the employees, who shall be and remain on duty for at least thirty (30) minutes before and after the usual hours for beginning and stopping the ordinary work of the mine.

Sec. 49. Safety appliances and regulations.

1. In all shafts where the employees are raised and lowered by machinery there shall be provided a good and sufficient brake on the drum, so adjusted that it may be operated by the engineer without leaving his post at the levers.

2. Flanges shall be so arranged on the ends of the drum of any engine used that when the whole cable is wound on the drum, there shall be not less than four (4) inches of clearance between the outer surface of the cable and the outer edge of the flanges.

3. The ends of the hoisting cable shall be well secured on the drum and at least two and one-half (2 1/2) laps of the same shall remain on the drum when the cage is at rest at the lowest caging place in the shaft.

4. An index dial or indicator shall be so arranged and placed as to indicate to the engineer at all times the true position of the cages in the shaft.

5. All cages used in any shaft shall be equipped with efficient safety catches and suspended between good substantial guides, and so constructed overhead with boiler iron that falling objects cannot strike persons on the cage.

6. At all landings and openings at the top of all shafts there shall be maintained an approved safety gate constructed in such manner as at all times to close the opening or entrance to the shaft when the cage is not at rest at that point. There shall be adequate springs at the top of each slope and a trail or dog attached to each train used therein.

Sec. 50. Number of persons allowed on cage--riding loaded car or cage prohibited. Not more than ten (10) persons shall be allowed on any cage when ascending or descending, and such less number as may be fixed by the mine inspector. No person at any time shall be allowed to ride in the shaft or any cage with a car, tools, or other material, or when such car, tools, or material is on the opposite cage, except when absolutely necessary in the performance of work in the making of repairs. No person shall ride upon a loaded trip in any part of the mine, except the conductor or person in charge thereof or any person in the performance of his duty.

Sec. 51.. Speed of cage carrying man--use prohibited--when. Cages on which employees are riding shall not be lifted or lowered at a rate of speed greater than four hundred (400) feet per minute, and no cage having any unstable or self-dumping platform or device shall be used for the carriage of employees or material other than coal or mineral unless the same is provided with some convenient device by which the cage platform can be securely locked when employees are being conveyed thereon.

Sec. 52. Code of signals--location. In all mines operated by machinery there shall be placed in plain view of the engineer while at his post of duty, and in a conspicuous place at the top and at the bottom of each shaft, slope, or drift, the following code of signals, which shall be used between the engineer and the other employees in the operation of the mine:

1. One (1) ring or whistle shall signify to hoist coal or empty cage; and also to stop when the cage is in motion.
2. Two (2) rings or whistles shall signify to lower cage.
3. Three (3) rings or whistles shall signify that employees are ready to enter cage either top or bottom; when return signal of one (1) ring or whistle is received from the engineer employees may enter the cage, but not before, when one (1) ring or whistle shall be given to start.
4. Four (4) rings or whistles shall signify to hoist slowly; warning of danger.
5. Five (5) rings or whistles shall signify accident within the mine and a call for stretcher and supplies.
6. Six (6) rings or whistles shall call for a reversal of the fan.
7. From top to bottom one (1) ring or whistle shall signify all ready, get on cage.
8. Two (2) rings or whistles from top to bottom shall signify send away empty cage which shall be answered from the bottom with one (1) ring or whistle and the cage may then be moved.
9. The operator of such mine may with written consent of the mine inspector, add to this code of signals in his discretion when deemed necessary for the efficiency of the mine or the safety of the employees, but any addition thereto shall be placed as in this section provided for the code of signals.

Sec. 53. Engineers--competency--incompetent prohibited. The operator of any mine shall not place in charge of any engine in and around the mine any but competent and sober engineers who shall not permit any person but those designated to handle, operate, or interfere with it or any part of the machinery except such as may be necessary in making proper and needed repairs, and then only when the engine or machinery is not in use in hoisting or lowering employees or hoisting coal or mineral.

Sec. 54. Duty of engineer to inspect machinery. It shall be the duty of the engineer at least once each day to carefully inspect all of the machinery and apparatus under his charge and all of its parts, and if any defects appear which will render its use unsafe to any employee in the mine, he shall cease operating the machinery until the defects are corrected.

Sec. 55. Persons not permitted in engine room or to talk to engineer. No person but the engineer shall be allowed in the engine room except on business connected with the operation of the mine or to repair machinery, and in such case the person shall immediately retire therefrom when the work is completed or business transacted, and no person shall be permitted to talk to the engineer while in the performance of his duty in hoisting or lowering employees, coal, or mineral.

Sec. 56. Mine foreman defined. The term "mine foreman" as used in this chapter and the law of this state, shall mean and be construed to be one in charge of the underground workings or departments of the mine or any part thereof, either by day or night.

Sec. 57. Noncertificated foreman, pit boss and hoisting engineer forbidden. It shall be unlawful for any operator of any coal mine to employ any person as mine foreman, pit boss, or hoisting engineer at any coal mine employing five (5) or more persons therein, and for any person to attempt to discharge such duties unless he shall hold a certificate of competency for such position as provided in this chapter.

Sec. 58. Temporary employment. In case of the discharge, resignation, or disability of any person lawfully performing the duties of foreman, pit boss, or hoisting engineer, the operator shall have thirty (30) days within which to secure the services of a certificated person to take the place of the one so discharged, resigned, or disabled; and during such time a competent and capable person may be temporarily employed to perform such services, whether holding a certificate or not.

Sec. 59. Certificate of competency--how procured. Any person may secure such certificate of competency who satisfactorily passes the examination, written and oral, prescribed by the board of examiners.

Sec. 60. Revocation of certificate of competency--how tried--costs. In any case where a mine foreman, pit boss, engineer, or other person receiving a certificate under the law pertaining to mines and mining within this state has wilfully disobeyed the orders of the mine inspector or has been convicted of a misdemeanor relating to his duties in mine operation, his certificate shall be revoked, upon complaint being filed with the board of examiners, who shall proceed to hear the case at such time and place as it may determine, which shall be as soon as practicable after the charges are filed and notice given by it to the accused. The board shall have power to subpoena witnesses and administer oaths and a majority of the board shall be required to determine the questions at issue; the costs incurred shall be taxed to the losing party and collected as in other cases.

Sec. 61. Fees--certificates recorded. Every person applying for a certificate under this chapter shall pay to the examining board a fee of two dollars (\$2.00), and every successful applicant shall pay to said board an additional fee of two dollars (\$2.00), all of said fees to be accounted for and paid into the state treasury. Each certificate issued under this chapter shall be recorded in the office of the examining board, and shall show the name, age, residence, and mining experience of the person to whom it was issued.

Sec. 62. Duties of foreman or pit boss. The duties of the mine foreman or pit boss in charge of any mine or any part thereof shall be:

1. To make careful inspection of the mine from day to day by himself or assistant and at all times when in his judgment conditions may require.
2. To give such directions and formulate such rules for the guidance of the men employed in the mine as skillful and safe operation of the mine may require.
3. To see that the mines are at all times sufficiently supplied with props of proper lengths, caps, and other timbers necessary to securely prop the roof of such mine and the rooms wherein the men are employed, and such material shall be conveniently placed for the use of the miners upon their request.
4. To keep a careful watch over the ventilating apparatus and airways, together with all of the stoppings, doors, and other means of directing the air current.
5. To keep a record of the boys under sixteen (16) years of age employed by him during the time of school vacation, showing their ages, names, and residence of parents or guardians and character of employment, which record shall be kept at the office of the mines and open for inspection at all reasonable times.
6. To examine all escape ways, the traveling ways leading thereto, or cause them to be examined by his assistant, once each day, and make written report of the conditions and file in the office at the mine, which report shall be open for examination at all reasonable times to representatives of the employees and other persons entitled thereto, and send a copy of such report each month to the mine inspector of the district in which said mine is operated.

7. If he finds any escape way or traveling way impassable or dangerous, he shall immediately notify the employees of the mine thereof, and shall immediately upon the discovery of the defect, place such obstructions at the defective place as may be reasonably necessary to apprise the employees of the danger.

Sec. 63. Duty of miners and other employees. It shall be the duty of each employee:

1. To examine his working place upon entering the same and not commence to mine or load coal or other material until it is made safe.
2. To securely prop and timber the roof of his working place therein and to obey any order or orders given by the superintendent of mine foreman relating to the width of the working place and to the security of the mine in the part thereof where he is at work.
3. To avoid waste of props, caps, timbers, and other material, and when he has any such not suitable for his purpose to place the same at some convenient point near the track, and where the same may be readily seen, and inform the mine foreman, or other person in charge, of their being unsuitable for the purpose intended.
4. When drawslate or other like material is over the coal, to see to it that proper timbers are placed thereunder for his safety before working under the same.

Sec. 64. Unlawful to injure property or violate regulations. No workman or other person shall knowingly commit any of the following acts:

1. Injure a water gauge, barometer, air course, brattice, or any equipment, machinery, or live stock.
2. Obstruct or throw open any airway, handle or disturb any part of the machinery or the hoisting engine of the mine.
3. Open a door of a mine and neglect to close it.
4. Endanger the mine or those working therein.
5. Disobey any order given in pursuance of law or do a wilful act whereby the safety of persons working in or about a mine or the security of the mine or the machinery connected therewith may be endangered.
6. Place any refuse material or any obstruction in any part of the air course or any part of the breaks-through in the entries or rooms other than as by this chapter provided.

Sec. 65. Use of intoxicants prohibited. No person shall go into, at, or around a mine or the buildings, tracks, or machinery connected therewith while under the influence of intoxicants, and no person shall use, carry, or have in his possession, at, in, or around the mine or the buildings, tracks, or machinery connected therewith, any intoxicants.

Sec. 66. Shot examiners--proof of competency--revocation of permit. In all mines where the coal is blasted from the solid, competent persons shall be employed to examine all drill holes before they are charged. Before entering upon the discharge of their duties, said examiners shall give proof of their competency to the mine inspector of the district in which the mine where they are employed is located, and said inspector shall certify to the operator of each mine the persons who have given proof of their competency to act in the capacity of shot examiners. The mine inspector shall refuse to give permission to any person to act as shot examiner who, in his judgment, is not competent. He shall revoke any permission granted should it appear that a shot examiner is incompetent, negligent, or careless in the performance of his work.

Sec. 67. Drill holes--when unlawful to charge or fire. It shall be unlawful for any miner or other person to charge a drill hole with powder or other explosive until the shot examiner shall have first examined the same. The shot examiner shall forbid the charging or firing of any drill hole with powder or other explosive if in his judgment it would be unsafe to the employees or the mine to discharge the shot. In any case where the shot examiner forbids the charging or firing of any drill hole, he shall make a cross with chalk markings at the mouth of the hole when condemned, and make an entry thereof in a book kept by him for that purpose, stating the name of the person working in such place, the number of drill holes therein which he forbids being charged, and the date thereof, which record shall be retained for at least one (1) week. It shall be unlawful for any shot firer or other person to discharge any shot or blast which has been condemned by the shot examiner. In any case when the mine foreman shall have forbidden the charging of any drill hole or the firing of any shot, no person shall be permitted to charge such hole or fire such shot. If the shot examiner forbids the charging of a hole or the firing of a shot, the mine foreman shall not cause the hole to be charged or the shot fired.

Sec. 68. Transportation of powder into coal mines. No person, firm, or corporation shall be permitted to transport, carry, or convey by any electrical means whatever, any powder or other explosives into any coal mine until after the coal miners and other employees have ceased their work and departed from the mines.

Sec. 69. Transportation and delivery--by whom. The transportation and delivery of all powder and other explosives in coal mines shall be done by the operator or by men employed by him for that purpose.

Sec. 70. Storage of powder--what permitted. No operator of any coal mine shall suffer or permit, under any circumstances, the storing of powder or other explosives in any coal mine except as follows:

1. Each miner shall be permitted to have in his separate and individual possession at one time not more than two (2) kegs containing twenty-five (25) pounds of powder each, and other explosives sufficient for one (1) day's use.

2. Such powder or other explosive shall be kept by the miner in a wooden or metallic box or boxes securely locked, and said boxes shall be kept at a reasonable distance from the track; and black powder and high explosives shall be kept in separate boxes.

Sec. 71. Supply for the following day--where deposited. It shall not be construed as storing powder, as defined in the preceding section, to deposit the powder or other explosives at the end of the electrical or mechanical haulage at the face of the mine for the following day's use, if deposited in conformity with the provisions of the preceding section.

Sec. 72. Supply of caps--timbers--props. The operator of any mine shall at all times keep a sufficient supply of props, caps, and other necessary timbers to be used by employees in the mine, convenient and ready for use, and shall send such materials down when requested and deliver them at the places where needed.

Sec. 73. Material for tamping. In all mines where coal is blasted from the solid, the operator shall furnish sand, soil, or clay to be used for tamping which shall be delivered to the employee and placed at a convenient distance from the working places ready for use, and so as not to obstruct any employee in his work. No person shall be permitted to use any substance or material other than, sand, soil, or clay for tamping.

Sec. 74. Sprinkling of roadways. The operator of any mine shall not permit the accumulation of dust upon and along any roadway, and where any roadway is dry and dusty, shall cause the same to be sprinkled at least once each week and as much oftener as conditions may require.

Sec. 75. Stables--location--construction--use. The operator of any mine shall not locate a stable at any point in a mine where the air current supplied to the employees passes through such place and in no case shall such stable be located without first having the written approval of the mine inspector of that district, a copy of which shall be filed in his office. The material used in the construction of stables in mines shall, as near as practicable, be incombustible and such stables shall not be used as a place for storing any inflammable material, except such hay as may be reasonably necessary for one day's use.

Sec. 76. Telephone systems. In all mines where the working parts thereof exceed two thousand (2,000) feet from the foot of the slope, shaft, or the mouth of a drift as the case may be, a good and substantial telephone system or other like suitable means of communication shall be maintained at all times ready for use, from the bottom to some suitable and convenient point at or near the face of such working parts which shall be extended as the works of the mine progress two thousand (2,000) feet therefrom.

Sec. 77. Stretchers--blankets--bandages. The operator of any mine shall at all times keep at some convenient place at the mine, in readiness for use in case of accident, one (1) good and substantial stretcher for each fifty (50) employees or fraction thereof engaged in the operation of the mine, and proper and sufficient blankets for each stretcher, together with a sufficient supply of bandages.

Sec. 78. Gasoline and engines--use and location. No gasoline engine, except gasoline haulage motors where the exhaust is properly cared for, or supplies of gasoline therefor, shall be located in or near the air current which supplies the employees of any mine with air, but in all cases shall be placed upon the return of the air and located at least twenty (20) feet from any and all traveling ways. In no case shall any gasoline engine or place for supply of gasoline be located without first having the approval in writing of the mine inspector, who shall determine the suitability of the location of said engine and supplies. The supply of gasoline shall be kept at the place designated and shall not exceed twelve (12) gallons at any one time.

Sec. 79. Temporary location of engine--conditions. In case of emergency a gasoline engine may be temporarily placed where needed and the inspector of the district in which the mine is located immediately notified thereof, who shall at once proceed to the mine and determine as to the safety of the employees while the engine is so operated at such location. If in his judgment the operation thereof can be continued at such place with reasonable safety to the employees, such operation may be continued while the employees are at work until the emergency shall have passed; otherwise the inspector shall order the employees, except such as are required to operate the engine and work connected therewith, to leave the mine until the same is made safe.

Sec. 80. Fire extinguishers required--where kept. At all hoisting shafts, air shafts, escape shafts, and places of exit, boiler and engine rooms, stables in mines, and places where gasoline engines are used, there shall be kept ready for use at all times at least two (2) hand fire extinguishers of approved make, conveniently placed for immediate use when needed.

Sec. 81. Gasoline motors prohibited in mines hereafter equipped. In any mine hereafter opened or equipped for operation no gasoline haulage motor shall be installed or used in the underground workings for any purpose, and it shall be the duty of the mine inspector to enforce the provisions of this section.

Sec. 82. Purity of illuminating oil--standard--department of agriculture to regulate. Only pure animal or vegetable oil or other means for illuminating purposes equally as safe and free from smoke or offensive odor shall be used in any mine in this state. For the purpose of determining the purity of oils the department of agriculture shall fix a standard of purity and establish regulations for testing the same, and when so determined and established shall be binding on all courts and other authorities. When any substance used for illuminating purposes in a mine leaves any refuse after use which gives off any gas or offensive odor, it shall be removed from the mine at the end of his day's work by the person using it.

Sec. 83. Inspection by oil inspector--where made--branding. The department of agriculture shall inspect and test all oil offered for sale, sold, or used for illuminating purposes in coal mines in this state, and for such purposes the inspector of said department may enter upon the premises of any person. If upon test and examination the oil shall meet the requirements made by said department, said inspector shall brand, over his official signature, the barrel or vessel holding the same, with the date and the words "Approved for illuminating coal mines". Should it fail to meet such requirements, he shall brand it over his official signature, and date, "Rejected for illuminating coal mines". All inspection shall be made within this state, and paid for by the person for whom the inspection is made at the rate of ten cents (10c) per barrel or vessel, which charge shall be a lien on the oil inspected, and be collected by the inspector. Each inspector shall be governed in all things respecting his record and returns as provided in the general law relative to inspection of petroleum products.

Sec. 84. Proceedings by inspector when law violated--costs. When any such inspector has good reason to believe that oil is being sold or used in violation of the provisions of this chapter, he shall make complaint to the county attorney of the county in which the offense was committed, who shall forthwith commence proceedings against the offender. All reasonable expenses for analyzing suspected oil shall be paid by the owner of the oil when it is found that he is selling or offering to sell impure oil in violation of the provisions of this chapter. Such expenses may be recovered in a civil action, and in criminal proceedings such expenses shall be taxed as part of the costs.

Sec. 85. Amount of electrical current permitted in mines. All wires or cables at or in any mine used for transmitting electrical current in excess of one hundred (100) volts shall be armored or insulated in so far as practicable, except trolley and all return wires or cables. But wires or cables used for conducting or transmitting current in excess of two hundred seventy-five (275) volts, shall be placed and protected for the safety of persons and animals as provided in the next section.

Sec. 86. Regulations for electrical current over two hundred seventy-five volts. All wires, cables or transformers used at or in any mine for transmitting, conducting or transforming electrical current in excess of two hundred seventy-five (275) volts shall be armored, insulated, isolated or placed so as to prevent injury to persons and animals in so far as possible consistent with the use for which such instrumentalities are intended. At the approach to a transformer, if used, there shall be displayed a sign, with the word "danger" and the number of volts of electrical current conducted, indicated thereon in large plain letters and figures, on which light shall be thrown at all times when electrical current is being conducted or transmitted.

Sec. 87. Grounding and insulation of current at motors, machines, and pumps--inspection--repair. Electric pumps and stationary electric machines, shall be insulated and grounded in their emplacement, by the use of wires or other equivalent means and inspected with such frequency and kept in such repair that contact therewith will be rendered harmless in so far as possible consistent with the use for which machinery is intended.

Sec. 88. Unlawful handling of electrical equipment. It shall be unlawful for any person to inspect, repair, handle, disturb or interfere with any of the electrical equipment or machinery of a mine except the mine inspector, operator, superintendent, mine foreman or those designated by such persons to do such work, and those whom such designated persons may request or permit to aid in the work of handling or repairing.

Sec. 89. Scales and weighers--duties--records--damages. The operator shall, if the miners are paid by weight, provide the mine with suitable scales of standard make, and require the person selected to weigh the coal delivered from the mine to take and subscribe an oath before some person authorized to administer oaths, to the effect that he will keep the scales correctly and truly balanced, and accurately weigh and a true record keep of each car delivered, which oath, with that of the checkweighman hereinafter provided for, shall be conspicuously displayed with record of weights at the place of weighing, which record shall carry the account of each miner by itself, be open to the inspection at all proper times of miners and all others having a pecuniary interest in the mine. All damages sustained on account of a failure to weigh and credit to the proper person any coal mined shall be recoverable in an action brought within two (2) years from the time the right thereto accrued, and a knowledge of a violation of this provision by the miner shall not be a defense thereto.

Sec. 90. Checkweighman--duties. The miners employed and working in any mine may furnish a competent checkweighman, who, before entering upon his duties, shall take and subscribe an oath to the effect that he is duly qualified and will faithfully discharge his duties as checkweighman, and he shall at all proper times have access to and the right to examine the scales, machinery, or apparatus used in weighing, and see all measures and weights of coal mined and the accounts kept thereof; but not more than one (1) person on the part of the miners collectively shall have this right, and such examination and inspection shall be so made as to create no unnecessary interference with the use of such scales, machinery, or apparatus.

Sec. 91. When weighed--weights--impurities. The operator shall, where the miner is to be paid by the ton or other quantity, unless otherwise agreed upon in writing, weigh the coal before screening, and the miner shall be credited at the rate of eighty (80) pounds to the bushel and two thousand (2,000) pounds to the ton, but no payment shall be required for sulphur, rock, slate, black-jack, dirt, or other impurities which may be loaded or found with the coal.

Sec. 92. Paydays--failure to pay--damages--attorney fee. All wages shall be paid in money upon the demand semi-monthly, by paying the amount earned during the first fifteen days (15) of each month not later than the first Saturday after the twentieth of said month, and for those earned after the fifteenth of each month not later than the first Saturday after the fifth of the succeeding month. A failure or refusal to make payment within five (5) days after demand shall entitle the laborer to recover the amount due him, and one dollar (\$1.00) per day additional, not exceeding the amount due, for each day such payment is neglected or refused, and in any action therefor the court shall tax as a part of the costs a reasonable attorney fee to plaintiff's attorney.

Sec. 93. Wages how paid--coercion prohibited. The operator shall not sell, give, deliver, or issue, directly or indirectly, to any person employed, in payment for labor due or as advances for labor to be performed, any script, check, draft, order, or other evidence of indebtedness payable or redeemable otherwise than in money at its face value. He shall not compel or in any manner endeavor to coerce any employee to purchase goods or supplies from any particular person, firm, company, or corporation, but upon demand all wages shall be paid in money as provided in the preceding section.

Sec. 94. Annual reports--what to contain. The operator of any mine shall, on or before the first day of February in each year, send to the office of the inspector of the district where the mine is located, upon blanks furnished by the state, a correct return with respect to the year ending January first of each year showing the quantity of coal mined and the number of persons ordinarily employed at, in, and around such mine, designating the number of persons below and above ground, and such other information as required by such blank.

Sec. 95. Uniform reports. The inspectors shall prepare uniform blanks which shall be used in all cases where reports are required to be made to the district mine inspectors or the inspectors at their general office.

Sec. 96. Report of accidents. Forthwith upon the happening of any accident resulting in the death of an employee, the operator shall report the same by mail or otherwise to the mine inspector of the district and the coroner of the county in which the accident happens. In all other cases of personal injury, not resulting in death, the operator shall make a report to the mine inspector of the district upon a standard form provided by the inspector for that purpose, containing a detailed statement of the extent of the injury and the manner in which it occurred.

Sec. 97. Failure to provide for safety of employees. In addition to any and all other remedies, if any owner or person in charge of any mine shall fail to provide any of the appliances specified in this chapter for the safety of the employees, or the appliances provided do not conform to such requirements, or such owner or agent shall neglect, for twenty (20) days after notice given in writing by the mine inspector of such failure to remedy the same, such inspector may apply to the district court, or any judge thereof, in an action brought in the name of the state, for writ of injunction to restrain the working of the mine with more persons than are necessary to make the improvements needed and prevent deterioration of the mine, until such appliances have been supplied. In case an injury happens to those engaged in work because of such failure, the negligence of such operator shall be held to be the proximate cause of such injury.

Sec. 98. Changes not covered by statute--order of inspector--refusal to obey--petition. In all cases not covered by statute when it is found necessary that some change, improvement, or device is required to reasonably secure the safety or health of the employees of any mine, and the operator neglects or refuses to make the change or improvement or supply the device needed within a reasonable time after written notice so to do given by the inspector of the district in which the mine is located, the inspector shall file a verified petition with the clerk of the district court of the county where the mine is located setting forth all such facts and asking a mandatory writ to compel the making of such improvements.

Sec. 99. Notice of time and place of hearing. Such inspector shall give five (5) days' notice to the accused in the same manner as original notices are served, stating the time and place and the name of the judge before whom the case will be tried. The accused party shall be required to appear at the time and place mentioned in the notice, which may be at any place convenient for the judge in the judicial district.

Sec. 100. Title of proceeding--time to plead--how tried. The proceeding shall be entitled the state of Iowa as plaintiff and the operator as defendant, who shall plead on or before noon of the fourth day after notice. At the time and place fixed in the notice the case shall be heard and tried by the judge in equity, who shall make such order as the evidence warrants.

Sec. 101. Witnesses--court may suspend operation. The clerk of the district court where such petition has been filed shall issue subpoenas at the request of either party, and witnesses shall be required to respond thereto as in other cases, and it shall be the official duty of the county attorney to represent the plaintiff in all matters pertaining to such proceeding. Pending such proceeding the judge may, if he deems it advisable for the safety of the employees, order the mine closed until such hearing is completed, and if changes are ordered, then till such changes are made.

Sec. 102. Burden of proof--final order. The burden of proof shall rest upon the plaintiff to show that the proposed change, improvement, or device is reasonably required for the safety or health of the employees. If the evidence in the whole case shows that the proposed change, improvement, or device is necessary for the purposes intended, the judge shall forthwith issue a mandatory order specifying the improvements required and the time within which they shall be made, and enter the same of record in the district court of the county in which the mine is located.

Sec. 103. Contempt of court--penalty. If the defendant fails to comply with the order made by the judge within the time fixed, such defendant may be charged with contempt of court, and upon conviction thereof be fined not to exceed five hundred dollars (\$500.00) and committed to the county jail until such fine is paid.

Sec. 104. Right of adjoining land owner--survey--bond. Upon affidavit of any person owning land in the vicinity of any mine, or his agents, filed with the inspector of the district stating that it is necessary for the protection of his property to know how near his land the excavations in the mine extend, the inspector shall make an examination or employ a surveyor therefor if necessary, to determine the length and direction of entries and other works toward the land of the applicant and the extent of excavation of same on all of his land, if any, and file a report thereof in his office. The inspector may in such case permit examination of such map or copies thereof as may be in his custody, for the purpose of determining the location of the workings. If it be necessary to survey the premises to discover the facts, the owner or person filing the affidavit shall first give a bond or other security to the inspector in favor of the state in the sum of one hundred dollars (\$100.00) conditioned to pay all costs and expenses incurred thereby.

Sec. 105. Expenses-- by whom paid. The necessary expenses incurred and compensation of five dollars (\$5.00) per day to the inspector for the use of the state and ten dollars (\$10.00) per day to the surveyor shall be paid by the applicant except when it shall be shown that said applicant's property has been undermined, in which case the expense shall be paid by the mine owner, operator, lessee, or person in charge.

Sec. 106. Double damages. In any case where any operator, without permission, takes coal from adjoining land, he shall be liable for double damages to the owner and for all expenses caused thereby.

Sec. 107. Violations of provisions--misdemeanors--penalties. Any person, firm, or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punished as hereinafter provided, respectively:

1. Any owner, operator, lessee, or person in charge of any mine, refusing or neglecting to comply with the provisions of this chapter in relation to making and furnishing to the mine inspector maps of such mine, shall be fined one hundred dollars (\$100.00) and be imprisoned in the county jail until such fine and costs are paid.

2. Any person, employer, or employee refusing or neglecting to comply with any order of the mine inspector relating to insufficient air, improper ventilation, or unsafe and improper health conditions in any mine, shall be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00).

3. Any owner, operator, lessee, agent, or managing officer of any mine who shall employ any mine foreman, pit boss, or hoisting engineer who does not hold a certificate of competency from the board of examiners, except as otherwise provided in this chapter, shall be fined not exceeding five hundred dollars (\$500.00), or be imprisoned in the county jail not exceeding six (6) months, or both.

4. Any owner, lessee, operator, or agent thereof, or officer or agent of any firm or corporation violating any of the provisions of this chapter relating to the transportation and storage of powder and other explosives in and about any mine, shall be fined not exceeding one hundred dollars (\$100.00) or imprisoned in the county jail not exceeding thirty (30) days.

5. Any person, firm, corporation, or their agents or employees, violating any of the provisions of this chapter relating to inspection, selling, or offering to sell illuminating oils or any other substance for illuminating purposes to any mine, shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00).

6. Any owner, operator, lessee, or employee of any mine violating any of the provisions of this chapter prohibiting the use or sale or permitting the use or sale of impure or adulterated oil or other substance for illuminating purposes in any mine, shall be fined not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00).

7. Any owner, lessee, or operator, or any party in charge of any mine, or any weighman, or checkweighman violating any of the provisions of this chapter relating to the correct weighing and recording of the weights of coal mined at any mine shall be fined not exceeding five hundred dollars (\$500.00) or be imprisoned in the county jail not exceeding sixty (60) days.

8. Any miner, workman, or other person violating any of the provisions of this chapter relating to injuring or interfering with any air course or brattices, obstructing or throwing open doors in mines, disturbing any part of the machinery or equipment, disobeying any orders in carrying out the provisions of this chapter, riding upon a loaded car or other means of transportation in the mine except as in this chapter permitted, doing any act whereby the lives, limbs, or health of persons or the security of the mine and machinery are endangered, or neglecting or refusing to securely prop or support the roof and entries under his control, or neglecting or refusing to obey any order of the superintendent in relation to the safety of the mine in the part under his control, shall be fined not exceeding one hundred dollars (\$100.00) or imprisoned in the county jail not exceeding thirty (30) days.

Approved March 11, 1924.

AN ACT to amend, revise, and codify chapter three (3) of title five (5) of the compiled code of Iowa, as amended by sections eight hundred twenty-three-a one (823-a1), eight hundred thirty-two (832), and eight hundred forty-three (843) of the supplement to said code, relating to employers' liability and workmen's compensation.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter three (3) of title five (5) of the compiled Code of Iowa, as amended by sections eight hundred twenty-three-a one (823-a1), eight hundred thirty-two (832), and eight hundred forty-three (843) of the supplement to said Code are amended, revised, and codified to read as follows:

CHAPTER 3
WORKMEN'S COMPENSATION

Section 1. To whom not applicable. This chapter shall not apply to:

1. Any household or domestic servant.
2. Persons whose employment is of a casual nature.
- 2-a. Persons engaged in agriculture, in so far as injuries shall be incurred by employees while engaged in agricultural pursuits or any operations immediately connected therewith, whether on or off the premises of the employer.
3. As between a municipal corporation, city, or town, and any person or persons receiving any benefits under, or who may be entitled to benefits from, any "firemen's pension fund" or "policemen's pension fund" of any municipal corporation, city, or town, except as otherwise provided by law.

Sec. 2. Compulsory when. Where the state, county, municipal corporation, school district, or city under any form of government is the employer, the provisions of this chapter for the payment of compensation and amount thereof for an injury sustained by an employee of such employer shall be exclusive, compulsory, and obligatory upon both employer and employee, except as otherwise provided in the preceding section.

Sec. 3. Employers presumed to secure any pay compensation to injured employees. Except as provided by this chapter, it shall be conclusively presumed that every employer has elected to provide, secure, and pay compensation according to the provisions of this chapter for any and all personal injuries sustained by an employee arising out of and in the course of the employment, and in such cases, the employer shall be relieved from other liability for recovery of damages or other compensation for such personal injury.

Sec. 4. Provisions may be rejected. The presumption as stated in the preceding section shall continue and be in force until notice in writing of an election to the contrary shall have been given to the employees by posting the same in some conspicuous place where the business is carried on, and also by filing notice with the industrial commissioner with return thereon by affidavit showing the date and place notice was posted. Any employer beginning business and giving notice at once of his rejection of this chapter shall not be considered as under such provisions, but such employer shall not be relieved of the payment of compensation until thirty (30) days after the posting and filing of such notice with the industrial commissioner.

Sec. 5. Employers' notice to reject. An employer's notice of election to reject the provisions of this chapter shall be substantially in the following form:

To the employees of the undersigned, and the Iowa industrial commissioner:
You are hereby notified that the undersigned rejects the provisions to provide, secure and pay compensation to employees of the undersigned for injuries received as provided in chapter three (3), title five (5) of the Code, and elects to pay damages for personal injuries received by such employee under the common law and statutes of this state as modified by sections fifteen (15) and nineteen (19) of said chapter.

Signed.....
(Employer.)

State of Iowa,)
) ss.
.....County.)

The undersigned on oath says that a true copy of the foregoing notice was on the day of, 19...., posted at
.....
.....
(State
.....
fully place where posted.)

Subscribed and sworn to before me by
this day of, 19.....

.....
(Notary Public)

Sec. 6. Posting notice to reject. The employer shall keep such notice posted in some conspicuous place where the business is carried on, which shall apply to the employees subsequently employed by the employer with the same force and effect and to the same extent as employees in the employ at the time the notice was given.

Sec. 7. Defenses when employee rejects. In the event an employee elects to reject the provisions of this chapter, the rights and remedies thereof shall not apply where such employee brings an action to recover damages for injuries received arising out of and in the course of his employment, except as otherwise provided by this chapter; and in such actions the employer shall have the right to plead and rely upon any and all defenses including those at common law, and the defenses of contributory negligence, assumption of risk, and fellow servant rule, except as otherwise provided by law.

Sec. 8. Certain defenses not available when employee rejects. When an employee who has rejected the provisions of this chapter, receives an injury through failure of the employer to furnish or failure to exercise reasonable care to keep and maintain any safety device, appliance, or equipment as required by law, statutory rule or regulation, or through the violation of any other statutory requirements or regulations on the part of such employer, then the doctrine of assumed risk in relation to such cause of injury shall not be available as a defense to such employer in any action for damages on account of such injury.

Sec. 9. Employees' notice to reject. The notice required to be given by an employee shall be substantially in the following form:

To..... and the Iowa industrial commissioner:
(Name of employer.)

You are hereby notified that the undersigned hereby elects to reject the terms, conditions, and provisions of chapter three (3), title five (5) of the Code for the payment of compensation as provided thereby, and elects to rely upon the common law as modified by section seven (7) and eight (8) of said chapter for the right to recover for personal injury which I may receive, if any, arising out of and in the course of my employment while in line of duty for my employer above named.

Dated this.....day of, 19.....

Signed

State of Iowa,)
) SS.
.....County.)

The undersigned on oath says that the above written notice was on theday of, 19....., served on the within named employer of the undersigned by delivering to a true copy thereof.

.....
(Name of person serving)

Subscribed and sworn (or affirmed) to before me by the said.....
..... thisday of, 19.....

.....
(Notary Public.)

Sec. 10. Affidavit of employee as to rejection. When an employee or one who is an applicant for employment rejects the provisions of this chapter, he shall, in addition to such notice, state in an affidavit to be filed with said notice who, if any person, requested, suggested, or demanded of such person to reject the provisions of this chapter. And if such request, suggestion, or demand has been made of such employee by any person, such employee shall state the name of the person who made the request, suggestion, or demand, and all of the circumstances relating thereto, the date and place made, and persons present, and if it be found that the employer of such employee, or an employer to whom an applicant for employment has applied, or any person a member of the firm, association, corporation, or agent or official of such employer, made a request, suggestion, or demand to such employee or applicant for employment to reject the provisions of this chapter, the rejection made under such circumstances shall be conclusively presumed to have been fraudulently procured, and such rejection shall be null and void and of no effect, unless such employee has a permanent disability at the time of making the affidavit, then and in that event such rejection shall be presumed to have been fraudulently procured.

Sec. 11. Interested person not to administer oath. No person interested in the business of such employer, financially or otherwise, shall be permitted to administer the oath to the affiant required in case an employee or applicant for employment elects to reject the provisions of this chapter. And the person administering such oath to such affiant shall carefully read the notice and affidavit to such person making such rejection, and shall explain that the purpose of the notice is to bar such person from recovering compensation in accordance with the schedule and terms of this chapter in the event that he sustains an injury in the course of such employment; all of which shall be shown

by certificate of the person administering the oath herein contemplated. The industrial commissioner shall refuse to file the notice and affidavit, unless the same fully and in detail, comply with the requirements hereof. And if such rejection, affidavit, or certificate is found insufficient for any cause, they shall be returned to the person who executed the instrument, with the reasons indorsed thereon by the industrial commissioner.

Sec. 12. Tenure of election. When the employer or employee has given notice in compliance with this chapter electing to reject the terms thereof, such election shall continue and be in force until such employer or employee shall thereafter elect to come under the provisions of this chapter as is provided in the next section.

Sec. 13. Waiver of election to reject. When an employer or employee rejects the provisions of this chapter, such party may at any time thereafter elect to waive the same by giving notice in writing in the same manner required of the party in electing to reject the provisions of this chapter, which shall become effective when filed with the industrial commissioner and posted at the place of business.

Sec. 14. Liability when employer and employee reject. When the employer and employee elect to reject the provisions of this chapter, the liability of the employer shall be the same as though the employee had not rejected the provisions hereof.

Sec. 15. Defenses not available when employer rejects. An employer who rejects the provisions of this chapter in the manner and form provided, shall not escape the liability for personal injury sustained by an employee of such employer when the injury sustained arises out of and in the course of the employment on the grounds that:

1. The employee assumed the risks inherent in or incidental to or arising out of his or her employment, or the risks arising out of the failure of the employer to provide and maintain a reasonably safe place to work, or the risks arising out of the failure of the employer to furnish reasonably safe tools or appliances, or the risks arising out of the failure of the employer to exercise reasonable care in selecting reasonably competent employees in the business, or on the ground that the employer exercised reasonable care in selecting reasonably competent employees in the business.

2. The injury was caused by the negligence of a co-employee.

3. The employee was negligent, unless such negligence was wilful and with intent to cause the injury, or the result of intoxication of the part of the injured party.

Sec. 16. Wilful injury, - intoxication. No compensation under this chapter shall be allowed for an injury caused:

1. By the employee's wilful intent to injure himself or to wilfully injure another.

2. When intoxication of the employee was the proximate cause of the injury.

Sec. 17. Implied agreement when terms not rejected. Where the employer and employee have not given notice of an election to reject the terms of this chapter, every contract of hire, express or implied, shall be construed as an implied agreement between them and a part of the contract on the part of the employer to provide, secure, and pay, on the part of the employee to accept compensation in the manner as by this chapter provided for all personal injuries sustained arising out of and in the course of the employment.

Sec. 18. Contract to relieve not operative. No contract, rule, regulation, or device whatsoever shall operate to relieve the employer, in whole or in part, from any liability created by this chapter except as herein provided.

Sec. 19. Negligence presumed - burden of proof. In actions by an employee against an employer for personal injury sustained, arising out of and in the course of the employment, when the employer has rejected the provisions of this chapter, the following provisions shall apply:

1. It shall be presumed:

(a) That the injury to the employee was the direct result and growing out of the negligence of the employer.

(b) That such negligence was the proximate cause of the injury.

2. In such cases the burden of proof shall rest upon the employer to rebut the presumption of negligence.

Sec. 20. Rights of employee exclusive - presumption. The rights and remedies provided in this chapter for an employee on account of injury shall be exclusive of all other rights and remedies of such employee, his personal or legal representatives, dependents or next of kin, at common law or otherwise, on account of such injury; and all employees affected by this chapter shall be conclusively presumed to have elected to take compensation in accordance with the terms, conditions and provisions hereof until notice in writing shall have been served upon his employer, and also on the industrial commissioner, with return thereon by affidavit showing the date upon which notice was served upon the employer.

Sec. 21. Subsequent election to reject - Security for compensation due. An employer having come under this chapter, who thereafter elects to reject the terms, conditions and provisions thereof, shall not be relieved from the payment of compensation to any employee who sustains an injury arising out of and in the course of the employment before the election to reject becomes effective; and in such cases the employer shall be required to secure the payment of any compensation due or that may become due to such employee, subject to the approval of the Iowa industrial commissioner.

Sec. 22. Liability of other than employer-Subrogation. When an employee receives an injury for which compensation is payable under this chapter, and which injury is caused under circumstances creating a legal liability against some person other than the employer to pay damages, the employee, or his dependent, or the trustee of such dependent, may take proceedings against his employer for compensation, and the employee or, in case of death, his legal representative may also maintain an action against such third party for damages. When an injured employee or his legal representative brings an action against such third party, a copy of the original notice shall be served upon the employer by the plaintiff, not less than ten days before the trial of the case, but a failure to give such notice shall not prejudice the rights of the employer, and the following rights and duties shall ensue.

1. If compensation is paid the employee or dependent or the trustee of such dependent under this chapter, the employer by whom the same was paid, or his insurer which paid it, shall be indemnified out of the recovery of damages to the extent of the payment so made, with legal interest, and shall have a lien on the claim for such recovery and the judgment thereon for the compensation for which he is liable. In order to continue and preserve the lien, the employer or insurer shall, within thirty (30) days after receiving notice of such suit from the employee, file, in the office of the clerk of the court where the action is brought, notice of the lien.

2. In case the employee fails to bring such action within ninety (90) days, or where a city or town or city under special charter is such third party, within thirty (30) days after written notice so to be given by the employer or his insurer, as the case may be, then the employer or his insurer shall be subrogated to the rights of the employee to maintain the action against such third party, and may recover damages for the injury to the same extent that the employee might. In case of recovery, the court shall enter judgment for distribution of the proceeds thereof as follows:

(a) A sum sufficient to repay the employer for the amount of compensation actually paid by him to that time.

(b) A sum sufficient to pay the employer the present worth computed on a six per cent (6%) basis of the future payments of compensation for which he is liable, but such sum thus found shall not be considered as a final adjudication of the future payments which the employee shall receive and the amount received by the employer, if any, in excess of that required to pay the compensation shall be paid to the employee.

(c) The balance, if any, shall be paid over to the employee.

3. Before a settlement shall become effective between an employee or an employer and such third party who is liable for the injury, it must be with the written consent of the employee, in case the settlement is between the employer-insurer and such third person; and the consent of the employer or insurer, in case the settlement is between the employee and such third party; or on refusal of consent, in either case, then upon the written approval of the industrial commissioner.

4. A written memorandum of any settlement, if made, shall be filed by the employee in the office of the industrial commissioner.

Sec. 23. Notice of injury - failure to give. Unless the employer or his representative shall have actual knowledge of the occurrence of an injury, or unless the employee or some one on his behalf or some of the dependents or someone on their behalf shall give notice thereof to the employer within fifteen (15) days after the occurrence of the injury, then no compensation shall be paid until and from the date such notice is given or knowledge obtained; but if such notice is given or knowledge obtained within thirty (30) days from the occurrence of the injury, no want, failure or inaccuracy of a notice shall be a bar to obtaining compensation, unless the employer shall show that he was prejudiced thereby, and then only to the extent of such prejudice; but if the employee or beneficiary shall show that his failure to give prior notice was due to mistake, inadvertence, ignorance of fact or law, or inability, or to the fraud, misrepresentation or deceit of another, or to any other reasonable cause or excuse, then compensation may be allowed, unless and then to the extent only that the employer shall show that he was prejudiced by failure to receive such notice; but unless knowledge is obtained or notice given within ninety days after the occurrence of the injury, no compensation shall be allowed.

Sec. 23-a. Limitation of actions. No original proceedings for compensation shall be maintained in any case unless such proceedings shall be commenced within two (2) years from the date of the injury causing such death or disability for which compensation is claimed.

Sec. 24. Form of notice of injury. No particular form of notice shall be required, but may be substantially as follows:
To.....

You are hereby notified that on or about the..... day of
....., 19....., personal injury was sustained by
....., while in your employ at.....
(Give name
.....
and place employed and point where located when injury occurred.)

Signed.....

No variation from this form of notice shall be material if the notice is sufficient to advise the employer that a certain employee, by name, received an injury in the course of his employment on or about a specific time, at or near a certain place

Sec. 25. Service of notice of injury. The notice may be served on any one upon whom an original notice may be served in civil cases. Service may be made by any person, who shall make return verified by affidavit upon a copy of the notice, showing the date and place of service and upon whom served; but no special form of the return of service of the notice shall be required. It shall be sufficient if the facts therefrom can be reasonably ascertained. The return of service may be amended at any time.

Sec. 26. Surgical and medical services - Amount. In addition to other compensation hereinafter provided for, at the time of the injury and thereafter during the disability, but not exceeding four (4) weeks of incapacity, the employer, if so requested by the employee, or anyone for him, or if so ordered by the court or industrial commissioner, shall furnish reasonable surgical, medical and hospital services, and supplies therefor, or any other appropriate treatment agreed to in writing by the employee and the employer and the insurer, not exceeding one hundred dollars (\$100.00); but, in exceptional cases, the employer shall furnish such additional medical, and hospital services and supplies for such period and in such amount as the industrial commissioner shall order, but in no event to exceed one hundred dollars (\$100.00) for such additional services and supplies.

Sec. 27. Burial expense in case of death from injury. When death ensues from the injury, the employer shall pay the reasonable expenses of burial of such employee, not to exceed one hundred fifty dollars (\$150.00), which shall be in addition to other compensation or any other benefit provided for in this chapter.

Sec. 28. Liability of employer in case of death and no dependents. When the injury causes death of an employee who leaves no dependents, then the employer shall pay the reasonable expense of the employee's sickness, if any, and the expense of burial, as provided in the last two preceding sections, and this shall be the only compensation; provided that if, from the date of the injury until the date of the death, any weekly compensation shall have become due and unpaid up to the time of the death, the same shall be payable to the estate of the deceased employee.

Sec. 29. Basis of compensation schedule. In all cases where an employee receives a personal injury for which compensation other than for medical, surgical, and hospital services and burial expenses, is payable, such compensation shall be upon the basis of sixty per cent (60%) per week of the average weekly earnings but not to exceed fifteen dollars (\$15.00) nor less than six dollars (\$6.00) per week, except if at the time of his injury his earnings are less than six dollars (\$6.00) per week, then he shall receive in weekly payments a sum equal to the full amount of his weekly earnings.

Sec. 29-a1. Maturity date and interest. Compensation payments shall be made each week beginning on the twenty-second (22) day after the injury, and each week thereafter during the period for which compensation is payable, and if not paid when due, there shall be added to such weekly compensation payments, interest at six per cent (6%) from the date of maturity.

Sec. 30. Compensation in death cases - dependents.

1. When death results from the injury, the employer shall pay the dependents who were wholly dependent on the earnings of the employee for support at the time of his injury, the weekly compensation for a period of three hundred (300) weeks from the date of his injury.

2. When the injury causes the death of a minor employee whose earnings were received by the parent, the compensation to be paid such parent shall be two-thirds ($2/3$) the weekly compensation for an adult with like earnings.

3. If the employee leaves dependents only partially dependent upon his earnings for support at the time of the injury, the weekly compensation to be paid as aforesaid, shall be equal to the same proportion of the weekly payments for the benefit of persons wholly dependent as the amount contributed by the employee to such partial dependents bears to the annual earnings of the deceased at the time of the injury.

4. When weekly compensation has been paid to an injured employee prior to his death, the compensation to dependents shall run from the date to which compensation was fully paid to such employee, but shall not continue for more than three hundred (300) weeks from the date of the injury.

5. Where an employee is entitled to compensation under this chapter for an injury received, and death ensues from any cause not resulting from the injury for which he was entitled to the compensation, payments of the unpaid balance for such injury shall cease and all liability therefor shall terminate.

6. Except as otherwise provided by treaty, whenever, under the provisions of this act, compensation is payable to a dependent who is an alien not residing in the United States at the time of the injury, the employer shall pay fifty per cent (50%) of the compensation herein otherwise provided to such dependent, and the other fifty per cent (50%) shall be paid into the state treasury. But if the nonresident alien dependent is a citizen of a government having a compensation law which excludes citizens of the United States, either resident or nonresident, from partaking of the benefits of such law in as favorable degree as herein extended to the nonresident alien, then said compensation which would otherwise be payable to such dependent shall be paid into the state treasury.

Sec. 31. When compensation begins - periodical increase. Except as to injuries resulting in permanent partial disability, compensation shall begin on the fifteenth day of disability after the injury.

If the period of incapacity extends beyond the thirty-fifth day following the date of injury, then the compensation for the fifth week shall be increased by adding thereto an amount equal to two-thirds ($2/3$) of one (1) week of compensation; if the period of incapacity extends beyond the forty-second day following the date of injury, then the compensation for the sixth week shall be increased by adding thereto an amount equal to two-thirds ($2/3$) of one (1) week of compensation; if the period of incapacity extends beyond the forty-ninth day following the date of injury, then the compensation for the seventh week shall be increased by adding thereto an amount equal to two-thirds ($2/3$) of one (1) week of compensation; if the period of incapacity extends beyond the forty-ninth day following the date of injury, then the compensation thereafter shall be only the weekly compensation.

Sec. 32. Compensation for temporary disability - limit. For injury producing temporary disability, and beginning on the fifteenth day thereof, the employer shall pay the weekly compensation during the period of such disability, but not exceeding three hundred (300) weeks, including the periodical increase in cases to which the preceding section applies.

Sec. 33. Compensation for permanent total disability. For an injury causing permanent total disability, the employer shall pay the weekly compensation during the period of his disability, not, however, beyond four hundred weeks weeks.

Sec. 34. Schedule of permanent partial disabilities. Compensation for permanent partial disability shall begin at the date of injury and shall be based upon the extent of such disability, and for all cases of permanent partial disability included in the following schedule compensation shall be paid as follows:

1. For the loss of a thumb, weekly compensation during forty (40) weeks.
2. For the loss of a first finger, commonly called the index finger, weekly compensation during thirty (30) weeks.
3. For the loss of a second finger, weekly compensation during twenty-five (25) weeks.
4. For the loss of a third finger, weekly compensation during twenty (20) weeks.
5. For the loss of a fourth finger, commonly called the little finger, weekly compensation during fifteen (15) weeks.
6. The loss of the first or distal phalange of the thumb or of any finger shall equal the loss of one-half (1/2) of such thumb or finger and compensation shall be one-half (1/2) of the time for the loss of such thumb or finger.
7. The loss of more than one (1) phalange shall equal the loss of the entire finger or thumb.
8. For the loss of a great toe, weekly compensation during twenty-five (25) weeks.
9. For the loss of one (1) of the toes other than the great toe, weekly compensation during fifteen (15) weeks.
10. The loss of the first phalange of any toe, shall equal the loss of one-half (1/2) of such toe and the compensation shall be one-half (1/2) of the time provided for the loss of such toe.
11. The loss of more than one (1) phalange shall equal the loss of the entire toe.
12. For the loss of a hand, weekly compensation during one hundred fifty (150) weeks.
13. The loss of two-thirds (2/3) of that part of an arm between the shoulder joint and the elbow joint shall equal the loss of an arm and the compensation therefor shall be weekly compensation during two hundred twenty-five (225) weeks.
14. For the loss of a foot, weekly compensation during one hundred twenty-five (125) weeks.
15. The loss of two-thirds (2/3) of that part of a leg between the hip joint and the knee joint shall equal the loss of a leg, and the compensation therefor shall be weekly compensation during two hundred (200) weeks.
16. For the loss of an eye, weekly compensation during one hundred (100) weeks.
17. For the loss of an eye, the other eye having been lost prior to the injury, weekly compensation during two hundred (200) weeks.
18. For the loss of hearing in one (1) ear, weekly compensation during fifty (50) weeks, and for the loss of hearing in both ears, weekly compensation during one hundred fifty (150) weeks.
19. The loss of both arms, or both hands, or both feet or both legs, or both eyes or of any two (2) thereof, caused by a single accident, shall equal permanent total disability, to be compensated as such.
20. In all other cases of permanent partial disability, the compensation shall bear such relation to the periods of compensation stated in the above schedule as the disability bears to those produced by the injuries named in the schedule.

Sec. 35. Basis of computation.

1. Compensation shall be computed on the basis of the annual earnings which the injured person received as salary, wages, or earnings in the employment of the same employer during the year next preceding the injury.

2. Employment by the same employer shall mean in the grade in which the employee was employed at the time of the accident, uninterrupted by absence from work due to illness of any other unavoidable cause.

3. The annual earnings, if not otherwise determinable, shall be three hundred (300) times the average daily earnings in such computation.

4. If the injured person has not been engaged in the employment for a full year immediately preceding the accident, the compensation shall be computed according to the annual earnings which persons of the same class in the same or in neighboring employments of the same kind have earned during such period. And if this basis of computation is impossible, or should appear to be unreasonable, three hundred (300) times the amount which the injured person earned on an average of those days when he was working during the year next preceding the accident, shall be the basis for the computation.

5. In case of injured employees who earn either no wages or less than three hundred (300) times the usual daily wage or earnings of the adult day laborer in the same line of industry of that locality, the yearly wage shall be reckoned as three hundred (300) times the average daily local wages of the average wage earner in that particular kind or class of work; or if information of that kind is not obtainable, then the class most kindred or similar in the same general employment in the same neighborhood.

6. For employees in a business or enterprise which customarily shuts down and ceases operation during a season of each year, the number of working days which it is the custom of such business or enterprise to operate each year instead of three hundred (300) shall be the basis for computing the annual earnings; but the minimum number of days which shall be used as a basis for the year's work shall not be less than two hundred (200).

7. Earnings, for the purpose of this section, shall be based on the earnings for the number of hours commonly regarded as a day's work for that employment and shall exclude overtime earnings. The earnings shall not include any sum which the employer has been accustomed to pay the employee to cover any special expense entailed on him by the nature of the employment.

8. In computing the compensation to be paid to any employee who, before the accident for which he claims compensation, was disabled and drawing compensation under the provisions of this chapter, the compensation for each subsequent injury shall be apportioned according to the proportion of disability caused by the respective injuries which he shall have suffered.

Sec. 36. Contributions from employees - no reduction of employers liability. The compensation herein provided shall be the measure of liability which the employer has assumed for injuries or death that may occur to employees in his employment subject to the provisions of this chapter, and it shall not be in anywise reduced by contribution from employees or donations from any source.

Sec. 37. Examination of injured employees - suspension of compensation. After an injury, the employee, if so requested by his employer, shall submit himself for examination at some reasonable time and place within the state and as often as may be reasonably requested, to a physician or physicians authorized to practice under the laws of this state, without cost to the employee; but if the employee requests, he shall, at his own cost, be entitled to have a physician or physicians of his own selection present to participate in such examination. The refusal of the employee to submit to such examination shall deprive him of the right to any compensation for the period of such refusal. When a right of compensation is thus suspended, no compensation shall be payable for the period of suspension.

Sec. 38. Employer to furnish statement of earnings. The employer shall furnish, upon request of an injured employee or dependent or any legal representative acting for such person, a statement of the earnings, wages, or salary and other matters relating thereto during the year or part of the year that such employee was in the employment of such employer for the year preceding the injury; but not more than one (1) report shall be required on account of any one (1) injury.

Sec. 39. Penalty for refusing or neglecting to furnish statement. On failure of the employer to furnish such statement of earnings for thirty (30) days after receiving written request therefor from an injured employee, his agent, attorney, dependent, or legal representative, such employer shall pay a penalty of twenty-five dollars (\$25.00) for each offense to be collected by the commissioner in any court having jurisdiction and paid into the state treasury.

Sec. 40. Persons conclusively presumed wholly dependent. The following shall be conclusively presumed to be wholly dependent upon the deceased employee:

1. The surviving spouse, with the following exceptions:
 - (a) When it is shown that at the time of the injury the surviving spouse had wilfully deserted deceased without fault of the deceased, then such survivor shall not be considered as dependent in any degree.
 - (b) When the surviving spouse was not married to the deceased at the time of the injury.
 - (c) When the deceased leaves no dependent children and the surviving spouse remarries, then all compensation shall cease on the date of such marriage.
2. A child or children under sixteen (16) years of age, and over said age if physically or mentally incapacitated from earning, whether actually dependent for support or not upon the parent at the time of his or her death. An adopted child or children or stepchild or stepchildren shall be regarded the same as issue of the body.
3. A parent of a minor who is receiving the earnings of the employee at the time when the injury occurred. Stepparents shall be regarded as parents.

Sec. 41. Payment to spouse - death before payment. If the deceased employee leaves a surviving spouse, the full compensation shall be paid to her or him, subject to the exceptions in the preceding section.

If the spouse dies before full payment, the balance shall be paid to the person or persons wholly dependent on deceased, if any, share and share alike. If there are none wholly dependent, then such balance shall be paid to partial dependent, if any, in proportion to their dependency.

Sec. 42. Payments to actual dependents. In all cases, questions of dependency in whole or in part shall be determined in accordance with the facts as of the date of the injury; and in such other cases if there is more than (1) person wholly dependent, the death benefit shall be equally divided among them. If there is no one wholly dependent and more than one (1) person partially dependent, the death benefit shall be divided among them in the proportion each dependency bears to their aggregate dependency.

Sec. 43. Commutation -- conditions for granting. Future payments of compensation may be commuted to a present worth lump sum payment on the following conditions:

1. When the period during which compensation is payable can be definitely determined.

2. When the written approval of such commutation by the industrial commissioner has been filed in the proceedings to commute.

3. When it shall be shown to the satisfaction of the court or a judge thereof that such commutation will be for the best interest of the person or persons entitled to the compensation, or that periodical payments as compared with a lump sum payment will entail undue expense, hardship, or inconvenience upon the employer liable therefor.

Sec. 44. Proceedings for commutation. A written petition for commutation may be made to the district court in and for the county in which the injury occurred or to any judge thereof, and shall have indorsed thereon the approval of the industrial commissioner.

Notice of the filing or presentation of such petition shall be served upon the opposite party or parties for the time and in the manner required for original notices. The court or judge in term time or vacation shall hear and determine the matter as a proceeding in equity and render such judgment and decree, granting such commutation in whole or in part or dismissing the petition, as equity will warrant on the facts presented.

In any case parties in interest may agree in writing to waive presenting the petition for commutation to the district court and in such case, if the application is approved by the industrial commissioner, governed by the law applicable to the district court, he may enter an order for commutation which shall have the same force and effect as if made by the district court with the right upon the part of either party to file a certified copy thereof in the district court as provided for an award.

Sec. 45. Basis of commutation - Payment - Discharge. When the commutation is ordered, the court shall fix the lump sum to be paid at an amount which will equal the total sum of the probable future payments capitalized at their present value and upon the basis of interest, calculated at five per cent (5%) per annum. Upon the payment of such amount the employer shall be discharged from all further liability on account of such injury or death, and be entitled to a duly executed release, upon filing which the liability of such employer under any agreement, award, finding, or judgment shall be discharged of record.

Sec. 45-a1. Partial commutation. When partial commutation is ordered, the court shall fix the lump sum to be paid at an amount which will equal the future payments for the period commuted, capitalized at their present value upon the basis of interest calculated at five per cent (5%) per annum, with provisions for the payment of weekly compensation not included in such commutation, subject to any provisions of the law applicable to such unpaid weekly payments; all remaining payments, if any, to be paid at the same time as though such commutation had not been made.

Sec. 46. Trustees for minors and those mentally incompetent. When an injured minor employee, or a minor dependent, or one mentally incompetent, is entitled to compensation under this chapter, payment shall be made to a trustee appointed by the judge of the district court for the county in which the injury occurred, and the money coming into the hands of said trustee shall be expended for the use and benefit of the person entitled thereto under the direction and orders of the judge during term time or in vacation. If the judge making the appointment deems it advisable, a trustee may be appointed to serve for more than one (1) county in the district and the expenses shall be paid ratably by each county according to the amount of work performed in each county. The trustee shall qualify and give bond in such amount as the judge may direct, which may be increased or diminished from time to time as the court may deem best.

Sec. 47. Annual report of trustee - Compensation. The trustees shall make annual reports to the court of all money or property received and expended for each person; and for services rendered as trustee, shall be paid such compensation by the county as the court may direct by written order directed to the auditor of the county, who shall issue a warrant therefor upon the treasurer of the county in which the appointment is made.

Sec. 48. Alien dependents in foreign country - Representative. In case a deceased employe for whose injury or death compensation is payable leaves surviving him an alien dependent or dependents residing outside the United States, the consul general, consul, vice consul or consular agent of the nation of which the said dependent or dependents are citizens, or the duly appointed representative of such consular official resident in the state of Iowa, shall be regarded as the exclusive representative of such dependent or dependents, and said consular officials or their representatives shall have the same rights and powers in all matters of compensation which said non-resident aliens would have if resident in the state of Iowa.

Sec. 49. Consular officer or agent may be appointed trustee. Such consular officer or his duly appointed representative resident in the state of Iowa shall file in the district court of the county in which the accident occurred resulting in the death of said employe evidence of his authority, and thereupon the court or a judge thereof shall appoint him a trustee for such nonresident alien dependents, and thereafter he shall be subject to the jurisdiction of said court until his final report of distribution and payment has been filed and approved. Such consular official or his said representative shall qualify as such trustee by giving bond with approved sureties in a sum to be fixed by said court or judge, and the amount of said bond may be increased or decreased from time to time as said court or judge may direct.

Sec. 52. Notice to consular officer of death of employes with alien dependents. If such consular officer, or his duly appointed representative, shall file with the industrial commissioner evidence of his authority, the industrial commissioner shall notify such consular officer or his representative of the death of all employes leaving alien dependent, or dependents, residing in the county of said consular officer so far as same shall come to his knowledge.

Sec. 54. Insurance against compensation prohibited - Penalty. Any contract of employment, relief benefit, or insurance, or other device whereby the employe is required to pay any premium or premiums for insurance against the compensation provided for in this chapter, shall be null and void; and any employer withholding from the wages of any employe any amount for the purpose of paying any such premium shall be guilty of a misdemeanor and punishable by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each offense.

Sec. 55. Provisions cannot be waived. No employe or dependent to whom this chapter applies, shall have the power to waive any of the provisions of this chapter in regard to the amount of compensation which may be payable to such employe or dependent hereunder.

Sec. 56. Contract respecting claim for injury deemed fraudulent. Any contract or agreement made by any employer or his agent or attorney with any employe or any other dependent under the provisions of this chapter within twelve (12) days after the injury shall be presumed to be fraudulent.

Sec. 57. Employees in interstate and intrastate commerce. So far as permitted, or not forbidden, by any act of congress, employees engaged in interstate or foreign commerce and their employees working only in this state shall be bound by the provisions of this chapter in like manner and with the same force and effect in every respect as by this chapter provided for other employers and employees.

Sec. 58. Payment to employees of state. All valid claims now due or which may hereafter become due employees of the state under the provisions of this chapter shall be paid out of any funds in the state treasury not otherwise appropriated.

Sec. 59. Auditor to issue warrants. The auditor of state is hereby authorized and directed to draw warrants on the state treasury for any and all amounts due state employees under the provisions of this chapter upon there being filed in his office, either a memorandum of settlement approved by the industrial commissioner of an award made by a board of arbitration, for which no review is pending, or an order of the industrial commissioner from which no appeal has been taken, or a judgment of any court of the state accompanied by a certificate of the industrial commissioner setting forth the amount of compensation due and the statutory provisions under which the same should be paid.

Sec. 60. Board of audit not to approve. Claims for compensation under the last two (2) preceding sections shall not require approval by the board of audit.

Sec. 61. Terms defined. In this and chapter four (4) and five(5), unless the context otherwise requires, the following definitions of terms shall prevail:

1. "Employer" includes and applies to any person, firm, association, or corporation, state, county, municipal corporation, city under special charter and under commission form of government, school district, and the legal representatives of a deceased employer.

2. "Workman" or "employee" means a person who has entered into the employment of, or works under contract of service, express or implied, or apprenticeship, for an employer, except as hereinafter specified.

2-al. The following persons shall not be deemed "workmen" or "employees":

(a) A person whose employment is purely casual and not for the purpose of the employer's trade or business.

(b) A person engaged in clerical work only, but clerical work shall not include any one who may be subject to the hazards of the business.

(c) An independent contractor.

(d) A person holding an official position, or standing in a representative capacity of the employer, or an official elected or appointed by the state, county, school district, municipal corporation, city under special charter or commission form of government.

3. The term "workman" or "employee" shall include the singular and plural of both sexes. Any reference to a workman or employee who has been injured shall, when such workman or employee is dead, include his dependents as herein defined or his legal representatives; and where the workman or employee is a minor or incompetent, it shall include his guardian, next friend or trustee.

4. The words "injury" or "personal injury" shall be construed as follows:

(a) They shall include death resulting from personal injury.

(b) They shall not include injury caused by the wilful act of a third person directed against an employee for reasons personal to such employee, or because of his employment.

(c) They shall not include a disease unless it shall result from the injury.

5. The words "personal injury arising out of and in the course of the employment" shall include injuries to employees whose services are being performed on, in or about the premises which are occupied, used or controlled by the employer, and also injuries to those who are engaged elsewhere in places where their employer's business requires their presence and subjects them to dangers incident to the business.

6. The word "court" wherever used in this and the two succeeding chapters, unless the context shows otherwise, shall be taken to mean the district court.

Sec. 61-a1. Peace officers - injury in line of duty. Any policeman (except those pensioned under the policeman's pension fund created by law), any sheriff, marshal, constable and any and all of their deputies, and any and all other such legally appointed or elected law-enforcing officers, who shall, while in line of duty or from causes arising out of or sustained while in the course of their official employment, meaning while in the act of making or attempting to make an arrest or giving pursuit, or while performing such official duties where there is peril or hazard peculiar to the work of their office, be killed outright, or become temporarily or permanently physically disabled, or if said disability result in death, shall be entitled to compensation, the same to be paid out of the general funds of the state for all such injuries or disability.

Where death occurs, compensation shall be paid to the dependents of the officer, as in other compensation cases. Such compensation shall be the minimum allowed in compensation cases. The industrial commissioner shall have jurisdiction as in other cases.

CHAPTER 4 INDUSTRIAL COMMISSIONER

Sec. 62. Industrial commissioner - term - vacancy. The governor shall, prior to the adjournment of the general assembly in nineteen hundred twenty-five (1925), and each six (6) years thereafter, appoint, with the approval of the senate, an industrial commissioner whose term of office shall be six (6) years from July first of the year of appointment. He shall maintain his office at the seat of government. An appointment to fill a vacancy may be made when the senate is not in session, but shall be acted upon at the next session thereof.

Sec. 63. Appointment of deputy. The commissioner shall, in writing, appoint a deputy for whose acts he shall be responsible, and who shall serve during the pleasure of the commissioner.

Sec. 64. Duties of the deputy. In the absence or disability of the industrial commissioner, or when acting under the directions of the commissioner, the deputy shall have all of the powers and perform all of the duties of the industrial commissioner pertaining to his office.

Sec. 65. Appropriation for expenses. There is hereby appropriated out of any money not otherwise appropriated the sum of five thousand dollars (\$5,000.00), or so much thereof as may be required, annually, to defray the expenses of said office.

Sec. 66. Political activity and contributions prohibited - Penalty. It shall be unlawful for the commissioner, or any appointee of the commissioner while in office, to espouse the election or appointment of any candidate to any political office, contribute to the campaign fund of any political party, or to the campaign fund of any person who is a candidate for election or appointment to any political office, and any person violating the provisions of this section shall be guilty of a misdemeanor and shall be fined one hundred dollars

Sec. 67. Candidates for commissioner - Political promises prohibited - Penalty. Any person who is a candidate for appointment as commissioner who makes any promise to another, express or implied, in consideration of any assistance or influence given or recommendation made that the candidate will, if appointed as a commissioner, appoint such person or one whom he may recommend to any office within the power of the commissioner to appoint, shall be fined one hundred dollars (\$100.00).

Sec. 68. Recommendations of candidate in writing - Record. All recommendations to the governor of any person asking the appointment of another as commissioner shall be reduced to writing, signed by the person presenting the same, which shall be filed by the governor in his office and open at all reasonable times for public inspection, and all recommendations made by any person to the commissioner for the appointment of another within the power of the commissioner to appoint, shall be reduced to writing, signed by the person presenting the same, and filed by the commissioner and open for public inspection at all reasonable times. If any person recommending the appointment of another within the contemplation of this section refuses to reduce the same to writing, it shall be the duty of the person to whom the recommendation is made, to make a memorandum thereof, stating the name of the person recommended and the name of the person who made the same, which shall be filed in the office of the governor or the commissioner as the case may be.

Sec. 69. Interest in affected business prohibited. It shall be unlawful for the commissioner to be financially interested in any business enterprise coming under or affected by this chapter during his term of office, and if he violates this statute, it shall be sufficient grounds for his removal from office, and in such case the governor shall at once declare the office vacant and appoint another to fill the vacancy.

Sec. 70. Duties - Rules and regulations - Reports. It shall be the duty of the commissioner:

1. To establish and enforce all necessary rules and regulations not in conflict with the provisions of this and the preceding and the next succeeding chapters for carrying out the purposes thereof.
2. To prepare and distribute the necessary blanks relating to computation, adjustment and settlement of compensation arising thereunder.
3. To preside as chairman of boards of arbitration for the settlement of controversies.
4. To keep records of all proceedings and decisions of such boards, issue subpoenas for witnesses, administer oaths, examine books and records of parties subject to such provisions.
5. In general to do all things not inconsistent with law in carrying out said provisions according to their true intent and purposes

Sec. 71. Biennial reports. The commissioner shall, at the time provided by law, make a biennial report to the governor setting forth in appropriate form the business and expenses of the office for the two (2) preceding years, the number of arbitrations and the results thereof, and such other matters pertaining to his office as may be of public interest, together with any recommendations for change or amendment of the laws as found in this and the preceding and next succeeding chapters, and such recommendations, if any, shall be transmitted by the governor to the first general assembly in session thereafter.

Sec. 72. Pay rolls and records open to inspection of commissioner. All books, records, and pay rolls of the employers, showing or reflecting in any way upon the amount of wage expenditure of such employers, shall always be open for inspection by the industrial commissioner or any of his representatives presenting a certificate of authority from said commissioner for the purpose of ascertaining the correctness of the wage expenditure; the number of men employed and such other information as may be necessary for the uses and purposes of the commissioner in his administration of the law. Information so obtained shall be used for no other purpose than to advise the commissioner or insurance association with reference to such matters. A refusal on the part of the employer to submit his books, records, or pay rolls for the inspection of the commissioner or his authorized representatives presenting written authority from the commissioner, shall subject the employer to a penalty of one hundred dollars (\$100.00) for each such offense, to be collected by civil action in the name of the state, and paid into the state treasury.

Sec. 73. Reports of injuries - records - inspection. Every employer shall hereafter keep a record of all injuries, fatal or otherwise, sustained by his employees in the course of their employment and resulting in incapacity for a longer period than one (1) day. Within forty-eight (48) hours, not counting Sundays and legal holidays, after the employer has knowledge of the occurrence of an accident resulting in personal injury causing incapacity for a longer period than one (1) day, a report shall be made in writing by the employer to the industrial commissioner on blanks to be procured from the commissioner for that purpose.

Sec. 74. Subsequent reports. Upon the termination of the disability of the injured employee, or if such disability extends beyond a period of sixty (60) days, at the expiration of such period, the employer shall make a supplemental report on blanks to be procured from the commissioner for that purpose. The said reports shall contain the name and nature of the business of the employer, the location of the establishment, the name, age, sex, and occupation of the injured employee, and shall state the date and hour of the accident, the nature and cause of the injury, and such other information as may be required by the commissioner. Any employer who fails to make the report required by this and the preceding section shall be liable to a penalty of fifty dollars (\$50.00) for each offense, to be recovered by the commissioner. The commissioner shall be represented by the county attorney in the county in which such proceeding is brought.

Sec. 75. Compensation agreements - approval. If the employer and the employee reach an agreement in regard to the compensation, a memorandum thereof shall be filed with the industrial commissioner by the employer or employee, and unless the commissioner shall, within twenty (20) days, notify the employer and the employee of his disapproval of the agreement by registered letter sent to their addresses as given on the memorandum filed, the agreement shall stand approved and be enforceable for all purposes, except as otherwise provided in this and chapters three (3) and five (5). In case the injured employee is a minor, either he or his trustee may execute the memorandum of agreement and give a valid and binding release for the compensation paid on his account. Such agreement shall be approved by said commissioner only when the terms conform to the provisions of this and the preceding chapter.

Sec. 76. Board of arbitration. If the employer and injured employee or his representatives or dependents fail to reach an agreement in regard to compensation, either party may file a petition and copy thereof with the industrial commissioner, stating therein his or her claims in general terms and asking that a board of arbitration be formed. Thereupon the commissioner shall in writing notify the parties to name their respective members of such board. Such board shall consist of three (3) persons, one (1) of whom shall be the industrial commissioner or his deputy, who shall act as chairman. The other two (2) shall be named, respectively, by the two (2) parties.

Sec. 77. Commissioner to appoint. If either party fails to appoint an arbitrator by the time fixed for hearing by the commissioner, such defaulting party shall be deemed to have waived the right to appoint an arbitrator and hearing shall proceed without such appointment. Parties may, in writing filed with the commissioner, waive the appointment of arbitrators and in such case the hearing shall proceed before the commissioner or his deputy with the same force and effect as if tried before a board with respective representatives.

Sec. 78. Oath of arbitrators. The arbitrators appointed by the parties shall be sworn by the chairman to take the following oath:

"I,, do solemnly swear (or affirm) that I will faithfully perform my duties as arbitrator and will not be influenced in my decision by any feeling of friendship or partiality toward either party.

Signed

Sec. 79. Powers of board - Hearings - Decision. The board of arbitration shall make such inquiries and investigations as it shall deem necessary. The hearings of the board shall be in the county where the injury occurred, but by written stipulation of the parties filed in the case it may be held at any other place in the state. If the injury occurred outside this state the hearing of the board shall be held in the county seat of this state which is nearest to the place where the injury occurred unless the interested parties and the industrial commissioner mutually agree by written stipulation that the same may be at some other place.

Sec. 80. Liberal rules of evidence. While sitting as a board of arbitration, or when conducting a hearing on review, or in making any investigation or inquiry, neither the board of arbitration nor the commissioner shall be bound by common law or statutory rules of evidence or by technical or formal rules of procedure; but they shall hold such arbitrations, or conduct such hearings and make such investigations and inquiries in such manner as is best suited to ascertain and conserve the substantial rights of all parties thereto. Process and procedure under this chapter shall be as summary as reasonably may be.

Sec. 81. Appointment of reporter - Compensation. If either, or both, parties to any proceeding hereunder shall furnish compensation for a shorthand reporter in such reasonable amount as the commissioner shall fix, the commissioner shall appoint a reporter to report the proceedings of any hearing before the commissioner or a board of arbitration. The amount so paid shall be taxed as other costs. Any such reporter shall faithfully and accurately report any proceeding for which he or she shall be employed.

Sec. 83. Transcript of evidence - Compensation. The official shorthand reporter appointed for any hearing before the commissioner or a board of arbitration on written request by either party to the controversy, or by the commissioner, shall make a transcript of the evidence or so much thereof as shall be requested, to be paid for at the rate of not to exceed ten cents (10c) for each one hundred (100) words. The transcript shall be paid for by the party requesting it, and if used as the record of the evidence on a review or appeal, the expense shall be taxed as part of the costs against the losing party, or apportioned as the case may be.

Sec. 84. Depositions. The deposition of any witness may be taken and used as evidence in any hearing pending before a board of arbitration or the industrial commissioner in compensation proceedings.

Such deposition shall be taken in the same manner as provided for the taking of depositions for use in the district court, and when so taken shall be admissible in evidence in such hearings in the same manner, subject to the same rules governing the admission of evidence as in the district court.

Application for a commission to take depositions in such cases shall be filed in the office of the clerk of the district court of the county wherein the injury occurred.

Sec. 84-a1. Witnesses compelled to testify. The district court is hereby empowered to enforce by proper proceedings the provisions of this chapter relating to the attendance and testimony of witnesses and the examination of books and records.

Sec. 85. Findings of arbitration board filed. The decision of the board of arbitration, together with a statement or certificate of evidence submitted before it, its findings of fact, rulings of law, and any other matters pertinent to questions arising before it, shall be filed with the industrial commissioner.

Sec. 86. Petition for review - Proceedings. Any party aggrieved by the decision or findings of a board of arbitration may, within ten (10) days after such decision is filed with the industrial commissioner, file in the office of the commissioner a petition for review, and the commissioner shall thereupon fix a time for the hearing on such petition and notify the parties.

At such hearing, the commissioner shall hear the parties, consider all evidence taken before the board of arbitration if it has been transcribed, and may hear any additional evidence, and he may affirm, modify or reverse the decision of the board, or may remand it to the board for further findings of facts. Additional evidence to that presented and admitted in arbitration proceedings shall not be introduced by either party unless such party gives the opposite party, or his attorney, five (5) days' notice thereof in writing, stating the particular phase of the controverted claim to which such additional evidence will apply.

Sec. 87. Decision and findings of fact by commissioner. The decision of the industrial commissioner in any case on review before him shall be in writing, filed in his office, and shall set forth his findings of fact and conclusions of law.

Sec. 88. Appeal - Time - Manner. Any party aggrieved by any decision or order of the industrial commissioner in a proceeding on review, may within thirty (30) days from the date such decision or order is filed, appeal therefrom to the district court of the county in which the injury occurred, by filing in the office of the commissioner a written notice of appeal setting forth in general terms the decision appealed from and the grounds of the appeal. The commissioner shall forthwith give notice to the other parties in interest.

Sec. 89. Transcript. Within thirty (30) days after a notice of appeal is filed with the commissioner, he shall make, certify and file in the office of the clerk of the court to which the appeal is taken, a full and complete transcript of all documents in the case, including any depositions, and a transcript or certificate of the evidence, if reported, together with the notice of appeal.

Sec. 90. Trial term - Precedence. The first term after the appeal is taken shall be the trial term, and if the appeal is taken during a term, it shall be triable at that term at any time after ten (10) days from the date of filing the transcript by the commissioner and ten (10) days' notice in writing by either party upon the other. Such appeal shall have precedence on the docket and for trial over all other civil business except appeals of the same kind which shall be tried in the order in which they are filed, except as otherwise agreed in writing by all parties in interest and filed.

Sec. 91. Record - Finding of fact conclusive. The transcript as certified and filed by the industrial commissioner shall be the record on which the appeal shall be heard, and no additional evidence shall be heard. In the absence of fraud the findings of fact made by the industrial commissioner within his powers shall be conclusive.

Sec. 92. Power of court on appeal. Any order or decision of the industrial commissioner may be modified, reversed, or set aside on one (1) or more of the following grounds and on no other:

1. If the commissioner acted without or in excess of his powers.
2. If the order or decree was procured by fraud.
3. If the facts found by the commissioner do not support the order or decree.
4. If there is not sufficient competent evidence in the record to warrant the making of the order or decision.

Sec. 93. Judgment or order remanding. When the district court, on appeal, reverses or sets aside an order or decision of the industrial commissioner, it may remand the case to the commissioner for further proceedings in harmony with the holding of the court, or it may enter the proper judgment, as the case may be. Such judgment or decree shall have the same force and effect as if action had been originally brought and tried in said court.

Sec. 94. Costs on appeal. The clerk shall charge no fee for any service rendered in compensation cases except the filing fee and transcript fees when the transcript of a judgment is required. The taxation of costs in such appeals shall be in the discretion of the court.

Sec. 95. Appeal to supreme court - Time for submission. An appeal may be taken to the supreme court from any final order, judgment, or decree of the district court, but such appeal shall be docketed, placed upon the term calendar and submitted in the same time and manner as criminal cases in said court.

Sec. 96. Review of payments fixed by agreement or award. Any award for payments or agreement for settlement made under this chapter where the amount has not been commuted, may be reviewed by the industrial commissioner at the request of the employer or of the employee at any time, and if on such review the commissioner finds the condition of the employee warrants such action, he may end, diminish, or increase the compensation so awarded or agreed upon.

Sec. 97. Notice - Hearing. When any interested party desires a review of payments or settlements as provided in the preceding section, he shall file a petition for review with the industrial commissioner setting forth the grounds upon which the right of review is claimed. The commissioner shall give the parties in interest notice of the time fixed for such hearing, which shall not be less than five (5) days from the date of filing such petition.

Sec. 98. Notice by commissioner.- How given. Any notice to be given by the commissioner or court provided for in this chapter shall be in writing, but service thereof shall be sufficient if registered and deposited in the mail, addressed to the last known address of the parties, unless otherwise provided in this chapter.

Sec. 99. Place of hearing all reviews by commissioner. All petitions for review of the decision and findings of a board of arbitration, and all petitions for review of payments or settlements shall be heard at the seat of government, unless the interested parties and the industrial commissioner agree by written stipulation that any such petition may be heard elsewhere.

Sec. 101. Examination by physician - Fee - Evidence. The industrial commissioner may appoint a duly qualified, impartial physician to examine the injured employee and make report. The fee for this service shall be five dollars (\$5.00), to be paid by the industrial commissioner, together with traveling expenses, but the commissioner may allow additional reasonable amounts in extraordinary cases. Any physician so examining any injured employee shall not be prohibited from testifying before the industrial commissioner, board of arbitration, or any other person, commission, or court, as to the results of his examination or the condition of the injured employee.

Sec. 102. Fees - Approval - Lien. All fees or claims for legal, medical, hospital and burial services rendered under this act shall be subject to the approval of the industrial commissioner, and no lien for such service shall be enforceable without the approval of the amount thereof by the industrial commissioner. For services rendered in the district court and supreme court, the attorney's fee shall be subject to the approval of a judge of the district court.

Sec. 103. Compensation of arbitrators - Costs. The arbitrators except the commissioner shall each receive five dollars (\$5.00) as a fee for services, but the industrial commissioner may allow additional reasonable amounts in extraordinary cases. The fees shall be paid by the employer, who may deduct an amount equal to one-half (1/2) the sum from any compensation found due the employee. All other costs incurred in the hearing before a board of arbitration or the commissioner shall be taxed in the discretion of such board or the commissioner as the case may be.

Sec. 104. Witness fees. Witness fees and mileage on hearings before an arbitration board or the industrial commissioner shall be the same as in the district court.

Sec. 105. Judgment on award by district court. Any party in interest may present a certified copy of an order or decision of the commissioner, or an award of a board of arbitration from which no petition or review has been filed within the time allowed therefor, or a memorandum of agreement approved by the commissioner, and all papers in connection therewith, to the district court of the county in which the injury occurred, whereupon said court shall render a decree or judgment in accordance therewith and cause the clerk to notify the parties. Such decree or judgment, in the absence of an appeal from the decision of the industrial commissioner, shall have the same effect and in all proceedings in relation thereto shall thereafter be the same as though rendered in a suit duly heard and determined by said court.

Sec. 105-a1. Judgment - Modification of. Upon the presentation to the court of a certified copy of a decision of the industrial commissioner, ending, diminishing or increasing the compensation under the provisions of this chapter, the court shall revoke or modify the decree or judgment to conform to such decision.

CHAPTER 5

COMPENSATION LIABILITY INSURANCE

Sec. 107. Insurance of liability required. Every employer subject to the provisions of this and the two (2) preceding chapters, unless relieved therefrom as hereinafter provided, shall insure his liability thereunder in some corporation, association, or organization approved by the commissioner of insurance. Every such employer shall exhibit, on demand of the insurance commissioner, evidence of his compliance with this section; and if such employer refuses, or neglects to comply with this section, he shall be liable in case of injury to any workman in his employ under the common law as modified by statute, and in the same manner and to the same extent as though such employer had legally exercised his right to reject the provisions relating to compensation for injury to employees.

Sec. 108. Notice of failure to insure. Any employer who fails to insure his liability as required herein shall keep posted a sign of sufficient size and so placed as to be easily seen by his employees in the immediate vicinity where working, which sign shall read as follows:

"NOTICE TO EMPLOYEES

You are hereby notified that the undersigned employer has failed to insure his liability to pay compensation as required by law, and that because of such failure he is liable to his employees in damages for personal injuries sustained by his employees in the same manner and to the same extent as though he had legally exercised his right to reject the provisions relating to compensation.

(Signed),....."

Any employer coming under the provisions of this and the two (2) preceding chapters who fails to comply with this section or to post and keep the above notice in the manner and form herein required, shall be guilty of a misdemeanor.

Sec. 109. Maximum commission or compensation for reinsurance. No insurer of any obligation under this chapter shall either by himself or through another, either directly or indirectly, charge or accept as a commission or compensation for placing or renewing any insurance under this chapter, more than fifteen per cent (15%) of the premium charged.

Sec. 110. Mutual companies - Conditions. For the purpose of complying with this chapter groups of employers by themselves or in an association with any or all of their workmen, may form insurance associations as hereafter provided, subject to such reasonable conditions and restrictions as may be fixed by the insurance commissioner, and membership in such mutual insurance organization as approved, together with evidence of the payment of premiums due, shall be evidence of compliance with this chapter.

Sec. 111. Benefit insurance - Approval. Subject to the approval of the industrial commissioner, any employer or group of employers may enter into or continue an agreement with his or their workmen to provide a scheme of compensation, benefit, or insurance in lieu of compensation and insurance; but such scheme shall in no instance provide less than the benefits provided and secured, nor vary the period of compensation provided for disability or for death, or the provisions of law with respect to periodic payments, or the percentage that such payments shall bear to weekly wages, except that the sums required may be increased; and the approval of the industrial commissioner shall be granted, if the scheme provides for contribution by workmen, only when it confers benefits, in addition to those required by law, commensurate with such contributions.

Sec. 112. Certificate of approval. When such scheme or plan is approved by the industrial commissioner, he shall issue certificate to that effect, whereupon it shall be legal for such employer, or group of employers to contract with any or all of his or their workmen to substitute such scheme or plan for the provisions relating to compensation and insurance during a period of time fixed by said department.

Sec. 113. Termination - Appeal to district court. Such scheme or plan may be terminated by the industrial commissioner on reasonable notice to the interested parties if it shall appear that the same is not fairly administrated, or if its operation shall disclose latent defects threatening its solvency, or if for any substantial reason it fails to accomplish the purpose of this chapter; but from any such order of said industrial commissioner the parties affected, whether employer or workmen, may, upon the giving of proper bond to protect the interests involved, appeal to the district court in the same time and manner as appeals from actions of the industrial commissioner, which appeal shall be tried as an equitable action.

Sec. 114. Insolvency clause prohibited. No policy of insurance issued under this chapter shall contain any provision relieving the insurer from payment if the insured becomes insolvent or discharged in bankruptcy during the period that the policy is in operation, or the compensation, or any part of it, is unpaid.

Sec. 115. Lien of employees Direct payment by insurer. Every policy shall provide that the workman shall have a first lien upon any amount becoming due on account of such policy to the insured from the insurer, and that in case of the legal incapacity, inability, or disability of the insured to receive the amount due and pay it over to the insured workman, or his dependents, said insurer shall pay the same directly to such workman, his agent, or to a trustee for him or his dependents, to the extent of any obligation of the insured to said workman or his dependents.

Sec. 116. Policy requirements. Every policy issued by an insurance corporation, association, or organization to insure the payment of compensation shall contain a clause providing that between any employer and the insurer, notice to and knowledge of the occurrence of injury or death on the part of the insured shall be notice and knowledge on the part of the insurer; and jurisdiction of the insured shall be jurisdiction of the insurer, and the insurer shall be bound by every agreement, adjudication, award, or judgment rendered against the insured.

Sec. 117. Relief from insurance requirement - proof of solvency. When an employer coming under this chapter furnishes satisfactory proofs to the insurance commissioner of such employer's solvency and financial ability to pay the compensation and benefits as by law provided and to make such payments to the parties when entitled thereto, or when such employer deposits with such commissioner security satisfactory to him and the industrial commissioner as guaranty for the payment of such compensation, such employer shall be relieved of the provisions of this chapter requiring insurance; but such employer shall, from time to time, furnish such additional proof of solvency and financial ability to pay as may be required by such insurance commissioner or industrial commissioner.

Sec. 118. Revocation of release from insurance requirement. The insurance commissioner with the concurrence of the industrial commissioner may, at any time, upon reasonable notice to such employer and upon hearing, revoke for cause any order theretofore made relieving any employer from carrying insurance as provided by this chapter.

Sec. 119. Employer failing to insure - election of employee. When any employer to whom this and the two (2) preceding chapters apply has not rejected the terms and provisions thereof by filing and posting notice as provided in chapter three (3) of this title, but has failed to insure his or its liability in one of the ways provided in this chapter, unless relieved from carrying such insurance as provided in the second preceding section, then any employee of such employer, who has not rejected the provisions of said chapters, in case of personal injury in the course of and arising out of such employment, shall have the right to elect to collect compensation as provided in chapters three (3) and four (4) of this title or collect damages at common law as modified by said chapter three (3); but this section and the two succeeding sections shall not apply to an employer who, at the time of the injury, was employing not to exceed five (5) employees whose employment was not of a casual nature.

Sec. 120. Manner of making election. Any employee entitled to make an election as provided in the preceding section shall do so in writing signed by himself indicating the election, made and filed with the industrial commissioner within sixty (60) days after receiving an injury for which such employee is entitled to either compensation or damages. If such injured employee or one having the right to elect for him, fails to make an election within sixty (60) days, then and in that event it shall be conclusively presumed that the employee elected to accept compensation according to the schedule of compensation as provided in chapter three (3).

Sec. 121. Notice to employer of election. Within five (5) days after a written election has been filed in the office of the industrial commissioner as provided in the preceding section, the commissioner shall give notice thereof in writing to the employer by registered mail as provided for giving other notice by the commissioner.

Approved April 3, 1924.

CHAPTER 29
HEALTH AND SAFETY APPLIANCES
S. F. 43

AN ACT to amend, revise, and codify sections eight hundred fifty-nine (859), eight hundred sixty-one (861), eight hundred sixty-two (862), and eight hundred eighty-three (883) of the compiled code of Iowa, and section eight hundred sixty (860) of the supplement to said code, relating to health and safety appliances and industrial accidents.

Be It Enacted by the General Assembly of the State of Iowa:

That sections eight hundred fifty-nine (859), eight hundred sixty-one (861), eight hundred sixty-two (862), and eight hundred eighty-three (883) of the compiled Code of Iowa, and section eight hundred sixty (860) of the supplement to said Code are amended, revised, and codified to read as follows:

CHAPTER 4

HEALTH AND SAFETY APPLIANCES

Section 1. Enforcement. It shall be the duty of the commissioner of labor of the state, and the mayor and chief of police of every city or town, to enforce the provisions of this chapter.

Sec. 2. Water-closets-separate for each sex. Every manufacturing or mercantile establishment, workshop, or hotel in which five (5) or more persons are employed, shall be provided with a sufficient number of water-closets, earth closets, or privies for the reasonable use of the persons employed therein, which shall be properly screened and ventilated and kept at all times in a clean condition and free from all obscene writing or marking; and such water-closets or privies shall be supplied in the proportion of at least one (1) to every twenty (20) employees; and if women or girls are employed in such establishment, the water-closets, earth closets, or privies used by them shall have separate approaches and be separate and apart from those used by the men or boys.

Sec. 3. Washing facilities--separate for each sex. In factories, mercantile establishments, mills, and workshops, adequate washing facilities shall be provided for all employees; and when the labor performed by the employees is of such character as to require or make necessary a change of clothing, wholly or in part, by the employees, there shall be provided a dressing room, or rooms, lockers for keeping clothing, and adequate washing facilities separate for each sex, and no person or persons shall be allowed to use the facilities assigned to the opposite sex. A sufficient supply of water suitable for drinking purposes shall be provided.

Sec. 4. Seats for female employees when practicable. All employers of females in any workshop, mercantile, or manufacturing business or establishment shall provide and maintain suitable seats, when practicable, for the use of such female employees, at or beside the counter or work-bench where employed, and permit the use thereof by such employees to such extent as the work engaged in may reasonably admit.

Sec. 5. Steam and water gauges and safety valves on steam boilers. Every person owning or operating a steam boiler in this state shall provided the same with steam gauge, safety-valve, and water-gauge, and keep the same in good order.

Sec. 6. Safety appliances--guarding machinery. It shall be the duty of the owner, agent, superintendent, or other person in charge of any workshop, manufacturing or other industrial establishment or concern operated by machinery, either in a fixed location or when portable and moved from place to place therein in carrying on such industry, so far as practicable, to install and keep in order belt shifters or other safe mechanical means for throwing belts on and off pulleys, install loose pulleys, and protect, by guards or housing, all gearing, cogs, belting, shafting, tumbling rods, universal or knuckle joint, set screws, saws planes, and other machinery, when so located or used that employees may receive injury thereby. The provisions of this chapter shall not apply to agricultural pursuits.

Sec. 7. Removal of guards or safety appliances. When any person shall remove any guard or safety appliance from any machine or other equipment, or shall so adjust or place the same as to destroy or impair its use in preventing bodily injury or safe-guarding health, for the purpose of enabling the employee operating said machine to perform any special work that cannot otherwise be performed, it shall be the duty of said employee or employer to immediately replace it after such special work has been completed.

Sec. 8. Blowers and pipes for dust. All persons, companies, or corporations operating any factory or workshop where emery wheels or emery belts of any description, or tumbling barrels used for rumbling or polishing castings, are used, shall provide the same with blowers and pipes of sufficient capacity, placed in such a manner as to protect the person or persons using same from the particles of dust produced or caused thereby, and to carry away said particles of dust arising from or thrown off such wheels, belts and tumbling barrels, while in operation, directly to the outside of the building, or to some receptacle placed so as to receive or confine such particles of dust; but grinding machines upon which water is used at the point of grinding contact, and small emery wheels which are used temporarily for tool grinding, are not included within the provisions of this section, and the shops employing not more than one (1) man at such work may, in the discretion of the labor commissioner, be exempt from the provisions hereof.

Sec. 9. Pipes and flues for gases. Any factory, workshop, printshop, or other place where molten metal or other material which gives off deleterious gases or fumes is kept or used shall be equipped with pipes or flues so arranged as to give easy escape to such gases or fumes into the open air, or provided with other adequate ventilators.

Sec. 9-a. Notice in case of violation. When the commissioner or his inspector shall discover or have reason to believe that any provision of the eight preceding sections is being violated, he shall give to the person, company, corporation, or the manager or superintendent thereof, a notice in writing to comply with such provision within a reasonable time to be fixed in said notice and which time shall be of not less than seven nor more than thirty days duration, except that such time may be extended by the commissioner for good cause shown. In fixing the time in such notice, the commissioner shall take into consideration the nature of the failure or defect constituting the violation, the danger to be apprehended therefrom, and the probable length of time and amount of labor required to remedy or cure such defect.

Sec. 10. Record of accidents. Manufacturers, manufacturing corporations, proprietors, or corporations operating any mercantile establishment, mill, workshop, business house, or mine, other than those subject to inspection by the state mine inspector, shall keep a careful record of any accidents occurring to an employee while at work for the employer, when such accident results in the death of the employee or in such bodily injury as will or probably may prevent him from returning to work within two (2) days thereafter. The said record shall at all times be open to inspection by an inspector of the bureau of labor.

Sec. 11. Report of accidents. Within forty-eight (48) hours after the occurrence of an accident, the record of which is required to be kept, a written report thereof shall be forwarded to the commissioner of labor and said commissioner may require further and additional report to be furnished him should the first report be by him deemed insufficient. No statement contained in any such report shall be admissible in any action arising out of the accident therein reported.

Sec. 12. Penalties. Any person, corporation, firm, agent, or superintendent violating any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punished as follows:

1. For a violation of any one of the provisions of sections two (2), three (3), and four (4), by a fine not exceeding ten dollars (\$10.00) for each offense.

2. For a violation of section five (5), by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

3. For a violation of any one of the provisions of sections six (6), seven (7), eight (8), nine (9), ten (10), and eleven(11), by a fine not exceeding one hundred dollars (\$100.00).

Approved March 17, 1924.

CHAPTER 30
CHILD LABOR
H. F. 44

AN ACT to amend, revise, and codify sections eight hundred eighty-two (882) and eight hundred eighty-four (884) to eight hundred ninety (890), inclusive, of the compiled code of Iowa, and section eight hundred eighty-eight (888) of the supplement to said code, relating to child labor.

That sections eight hundred eighty-two (882), and eight hundred eighty-four (884) to eighty hundred ninety (890), inclusive, of the compiled Code of Iowa, and section eight hundred eighty-eight (888) of the supplement to said Code are amended, revised, and codified to read as follows:

CHAPTER
CHILD LABOR

Section 1. Child labor in establishments - age limit - exception. No person under fourteen (14) years of age shall be employed with or without compensation in any mine, manufacturing establishment, factory, mill, shop, laundry, slaughter house, or packing house, or in any store or mercantile establishment where more than eight (8) persons are employed, or in any livery stable, garage, place of amusement, or in the distribution or transmission of merchandise or messages; but nothing in this section shall be construed as prohibiting any child from working in any of the above establishments or occupations when operated by his parents.

Sec. 2. Hours of labor - noon intermission. No person under sixteen (16) years of age shall be employed at any of the places or in any of the occupations specified in the preceding sections before the hour of seven (7) o'clock in the morning or after the hour of six (6) o'clock in the evening, and if such person is employed exceeding five (5) hours of each day, a noon intermission of not less than thirty (30) minutes shall be given between the hours of eleven (11) and one (1) o'clock, and such person shall not be employed more than eight (8) hours in any one (1) day, exclusive of the noon hour intermission; nor shall any such person be employed more than forty-eight (48) hours in any one (1) week.

Sec. 3. Hours where part-time school prevails. When any organized school district there shall have been established a part-time school, department, or class, no person under sixteen (16) years of age shall be employed for more than forty (40) hours in any one (1) week.

Sec. 4. Cleaning or operating dangerous machinery - age limit - exception. The following acts shall be unlawful:

1. Directing or permitting any boy under sixteen (16) or girl under eighteen (18) years of age to clean machinery while it is in motion.
2. Permitting any boy or girl under sixteen (16) years of age to operate or assist in operating any freight or passenger elevator.
3. Permitting any boy or girl under sixteen (16) years of age to operate or assist in operating dangerous machinery; but this provision shall not apply to pupils working under an instructor in manual training departments in public schools of the state or under an instructor in a school shop or industrial plant in a course of vocational education approved by the state board for vocational education.

Sec. 5. Permit for child labor. No child under sixteen (16) years of age shall be employed, permitted, or suffered to work in or in connection with any of the establishments or occupations mentioned in section one (1) hereof unless the person, firm, or corporation employing such child procures and keeps on file, accessible to any officer charged with the enforcement of this chapter, a work permit issued as hereinafter provided, and keeps two (2) complete lists of the names and ages of all such children under sixteen (16) years of age employed in or for such establishments or in such occupations, one (1) on file in the office and one (1) conspicuously posted near the principal entrance of the place or establishment in which such children are employed. On termination of the em

ployment of a child whose permit is on file, such permit shall be issued by the employer within two (2) days to the officer who issued it with a statement of the reasons for the termination of such employment. A work permit shall be issued for every position obtained by a child between the ages of fourteen (14) and sixteen (16) years. The permit in no case shall be issued to the child, parent, guardian, or custodian, but to its prospective employer.

Sec. 6. Labor permit - how obtained. A work permit shall be issued only by the superintendent of schools or by a person authorized by him in writing, or, where there is no superintendent of schools, by a person authorized in writing by the local school board in the community where such child resides, upon the application of the parent, guardian, or custodian of the child desiring such permit. The person authorized to issue work permits shall not issue any such permit, except as provided in sections eleven (11) and twelve (12), until he has received, examined, approved, and filed:

1. A written agreement from the person, firm, or corporation into whose service the child under sixteen (16) years of age is about to enter, promising to give such child employment, describing the work to be performed and agreeing to return the work permit of such child to the office from which it was issued within two (2) days after the termination of the employment of such child.

2. The school record of such child filled out and signed by the superintendent of the school which such child has last attended certifying that the child is able to read intelligently and write legibly simple sentences in the English language and has completed a course of study equivalent to six yearly grades in reading, writing, spelling, English language, geography, and arithmetic. Such school record shall give also the name, date of birth, and residence of the child as shown on the records of the school and also the name of its parent, guardian, or custodian. But in exceptional cases where a child is strong, healthy, and well developed physically, superintendents or local boards may, with the approval of the labor commissioner, issue permits for boys and girls between the ages of fourteen (14) and sixteen (16), with less educational acquirements, good for vacation only.

3. A certificate signed by a medical inspector of schools, or if there be no such inspector, then by a physician appointed by the board of education, certifying that the applicant for the work permit has reached the normal development of a child of its age and is sufficiently sound health and physically able to perform the work for which the permit is sought.

4. Evidence of age showing that the child is fourteen (14) years old, or more, which shall consist of one (1) of the following proofs required in the order herein designated as follows:

a. A transcript of the birth certificate filed according to law with a registrar of vital statistics or other officer charged with the duty of recording births.

b. A passport or a transcript of a certificate of baptism showing the date of birth and place of baptism of such child.

c. A school census record.

d. In cases where none of the above named proofs are obtainable, a certificate signed by the local medical inspector of schools, or if there be no such inspector, then by a physician appointed by the local board of education, certifying that in his opinion the applicant for the work permit is fourteen (14) years of age or more.

Sec. 7. What permit shall show. Every such work permit shall state the name, sex, the date and place of birth, the residence of the child, in whose name it is issued, the color of hair and eyes, the height and weight, the proof of age, the school grade completed, the name and location of the establishment where the child is to be employed, the work for which the permit is issued, that the papers required for its issuance have been duly examined, approved, and filed, and that the person named therein has personally appeared before the officer issuing the permit and has been examined.

Sec. 8. Duplicate permit filed with commissioner - blanks furnished. A duplicate of every such work permit issued shall be filled out and forwarded to the office of the labor commissioner between the first and the tenth day of the month following the month in which it is issued. The blank forms for the work permit, the employer's agreement, the school record and the physician's certificate shall be formulated by the superintendent of public instruction and furnished by him to the local school authorities.

Sec. 9. Authority of officers to require showing. Any officer whose duty is to enforce the provisions of this chapter shall have the authority to demand of any employer in or about whose place or establishment a child apparently under the age of sixteen (16) years is employed, permitted, or suffered to work, and whose permit is not filed as required by this chapter, that such employer shall either furnish him within ten (10) days the same documentary evidence of age of such child as is required upon the issuance of a work permit, or shall cease to employ or permit or suffer such child to work in such place or establishment.

Sec. 10. Where life, health, or morals are endangered - age limitation. No person under sixteen (16) years of age shall be employed at any work or occupation which, by reason of its nature or the place of employment, the health of such person may be injured, or morals depraved, or at any work in which the handling or use of gunpowder, dynamite, or other like explosives is required, or in or about any mine during the school term or in or about any hotel, cafe, restaurant, bowling alley, pool or billiard room, cigar store, barber shop, or in any occupation dangerous to life or limb. No female under twenty-one (21) years of age shall be employed in any capacity where the duties of such employment compel her to remain constantly standing.

Sec. 11. Street occupations for children forbidden - exceptions. No boy under eleven (11) years of age nor girl under eighteen (18) years of age shall be employed, permitted, or suffered to work at any time in any city of ten thousand (10,000) or more inhabitants within this state in or in connection with the street occupation of peddling, bootblacking, the distribution or sale of newspapers, magazines, periodicals, or circulars, nor in any other occupations in any street or public place, except that in such cities, the superintendent of schools or person authorized by him, upon sufficient showing made by a judge of the superior, municipal, or juvenile court, may, in exceptional cases, issue a permit to a boy under eleven (11) years of age.

Sec. 12. Street occupations for boys - age limit - permit - badge. No boy between eleven (11) and sixteen (16) years of age shall be employed or permitted to work in any such city in connection with any of the occupations mentioned in the preceding section unless he complies with all the requirements for the issuance of work permits as described in this chapter except the filing of an employer's agreement, but the school record so required shall certify only that the boy is regularly attending school and that the work in which he wishes to engage will not interfere with his progress at school. Upon compliance with these requirements such boy shall be entitled to receive from the officer authorized to issue work permits a badge which shall authorize such boy to engage in the above-mentioned occupations at such time or times, between four (4) a.m. and seven-thirty (7:30) p.m. each day, as the public schools of the city or district where such boy resides are not in session, but at no other time, except that during the summer school vacation such boy may engage in such occupation until the hour of eight-thirty (8:30) p.m. All such badges issued in the same calendar year shall be of the same color, which color shall be changed each year and shall become void upon the first day of January following their issuance.

Sec. 13. Night work prohibited - age limit. No person under eighteen (18) years of age shall be employed in the transmission, distribution, or delivery of goods or messages between the hours of ten (10) in the evening and five (5) in the morning in any city of ten thousand (10,000) or more inhabitants.

Sec. 14. Violations - penalties. Any parent, guardian, or other person, who having under his control any person, under sixteen (16) years of age causes or permits said person to work or be employed in violation of the provisions of this chapter, or any person making, certifying to, or causing to be made or certified to, any statement, certificate, or other paper for the purpose of procuring the employment of any person in violation of said provisions or who makes, files, executes, or delivers any such statement, certificate, or other paper containing any false statement for the purpose of procuring the employment of any person in violation of this chapter, or for the purpose of concealing the violation thereof in such employment, and any person, firm, or corporation, or the agent, manager, superintendent, or officer of any person, firm, or corporation, whether for himself or such person, firm, corporation, either by himself or acting through any agent, foreman, superintendent, or manager, who, employs any person or permits any person to be employed in violation of the provisions of this chapter, or who shall refuse to allow any authorized officer or person to inspect any place of business under said provisions, if demand is made therefor at any time during business hours, or who shall wilfully obstruct such officer or person while making such inspection, or who shall fail to keep posted the lists containing the names of persons employed under sixteen (16) years of age and other information as required by this chapter, or who shall knowingly insert any false statement in such list, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not to exceed one hundred dollars (\$100.00) or be imprisoned in the county jail not to exceed thirty (30) days.

The parent or person in charge of any child who shall engage in any street occupation in violation of any of the provisions of this chapter shall be punished by a fine of not more than fifteen dollars (\$15.00).

Whoever furnishes or sells to any minor any article of any description with the knowledge that said minor intends to sell said article in violation of the provisions of this chapter relating to street occupations, shall be punished by a fine of not less than fifteen dollars (\$15.00) nor more than one hundred dollars (\$100.00) for each offense.

Whoever violates any other provisions of this chapter, shall be fined not to exceed one hundred dollars (\$100.00).

Sec. 15. Enforcement - duties of officers. It shall be the duty of the labor commissioner, his deputies, inspectors, and assistants to enforce the provisions of this chapter. It shall also be the duty of all mayors and police officers, town and city marshals, sheriffs and their deputies, school superintendents, school truant and attendance officers, within their several jurisdictions to cooperate in the enforcement of such provisions and furnish the labor commissioner, his deputies and assistants all information coming to their knowledge regarding any violations of such provisions. All such officers and any person authorized in writing by any court of record shall have authority to enter for purposes of investigation any of the establishments and places mentioned in this chapter and to freely question any person therein as to any violations of such provisions.

It shall be the duty of county attorneys to investigate all complaints made to them of violations of any such provisions, and to prosecute all such cases of violation within their respective counties.

Approved February 21, 1924.

CHAPTER 31
FIRE ESCAPES
S. F. 45

AN ACT to amend, revise, and codify chapter twelve (12) of title five (5) of the compiled code of Iowa, and section ten hundred sixty-four (1064) of the supplement to said code, relating to fire escapes and means of escape from fire.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter twelve (12) of title five (5) of the compiled Code of Iowa, and section ten hundred sixty-four (1064) of the supplement to said Code are amended, revised, and codified to read as follows:

CHAPTER 12

FIRE ESCAPES AND OTHER MEANS OF ESCAPE FROM FIRE

Section 1. Fire escapes--what buildings to be equipped with. All buildings, structures, and enclosures of three (3) or more stories in height, and such other buildings of less number of stories as are in this chapter specially designated, shall be equipped with such protection against fire, and means of escape therefrom, as in this chapter provided.

Sec. 2. Terms defined. The word "building" as used in this chapter shall include all structures or enclosures of each of the classes mentioned or referred to herein. The word "story" shall include a basement story when such basement story is on the average five (5) feet or more above the ground.

Sec. 3. Number of fire escapes required--where placed. Every building, structure, or enclosure of three (3) or more stories, and every schoolhouse of two (2) stories and not provided with two (2) stairways located approximately at each end of the hallway in the second story, and every structure having a stage, and every theater or opera house of more than one (1) story, or having balconies or galleries, shall have at least the number of fire escapes of the kind prescribed by law as determined by the following formula:

Number of fire escapes shall equal C times P.

P equals the average maximum number of persons on the story with the highest number above the first story

C is a coefficient and is fixed, and shall be taken for the various classes of buildings as follows:

1. Buildings having wooden or combustible walls, C equals .020.
2. Buildings having brick or combustible walls with combustible interior, C equals .014.
3. Buildings having brick or incombustible walls and incombustible roof and slow burning construction, C equals .012.
4. Buildings of fireproof construction throughout, C equals .007.
5. Buildings of wooden or combustible walls equipped with efficient water sprinkler system, C equals .014.
6. Buildings having brick or incombustible walls with combustible interior equipped with efficient water sprinkler system, C equals .008.
7. Buildings having brick or incombustible walls and incombustible roof and slow burning construction equipped with efficient water sprinkler system, C equals .006.
8. Fireproof buildings equipped with efficient water sprinkler system, C equals .003.

When the result of the said formula is one (1) or any fraction thereof, the number of escapes shall be one (1). The number of additional escapes required shall include any fraction as a unit, except when such fraction shall be thirty-three hundredths (.33) or less, in which case the fraction may be dropped if permitted by the inspector.

Sec. 4. Regulations as to location of fire escapes and exits. The following regulations as to location of fire escapes and exits are hereby established:

1. The first fire escape required by law shall be placed as far as possible from the existing inside stairway or passage to the lower floors of the building, taking into account the hazard and the path or route of access to the escape from such stairway.

2. The distance to the nearest fire escape from any inside stairway or passage to the lower floor shall not exceed two hundred (200) feet by way of the path or route of access to such fire escape from such stairway or passage.

3. Additional fire escapes to those otherwise provided by law shall be provided wherever it is necessary to pass within twenty feet of any stairway or elevator shaft from any portion of the building more than twenty feet from such stairway or shaft to reach the fire escape required by the provisions of law and where there are peculiar, unusual or extreme hazards additional fire escapes may be required by those authorized by law to regulate and fix the number and requirements of fire escapes.

4. When the inspector shall deem it necessary on account of the height of any building or on account of the number of persons ordinarily occupying said building, either permanently or temporarily in the course of business, such building shall be equipped with a sufficient number of fire escapes to permit the exit of all occupants within the following periods of time:

a. Buildings with wooden or combustible walls, two (2) minutes.

b. Buildings having brick or incombustible walls with combustible interior, three (3) minutes.

c. Buildings having brick or incombustible walls and incombustible roof and slow burning interior construction, four (4) minutes.

d. Buildings of fire proof construction throughout, fifteen (15) minutes; or less period of time if hazard of merchantable contents of such building may so require.

In estimating the period of time required the rate of descent on the fire escapes shall not be taken in excess of one and five-tenths (1.5) feet of vertical distance, or height, per second, when said fire escapes are fully loaded, which rate of descent shall be estimated to permit the exit of not to exceed one (1) person per second; but the time of complete exit as herein provided may be increased where efficient sprinkler systems are installed, such increase of time to be determined by the character and efficiency of the sprinkling system unless peculiar or unusual hazards exist.

Sec. 5. Fire escapes--how constructed--classes of. All fire escapes shall be constructed as described in the following classifications:

Class A. Fire escapes of this class shall consist of those more safe and efficient than outside ladders and stairways and which shall have been approved as such by the labor commissioner, and may include inside stairways and means of escape in fireproof buildings when approved by said commissioner.

Class B. Fire escapes of this class shall consist of a suitable outside stairway of not less than twenty-two (22) inches clear width of steel or wrought iron constructed with platform and with stationary stairway carried down to within six and one-half (6 1/2) feet of the ground, or with a drop or counterbalanced stairway from the second story platform or balcony to the ground.

Class C. Fire escapes of this class shall consist of at least one (1) ladder, not less than eighteen (18) inches in width, of steel or wrought iron construction, of sufficient size and strength for safety, attached to the outside walls of the building and provided with platforms of steel or wrought iron inclosed by suitable railings of such dimensions and in such proximity to the windows of each story above the first as to render access to the ladder from each story easy and safe, the said ladder to extend to within six and one-half (6 1/2) feet of the ground or to be provided with a drop ladder hung at the second story in such a manner that it can be easily lowered for use.

1. All of the above classes of fire escapes shall be of suitable material, construction, arrangement, and location to make the same safe and efficient and no fire escape of a higher class shall be less safe and efficient than one of a lower class and the provisions of each lower class with respect to platform, access to windows and openings, and sufficiency of strength shall apply to the upper class except where allowed to be modified by those having authority.

2. All fire escapes reaching the top floor shall have suitable extensions reaching from the upper platform to safe landing on the roof of the building; but the commissioner may waive this provision when on examination he finds that such ladder would be an element of danger.

3. All fire escapes of any of the foregoing classes shall have such windows or openings leading to the platform or balconies of the same as shall be necessary to make the same safe and efficient, and all routes or paths of access to said fire escapes shall be safe and sufficient, with all doors of rooms leading to fire escapes one-half (1/2) glass and equipped with mortise latches or equivalent so that the same may be easily and quickly opened by breaking the glass and turning the latches from the inside of the doors, all so as to render access to the fire escape from each floor above the first easy and safe. No window or door leading to the platform of a fire escape shall be fastened against exit.

4. The attachment of all fire escapes shall be made in a thorough and substantial manner and sufficient to carry the full load that may be placed on said fire escapes when the same are crowded, with a factor of safety of not less than four (4).

5. Suitable signs indicating the location of fire escapes shall be posted at all entrances to elevators, stairways, landings, and in all rooms.

6. In all buildings which are used for lodging or sleeping purposes, and in opera houses, theaters, and public assembly halls, and other buildings occupied or used at night where, in the judgment of the commissioner, this provision should apply, red lights shall be maintained at night or when the buildings are darkened to indicate the place or opening through which access to the fire escape is obtained. Red lights shall not be used for lighting purposes in such buildings at locations where they may be mistaken for an exit light.

Sec. 7. Class of escapes required--mandatory and permissible kinds--stairways permitted.

1. Hotels, lodging houses, tenements, apartment buildings, schools, retail or department stores, seminaries, college buildings, office buildings, hospitals, asylums, opera houses, theaters, assembly halls, and factories required by law to be equipped with fire escapes shall be equipped with those of class "A" or class "B". All other buildings and structures required to be equipped with fire escapes shall be equipped with those of class "A", "B", or "C", or with a combination of such classes.

2. Class "C" shall not be used on any building over three (3) stories in height in which more than five (5) persons are at any one time allowed upon any one (1) of the floors above said third story nor where any of the persons allowed upon any floor above the third story are females or minors; but the labor commissioner may under peculiar conditions and where the hazards are not great:

a. Permit fire escapes of class "C" to be used on buildings of more than three (3) stories, but when ladder fire escapes are permitted on buildings more than three (3) stories in height the ladders thereof must offset at the platforms and must not continue in the same line for more than one (1) story.

b. Permit fire escapes of class "C" or other approved means of escape to be used on an ordinary dwelling of not more than three (3) stories in height and temporarily used in part for lodging purposes when not more than five (5) persons, none of whom are under sixteen years of age, occupy the third floor.

3. Where stairways not less than forty-four (44) inches in clear width are provided they shall be taken as the equivalent of two (2) or more single stairways in proportion to their width, provided the means of escape and efficiency and safety of said escapes are not thereby diminished.

Sec. 8. Doors to open outward--exits. The entrance and exit doors of all hotels, churches, lodge halls, courthouses, assembly halls, theaters, opera houses, colleges, public schoolhouses, and other structures where the hazard is deemed sufficient by the inspector, and the entrance doors to all class and assembly rooms in public school buildings, shall open outward and shall not be fastened against exit or so the same can not be easily opened from within.

Sec. 9. Inspector to determine number and size of exits. Inspectors shall, subject to the final decision of the commissioner, have power to determine the number and size of exits from all theaters, opera houses, and assembly halls and from other buildings having one or more balconies, the location of such exits with reference to fire escapes, and shall require that no exit shall be fastened so as to prevent free passage from the building.

Sec. 11. Labor commissioner--supervision of fire escapes. The labor commissioner, except when otherwise specially provided by law, shall have general charge and supervision of the inspection and regulation of fire escapes and means of escape and of the enforcement of the law relating thereto, and for this purpose the inspectors named herein, and others upon whom there is imposed by law or ordinance any duty with reference to fire escapes, shall be subject to his direction and to the rules and regulations adopted by such commissioner.

Sec. 12. Standard specifications for fire escapes. The said commissioner shall adopt standard uniform specifications for the various classes of fire escapes provided by law and shall furnish such specifications to all persons who are by law made inspectors of fire escapes and means of escape from fire, and such persons shall keep the same on file in their respective offices.

Sec. 13. Distribution of rules and regulations. The labor commissioner shall make all necessary rules and regulations to carry out the purpose of this law and have the same printed in pamphlet form for distribution; and he shall have the power to approve any and all plans relating to fire escapes of the various classes, and it shall be his duty to see that the same conform to the law, and to make rulings and orders relative thereto, and where any dispute or disagreement arises with respect to the plans and specifications for any fire escape or means of escape from fire, the commissioner shall have the power and authority to determine and pass upon the same and make orders relative thereto.

Sec. 14. Building inspectors--what officers constitute. The building inspector or other officer performing like duties in cities having such officer and if there be no such officer then the chief of the fire department, and if there be no chief of a paid fire department, the mayor of such city or town, or if the building is not within the corporate limits of any city or town, then the chairman of the board of supervisors, shall inspect all fire escapes within respective jurisdictions, except buildings otherwise required by law to be inspected.

Sec. 15. Powers and duties of inspection officers. Such inspection officers shall as often as necessary, and whenever complaint is made, carefully inspect and examine such fire escapes, and such inspection shall include all paths or routes between any interior passage to a lower floor and the opening and means of access to the said fire escapes, and the signs, lights, exits, and means of escape of all buildings required to be equipped with fire escapes and required to have certain exits and means of escape; and upon the complaint of any person that any fire escape, exit or means of escape from fire is being maintained contrary to law, or any rule or regulation relative thereto or relative to protection against fire is being violated, such inspector shall examine into the conditions complained of and determine what, if any, requirements should be made in relation thereto, and shall have power to make all reasonable requirements and regulations in conformity with the law and to determine all matters with respect to fire escapes, protection from fire, and means of escape from buildings.

Sec. 16. Limitation of powers. Said inspectors, however, shall be subject to the rules and under the direction of the department of labor, and their duties shall not conflict with the duties of inspection by the labor commissioner, the engineer of the department of public health, and their assistants or deputies.

Sec. 17. Inspectors to serve notice on owner. It shall be the duty of any inspector required by law to inspect fire escapes or means of escape from fire to serve or cause to be served a written notice in behalf of the state of Iowa upon the owner, if he be a resident of the county in which the buildings are situated, or if he be a nonresident of such county, then upon his agent or lessee, that the buildings are not provided with fire escapes in accordance with the provisions of this act, or that the fire escapes or means of escape from fire are defective, unsafe, or dangerous, notifying such owner of such lack of fire escapes, condition of the building, defective, dangerous, or unsafe means of escape from fire or any matter relating thereto, and notifying him to comply with the law and requirements of the inspector or commissioner within sixty (60) days after the service of such notice; but the time of such notice may be extended by the labor commissioner if necessary.

Sec. 18. Owner's right of appeal to commissioner. The owner, by himself, his agent, or lessee, may appeal from the action or requirement of any inspector at any time within sixty (60) days after the service of such notice by a written communication addressed to said commissioner, setting forth such objections as he may have to the complaint, requirement, or regulations of such inspector; and it shall be the duty of the commissioner to pass upon and determine all matters of disagreement relating to fire escapes and the means of escape from fire in buildings, and all rules, regulations, findings, and orders made by the commissioner in his discretion, shall be reasonable and not unduly burdensome.

Sec. 19. Violations--penalty..Any person who shall violate any of the provisions of law relating to fire escapes or means of escape from fire, or any owner, agent, or trustee having the full care and control of any building and who has been served with notice as provided herein and who shall, within sixty (60) days of the service of the notice, or within the time as extended by the commissioner, fail and neglect to comply with the requirements of law or of the inspector or the commissioner, or who shall fail, refuse, or neglect to perform any order or requirement fixed by law, or by the labor commissioner, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). Each additional week of neglect to comply with such notice, order, or requirement shall constitute a separate offense.

Approved April 5, 1924.

CHAPTER 32
LABOR BUREAU AND COMMISSIONER
H. F. 46

AN ACT to amend, revise, and codify sections eight hundred seventy-three (873) to eight hundred eighty (880), inclusive, of the compiled code of Iowa, and section eight hundred eighty-one (881) of the supplement to said code, relating to the bureau of labor and the labor commissioner, his deputies and inspectors, their duties and jurisdiction.

Be It Enacted by the General Assembly of the State of Iowa:

That sections eight hundred seventy-three (873) to eight hundred eighty (880), inclusive, of the compiled Code of Iowa, and section eight hundred eighty-one (881) of the supplement to said Code are amended, revised, and codified to read as follows:

CHAPTER 6
BUREAU OF LABOR

Section 1. Labor commissioner. The bureau of labor shall be under the control of a labor commissioner, who shall have his office at the seat of government and shall devote his entire time to the duties of his office.

Sec. 2. Appointment. The governor shall, within sixty days after the organization of the regular session of the general assembly in nineteen hundred twenty-five (1925) and each two years thereafter, appoint with the approval of two-thirds ($2/3$) of the members of the senate, a labor commissioner who shall serve for a period of two years from July first of the year of appointment.

Sec. 2-a1. Vacancies. A vacancy in said position which may occur while the general assembly is not in session shall be filled by appointment by the governor, which appointment shall expire at the end of thirty (30) days from the time the general assembly next convenes in regular session. Prior to the expiration of said thirty (30) days the governor shall transmit to the senate for its confirmation an appointment for the unexpired portion of the regular term. Vacancies occurring during a session of the general assembly shall be filled as regular appointments are filled and before the end of said session and for the unexpired portion of the regular term.

Sec. 2-a2. Temporary provision. The incumbent of said position, at the time this chapter takes effect, shall continue to serve until July first, nineteen hundred twenty-five (1925).

Sec. 3. Collection of industrial statistics and information - reports. The duties of said commissioner shall be:

1. To safely keep all records, papers, documents, correspondence, and other property pertaining to or coming into his hands by virtue of his office, and deliver the same to his successor, except as otherwise provided.
2. To collect, assort, and systemize statistical details relating to all departments of labor in the state, especially in its relation to the commercial, social, educational, and sanitary conditions surrounding the laboring classes, the means of escape from, and the protection of life and health in factories, the employment of children, the number of hours of labor exacted from them and from women, and to the permanent prosperity of the mechanical, manufacturing, and productive industries of the state.

3. To collect as fully as practicable such information and reliable reports from each county in the state, the amount and condition of the mechanical and manufacturing interests, the value and location of the various manufacturing and coal productions of the state, also sites offering natural or acquired advantages for the profitable location and operation of different branches of industry; he shall by correspondence with interested parties in other parts of the United States, impart to them such information as may tend to induce the location of mechanical and producing plants within the state, together with such other information as shall tend to increase the productions, and consequent employment of producers.

4. To submit the foregoing statistics and information to the governor in biennial reports in which he shall give a statement of the business of the bureau since the last regular report, and shall compile therein such information as may be considered of value to the industrial interests of the state, the number of laborers and mechanics employed, the number of apprentices in each trade, with the nativity of such laborers, mechanics, and apprentices, wages earned, the savings from the same, with age and sex of laborers employed, the number and character of accidents, the sanitary condition of institutions where labor is employed, the proportion of married laborers and mechanics who live in rented houses, with the average annual rental, and the value of property owned by laborers and mechanics; to include in such report what progress has been made with schools now in operation for the instruction of students in the mechanic arts, and what systems have been found most practical, with details thereof.

5. To issue from time to time, with the consent of the executive council, bulletins containing information of importance to the industries of the state and to the safety of wage earners.

Sec. 4. Other duties - jurisdiction in general. The commissioner shall have jurisdiction and it shall be his duty to supervise the enforcement of:

1. All laws relating to safety appliances and inspection thereof and health conditions in manufacturing and mercantile establishments, workshops, machine shops, and other industrial concerns within his jurisdiction.

2. The laws relating to preventing fires and to fire escapes and other means of escaping therefrom.

3. All laws of the state relating to child labor.

4. All laws relating to the state free employment bureau and employment agencies.

5. Such other provisions of law as are now or shall hereafter be within his jurisdiction.

Sec. 5. Appointment of inspectors. The appointment, by the commissioner, of all factory inspectors shall be subject to the approval of the executive council.

Sec. 6. Woman inspector - duties. One of the factory inspectors in the bureau of labor shall be a woman, who shall inspect the sanitary and general conditions of all factories, workshops, hotels, cafes, restaurants, stores and all other establishments and places where women and children are employed; collect statistics and report the same to the commissioner with such recommendations as she believes will improve working conditions of women and children, and to which the commissioner shall make special reference in his biennial reports to the governor. She shall perform such other services under the direction of the commissioner as will tend to promote the health and general welfare of the women and children employed in the industries within the state.

Sec. 7. Traveling expenses - limitation. The commissioner, inspectors, and other employees of the office shall be allowed their necessary traveling expenses while in the discharge of their duties. Such expense in the aggregate, exclusive of salaries, shall not exceed the sum of four thousand dollars (\$4,000.00) per annum.

Sec. 8. Right to enter premises. The labor commissioner and the inspectors shall have the power to enter any factory or mill, workshop, mine, store, business house, public or private work, when the same is open or in operation, for the purpose of gathering facts and statistics such as are contemplated by this chapter, and to examine into the methods of protection from danger to employees, and the sanitary conditions in and around such buildings and places, and make a record thereof.

Sec. 9. Power to secure evidence - witness fees - limitation. The labor commissioner and his deputy shall have the power to issue subpoenas, administer oaths, and take testimony in all matters relating to the duties required of them, said testimony to be taken in some suitable place in the vicinity to which testimony is applicable. No witness shall be compelled by such subpoena to go outside the county of his residence, except when the hearing is in a county adjoining the county of his residence, then he shall be required to obey such subpoena. Witnesses subpoenaed and testifying before the commissioner or an inspector shall be paid the same fees as witnesses before a justice's court, such payment to be made out of the general funds of the state on voucher by the commissioner, but such expense for witnesses shall not exceed one hundred dollars (\$100.00) annually.

Sec. 10. Prosecutions for violations - discretion. If the commissioner or an inspector shall learn of any violation of, or neglect to comply with the law in respect to the employment of children, or in respect to fire escapes, or the safety of employees, or for the preservation of health, such officer may give the county attorney of the county in which such factory or building is situated, written notice of the facts, whereupon that officer shall institute the proper proceedings against the person guilty of such offense or neglect. But if the commissioner or inspector is of the opinion that such violation or neglect is not wilful, or is an oversight or of a trivial nature, he may in his discretion fix a time within which the defect or evil may be corrected and notify the owner, operator, superintendent or person in charge and if corrected within the time fixed, then the commissioner or inspector shall not cause prosecution to be begun.

Sec. 11. Reports to bureau. It shall be the duty of every owner, operator, or manager of every factory, mill, workshop, mine, store, business house, public or private work, or any other establishment where labor is employed, as herein provided, to make to the bureau, upon blanks furnished by the commissioner such reports and returns as he may require for the purpose of compiling such labor statistics as are contemplated in this chapter; and the owner, operator or business manager shall make such reports or returns within sixty (60) days from the receipt of blanks furnished by the commissioner, and shall certify under oath to the correctness of the same.

Sec. 12. Use of name of persons furnishing information forbidden. Any use of the names of individuals, firms, or corporations furnishing the commissioner information required by this chapter for his biennial report, in such manner as to disclose any of their private or personal affairs, is hereby prohibited.

Sec. 13. Reports and records preserved - destroyed when. No report or return made to said bureau in accordance with the provisions of this chapter, and no schedule, record, or document gathered or returned by its officers or employees, shall be destroyed within two (2) years after the collection or receipt thereof. At the expiration of two (2) years all records, schedules, or papers accumulating in said bureau during said period that may be considered of no value by the commissioner may be destroyed by the authority of the executive council first obtained.

Sec. 14. Definition of terms. The expressions "factory", "mill", "workshop", "mine", "store", "business house", and "public or private work", as used in this chapter, shall be construed to mean any factory, mill, workshop, mine, store, business house, public or private work, where wage earners are employed for a compensation.

Sec. 15. Violations - penalties. Persons violating any of the provisions of this chapter shall be punished as in this section provided, respectively:

1. Any owner, superintendent, manager or person in charge of any factory, mill, workshop, store, mine, hotel, restaurant, cafe, business house, public or private work, who shall refuse to allow the commissioner of labor or any inspector or employee of the bureau of labor to enter the same, or who shall hinder or deter him in collecting information which it is his duty to collect shall be fined not exceeding one hundred dollars (\$100.00) or imprisoned in the county jail not exceeding thirty (30) days.

2. Any person duly subpoenaed to attend a hearing before the commissioner or deputy or a court in any proceeding provided by this chapter who shall wilfully neglect or refuse to attend or testify at the time and place named in the subpoena shall be fined not exceeding fifty dollars (\$50.00) or imprisoned in the county jail not exceeding thirty (30) days.

3. Any officer or employee of the bureau of labor, or any person making unlawful use of names or information obtained by virtue of their office, shall be fined not exceeding five hundred dollars (\$500.00) or imprisoned in the county jail not exceeding one (1) year.

4. Any owner, operator, or manager of a factory, mill, workshop, mine, store, business house, public or private work, who shall neglect or refuse for thirty (30) days after receipt of notice from the commissioner to furnish any reports or returns he may require to enable him to discharge his duties shall be fined not to exceed one hundred dollars (\$100.00) or imprisoned in the county jail not to exceed thirty (30) days.

Approved March 14, 1924.

CHAPTER 33
STATE EMPLOYMENT BUREAU
S. F. 47

AN ACT to amend, revise, and codify sections eight hundred ninety-two (892) to eight hundred ninety-eight (898), inclusive, of the compiled code of Iowa, and section eight hundred ninety-one (891) of the supplement to said code, relating to the state free employment bureau, free employment service, and employment agencies.

Be It Enacted by the General Assembly of the State of Iowa:

That sections eight hundred ninety-two (892) to eight hundred ninety-eight (898), inclusive, of the compiled Code of Iowa, and section eight hundred ninety-one (891) of the supplement to said Code are amended, revised, and codified to read as follows:

CHAPTER _____

STATE EMPLOYMENT BUREAU AND EMPLOYMENT AGENCIES

Section 1. Free employment bureau--commissioner to establish. The labor commissioner shall maintain in his office at the seat of government a department to be called the state free employment bureau, and he is hereby directed to adopt such rules and regulations as are necessary to carry out the purposes of this chapter. He shall, with the approval of the executive council, appoint a competent person who shall be placed in charge of such work and be known as the chief clerk of the bureau, whose term of office shall be the same as that of the commissioner.

Sec. 2. Duty as to free employment services. It shall be the duty of the commissioner through the free employment service to :

1. Adopt all means at his command to bring together those desiring to employ labor and those desiring employment.
2. Supply information as to opportunities for securing employment and the character and conditions of work to be performed in the various industries of the state including agricultural pursuits.
3. Adopt all available means for steady employment and avoiding unemployment.

Sec. 3. Extension of service by permission. With the approval of the executive council the commissioner may establish within the state such branches of free employment agencies as shall afford the best distribution of labor, and for such purposes may cooperate with any federal, state, municipal, or other free employment bureau or association.

Sec. 4. Service free. No fee or compensation shall be received, either directly or indirectly, from persons applying to the bureau for employment or help.

Sec. 5. Failure to procure employment--fee returned. Every person, firm, or corporation who shall agree or promise, or who shall advertise through the public press, or by letter, to furnish employment or situations to any person or persons, and in pursuance of such advertisement, agreement, or promise, shall receive any money, personal property, or other valuable thing whatsoever, and who shall fail to procure for such person or persons acceptable situations or employment as agreed upon, within the time stated or agreed upon, or if no time be specified then within a reasonable time, shall upon demand return all such money, personal property, or valuable consideration of whatever character.

Sec. 6. Copy of application or agreement furnished applicant. It shall be unlawful for any person, firm, or corporation to receive any application for employment from, or enter into any agreement with, any person to furnish or procure for said person any employment unless there is delivered to such person making such application or contract, at the time of the making thereof, a true and full copy of such application or agreement, which application or agreement shall specify the fee or consideration to be paid by the applicant.

Sec. 7. Division of fees between agency and employer prohibited. It shall be unlawful for any person, firm, or corporation, or any person employed or authorized by such person, firm, or corporation, to receive any part of any fee or any percentage of wages or any compensation of any kind whatever, that is agreed upon to be paid by any such employee to any employment bureau or agency for services rendered to any such employee in procuring for him employment with such person, firm, or corporation.

Sec. 8. Employment agencies required to keep records. Every person, firm, or corporation operating an employment agency or engaged in the business of finding employment for others for which any fee is charged, shall keep a record of the applications received and what, if any, employment was found or furnished to the applicant, giving the name of each applicant and the name and address of his employer, if employment is found, and the fee charged each applicant.

Sec. 9. Investigation by labor commissioner. The labor commissioner, his deputy or inspectors, and the chief clerk of the bureau shall have authority to examine at any time the records, books, and any papers relating in any way to the conduct of any employment agency or bureau within the state, and must investigate any complaint made against any such employment agency or bureau, and if any violations of law are found he shall at once file or cause to be filed, an information against any person, firm, or corporation guilty of such violation of law.

Sec. 10. Violations--penalties. Any person, firm, or corporation violating any of the provisions of this act, or who shall refuse access to records, books or other papers relative to the conduct of such agency or bureau, to any person having authority to examine same, shall be punished by a fine of not exceeding one hundred dollars (\$100.00), or imprisonment in the county jail not to exceed thirty (30) days.

Approved January 31, 1924.

CHAPTER 34
SUSPENSION OF STATE OFFICERS
H. F. 50

AN ACT to amend, revise, and codify chapter twenty-two (22) of title four (4) of the compiled code of Iowa and of the supplement to said code, relating to the suspension of state officers.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter twenty-two (22) of title four (4) of the compiled Code of Iowa and of the supplement to said Code is amended, revised, and codified to read as follows:

Section 1. Commission to examine accounts. The governor shall, when of the opinion that the public service requires such action, appoint, in writing, a commission of three (3) competent accountants and direct them to examine the books, papers, vouchers, moneys, securities, and documents in the possession or under the control of any state officer, board, commission, or of any person expending or directing the expenditure of funds belonging to or in the possession of the state.

Sec. 2. Power of commission. Said commissioners while in session shall have power to issue subpoenas, to call any person to testify in reference to any fact connected with their investigation and to require such persons to produce any paper or book which the district court might require to be produced.

Each commissioner shall have power to administer oaths.

Sec. 2-a1. Refusal to obey subpoena - fees. If any witness, duly subpoenaed, refuses to obey said subpoena, or refuses to testify, said commission shall certify said fact to the district court of judge thereof of the county where the investigation is being had and said court or judge shall proceed with said witness in the same manner as though said refusal had occurred in a legal proceeding before said court or judge. Witnesses shall be paid in the same manner provided for witnesses before the executive council and from the same appropriation.

Sec. 3. Nature of report. Such accountants shall make out a full, complete, and specific statement of the transactions of said officer with, for, or on behalf of the state, showing the true balances in each case, and report the same to the governor, with such suggestions as they may think proper.

Sec. 4. Duty of governor. The governor, if he finds from said report that matters exist which would be grounds for removing said officer from office, shall proceed as follows:

1. If the officer is an elective state officer, not removable under impeachment proceedings, or if said officer is an appointive state officer, he shall lay a copy of said report before the attorney general.

2. If the officer is an appointive state officer, he shall also lay a copy of said report before the executive council.

3. If the officer is one who is removable only under impeachment proceedings he shall, by written order, forthwith suspend such officer from the exercise of his office, and require him to deliver all the moneys, books, papers, and other property of the state to him, to be disposed of as hereinafter provided.

Sec. 5. Effect of order - penalty. It shall be unlawful for such officer, after making of such order of suspension, to exercise or attempt to exercise any of the functions of his office until such suspension shall be revoked; and any attempt to exercise such office by the suspended officer shall be punished by imprisonment, in the county jail not more than one (1) year, or by a fine not exceeding one thousand dollars (\$1,000.00), or by both fine and imprisonment.

Sec. 6. Temporary appointment. On the making of such order, the governor shall appoint a temporary incumbent of said office. Such appointee after qualifying, shall perform all the duties and enjoy all the rights belonging to the said office, until the removal of the suspension of his predecessor, or the appointment or election of a successor.

Sec. 7. Governor to protect state. When the governor shall suspend any public officer, he shall direct the proper legal steps to be taken to indemnify the state from loss.

Sec. 8. Governor to report to general assembly. Forthwith after the organization of the general assembly first convening after the making of said order of suspension, the governor shall lay before it the order and all information and evidence relating thereto in his possession.

Sec. 9. Effect of failure to impeach or convict. The adjournment of such assembly without voting articles of impeachment against such officer or a verdict of "not guilty" on such articles duly preferred, shall work a revocation of such order of suspension.

Sec. 10. Compensation of commissioners. Said commissioners shall each receive for the time actually employed in the performance of their duties the sum of ten dollars (\$10.00) per day, which sum shall be paid out of any unappropriated funds in the state treasury.

Sec. 10-a1. Reports revealing grounds of removal. When any report as to the condition of a state office, other than the report of said commission, is made and filed under authority of law, and said report reveals grounds for the removal from office of a public officer, the person filing said report shall also file a copy thereof with the governor and with the attorney general.

Approved February 27, 1924.

CHAPTER 35
INTOXICATING LIQUORS
S. F. 51

AN ACT to amend, revise, and codify sections nine hundred sixteen (916), nine hundred seventeen (917), nine hundred nineteen (919), nine hundred sixty-two (962), nine hundred sixty-five (965) to nine hundred sixty-seven (967), inclusive, nine hundred sixty-nine (969) to nine hundred seventy-three (973), inclusive, nine hundred seventy-eight (978), nine hundred seventy-nine (979), nine hundred eighty (980), nine hundred eighty-one (981) to nine hundred ninety-seven (997), inclusive, nine hundred ninety-nine (999) to ten hundred eighteen (1018), inclusive, ten hundred twenty (1020), ten hundred twenty-three (1023), and ten hundred twenty-five (1025) to ten hundred twenty-seven (1027), inclusive, ninety-two hundred sixty-six (9266) and ninety-two hundred sixty-seven (9267), of the compiled code of Iowa, and sections nine hundred fourteen (914), nine hundred fifteen (915), nine hundred eighteen (918), nine hundred sixty-eight (968), nine hundred seventy-four-a one (974-a1) to nine hundred seventy-four-a three (974-a3), inclusive, nine hundred seventy-five (975), nine hundred seventy-six-a one (976-a1) to nine hundred seventy-six-a six (976-a6), inclusive, nine hundred seventy-seven-a one (977-a1) to nine hundred seventy-seven-a seven (977-a7), inclusive, nine hundred ninety-eight (998), ten hundred nineteen (1019), ten hundred twenty-a one (1020-a1), and ten hundred twenty-four (1024) of the supplement to said code, relating to intoxicating liquors.

Be It Enacted by the General Assembly of the State of Iowa:

That sections nine hundred sixteen (916), nine hundred seventeen (917), nine hundred nineteen (919), nine hundred sixty-two (962), nine hundred sixty-five (965) to nine hundred sixty-seven (967), inclusive, nine hundred sixty-nine (969) to nine hundred seventy-three (973), inclusive, nine hundred seventy-eight (978), nine hundred seventy-nine (979), nine hundred eighty (980), nine hundred eighty-one (981) to nine hundred ninety-seven (997), inclusive, nine hundred ninety-nine (999) to ten hundred eighteen (1018), inclusive, ten hundred twenty (1020), ten hundred twenty-three (1023), and ten hundred twenty-five (1025) to ten hundred twenty-seven, inclusive, ninety-two hundred sixty-six (9266) and ninety-two hundred sixty-seven (9267), of the compiled Code of Iowa, and sections nine hundred fourteen (914), nine hundred fifteen (915), nine hundred eighteen (918), nine hundred sixty-eight (968), nine hundred seventy-four-a one (974-a1) to nine hundred seventy-four-a three (974-a3), inclusive, nine hundred seventy-five (975), nine hundred seventy-six-a one (976-a1) to nine hundred seventy-six-a six (976-a6), inclusive, nine hundred seventy-seven-a one (977-a1) to nine hundred seventy-seven-a seven (977-a7), inclusive, nine hundred ninety-eight (998), ten hundred nineteen (1019), ten hundred twenty-a one (1020-a1), and ten hundred twenty-four (1024) of the supplement to said Code are amended, revised, and codified to read as follows:

TITLE _____

INTOXICATING LIQUORS

CHAPTER 1

GENERAL PROHIBITIONS

Section 1. Rule of interpretation. Courts and jurors shall construe this title so as to prevent evasion.

Sec. 2. Definition. The word "liquor" or the phrase "intoxicating liquor" when used in this title, shall be construed to include alcohol, brandy, whiskey, rum, gin, beer, ale, porter, wine, spirituous, vinous and malt liquor, and all intoxicating liquor whatever.

Sec. 3. Manufacture, sale, or keeping for sale prohibited. No one, by himself, clerk, servant, employee, or agent, shall, for himself or any person else, directly or indirectly, or upon any pretense, or by any device, manufacture, sell, exchange, barter, dispense, give in consideration of the purchase of any property or any services or in evasion of the statute, or keep for sale, any intoxicating liquor, except as provided in this title, or own, keep, or be in any way concerned, engaged, or employed in owning or keeping, any intoxicating liquor with intent to violate any provision of this title, or authorize or permit the same to be done, or manufacture, own, sell, or have possession of any instrument intended for use and capable of being used in the manufacture of intoxicating liquor; or own or have possession of any material used exclusively in the manufacture of intoxicating liquor; or use or have possession of any material with intent to use it in the manufacture of intoxicating liquors.

Sec. 4. Accessories. Any clerk, servant, employee, or agent engaged or aiding in any violation of this title shall be charged and convicted as principal.

Sec. 5. First conviction--penalty. Whoever is found guilty of violating any of the provisions of the second preceding section, shall be punished as a bootlegger as provided in this act.

Sec. 7. "Bootlegger" defined. Any person who shall, by himself, or his employee, servant or agent, for himself or any person, company or corporation, keep or carry around on his person, or in a vehicle, or leave in a place for another to secure, any intoxicating liquor as herein defined, with intent to sell or dispose of the same by gift or otherwise, or who shall within this state, in any manner, directly or indirectly, solicit, take, or accept any order for the purchase, sale, shipment, or delivery of intoxicating liquor, in violation of law, or aid in the delivery and distribution of any intoxicating liquor so ordered or shipped, or who shall in any manner procure for, or sell or give any intoxicating liquors to any minor for any purpose, or give to or in any manner procure for or sell the same to any intoxicated person, or to one in the habit of becoming intoxicated, shall be termed a bootlegger, and shall be fined not less than three hundred dollars nor more than one thousand dollars or be imprisoned in the county jail not less than three months nor more than one year, or by both such fine and imprisonment.

Sec. 8. Venue. In case of a sale in which a shipment or delivery of such liquors is made by a person or corporation, the sale thereof shall be deemed to be made in the county wherein the delivery thereof is made by such carrier to the consignee, his agent or employee.

Sec. 9. Nuisance. The building, erection or place, or the ground itself, in or upon which the unlawful manufacture or sale or keeping with intent to sell, use or give away said liquors is carried on or continued or exists, and the furniture, fixtures, vessels and contents, are declared a nuisance, and in addition to all other penalties provided in this title, shall be abated as hereinafter provided.

Sec. 10. Penalty for nuisance. Whoever shall erect, establish, continue or use any building, erection or place for any of the purposes herein prohibited, is guilty of a nuisance, and upon conviction shall pay a fine of not less than three hundred nor more than one thousand dollars and costs of prosecution, which shall include a reasonable attorney's fee to be taxed by the court, and stand committed to the county jail until such fine and costs are paid, or be imprisoned in the county jail for a period of not less than three (3) months nor more than one (1) year, or by both such fine and imprisonment.

Sec. 11. Intoxication punished. If any person shall be found in a state of intoxication, any peace officer shall, without a warrant, take him into custody and detain him in some suitable place until an information can be made before a magistrate, and a warrant of arrest issued, under which he shall at once be taken before the magistrate issuing the same, or, if for any reason he can not act, to the next nearest one, where he shall be tried, and, if found guilty, shall be fined in the sum of not less than five nor more than twenty-five dollars and costs of prosecution, or imprisoned in the county jail not more than thirty days.

Sec. 12. When penalty remitted. The penalty, or any portion of it, imposed under the preceding section, may be remitted by the magistrate before whom the trial is had, and the accused discharged from custody, upon his giving information in writing and under oath, stating when, where and of whom he purchased or received the liquor which produced the intoxication, and the kind and character of this liquor, and, in addition, giving bail for his appearance before any court to give evidence in any action or complaint to be commenced or preferred against such party for furnishing the same.

Sec. 13. Clubrooms. Every person who shall, directly or indirectly, keep or maintain, by himself or by associating or combining with others, or who shall in any manner aid, assist, or abet in keeping or maintaining, any clubroom, or other place in which intoxicating liquors are received or kept for the purpose of use, gift, barter or sale, or for distribution or division among the members of any club or association by any means whatever, and every person who shall use, barter, sell or give away, or assist or abet another in bartering, selling, or giving away, any intoxicating liquors so received or kept, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than six months.

Sec. 14. False statements. If any person, for the purpose of procuring the shipment, transportation or conveyance of any intoxicating liquors within this state, shall make to any company, corporation or common carrier, or to any agent thereof, or other person, any false statements as to the character or contents of any box, barrel or other vessel or package containing such liquors; or shall refuse to give correct and truthful information as to the contents of any such box, barrel or other vessel or package so sought to be transported or conveyed; or shall falsely mark, brand or label such box, barrel or other vessel or package in order to conceal the fact that the same contains intoxicating liquors, for the purpose aforesaid; or shall by any device or concealment procure or attempt to procure the conveyance or transportation of such liquors as herein prohibited, he shall be fined for each offense one hundred dollars and costs of prosecution, and the costs shall include a reasonable attorney fee to be taxed by the court, and be committed to the county jail until such fine and costs are paid.

Sec. 15. Packages in transit--search. Any peace officer of the county under process or warrant to him directed shall have the right to open any box, barrel, or other vessel or package for examination, if he has reasonable ground for believing that it contains intoxicating liquors, either before or while the same is being so transported or conveyed.

Sec. 16. Labeling legal shipments. It shall be unlawful for any common carrier or other person to transport or convey by any means, within this state, any intoxicating liquors, unless the vessel or other package containing such liquors shall be plainly and correctly labeled or marked, showing the quantity and kind of liquors contained therein, the name of the party to whom they are to be delivered, and the name of the shipper. No person shall be authorized to receive or keep such liquors unless the same be marked or labeled as herein required. The violation of any provision of this section by any common carrier, or any agent or employee of such carrier, or by any other person, shall be punished the same as provided in the second preceding section.

Sec. 17. Carrying or drinking on trains. Any person who shall upon any railway car, street or interurban car, in service, carry upon his person, or in any hand baggage, suit case or other wise, for unlawful purposes, any intoxicating liquor, and any person who shall drink any such liquors as a beverage on any such car shall be guilty of a misdemeanor.

Sec. 18. Illegally transported liquors. Liquors conveyed, carried, transported, or delivered in violation of either of the two last preceding sections, whether in the hands of the carrier or some one to whom they shall have been delivered, shall be subject to seizure and condemnation, as liquors kept for illegal sale.

Sec. 19. Shipments for lawful purposes only. It shall be unlawful for any person, firm, or corporation, or any agent or employee thereof, to carry any intoxicating liquor into the state or from one point to another within the state for the purpose of delivering, or to deliver same to any person, company or corporation within the state, except for lawful purposes.

Sec. 20. Record of shipments. It shall be the duty of all common carriers, or corporations, or persons who shall for hire carry any intoxicating liquor into the state, or from one point to another within the state, for the purpose of delivery, and who shall deliver such intoxicating liquor to any person, company, or corporation, to keep, at each station or office where it employs an agent or other person to make delivery of freight and keep records relative thereto, a record book, wherein such carrier shall promptly upon receipt, and prior to delivery, enter in ink, in legible writing, in full, the name of the consignor of each shipment of intoxicating liquor to be delivered from or through such station, from where shipped; the date of arrival, the quantity and kind of liquor, so far as disclosed by lettering on the package or by the carrier's records, and to whom and where consigned, and the date delivered.

Sec. 21. Inspection of shipping records. The record book required by the preceding section shall be kept in the said local office of such carrier and shall, during business hours, be open to inspection by any peace or law enforcing officer. It shall be a misdemeanor to refuse such inspection.

Sec. 22. Delivery is conditional. No shipment billed in whole or in part as intoxicating liquor shall be delivered to the consignee until such consignee upon such record book enters in ink, in legible writing, his full name and residence or place of business, giving the name of the town or city, and the street name and number where there is such, and certifies that such liquor is for his own lawful purposes.

Sec. 23. Unlawful delivery by carriers. It shall be a misdemeanor for any corporation, common carrier, person, or any agent or employee thereof:

1. To deliver any intoxicating liquors to any person other than to the consignee, or
2. To deliver any intoxicating liquors without having the same receipted for as heretofore provided, or
3. To deliver any intoxicating liquors where there is reasonable ground to believe that such liquor is intended for unlawful use.

Sec. 24. Immunity from damage. In no case shall any corporation, common carrier, person, or the agent thereof, be liable in damages for complying with any requirements of this title.

Sec. 25. Federal statutes. The requirements of this title relative to the shipment and delivery of intoxicating liquors and the records to be kept thereof shall be construed in harmony with federal statutes relating to interstate commerce in such liquors.

CHAPTER 2

INDICTMENT, EVIDENCE, AND PRACTICE

Sec. 26. Peace officers to file information. Peace officers shall see that all provisions of this title are faithfully executed within their respective jurisdictions, and when informed, or they have reason to believe, that the law has been violated, and that proof thereof can be had, they shall file an information to that effect against the offending party before a magistrate, who shall thereupon proceed according to law.

Sec. 27. Peace officer to investigate. Any peace officer shall, whenever directed in writing so to do by the county attorney, make special investigation of any alleged or supposed infraction of the law within his county, and report in writing with reference thereto within a reasonable time to such county attorney.

Sec. 28. Violation of duty. Any peace officer failing to comply with any of the provisions of the two last preceding sections shall pay a fine of not less than ten nor more than fifty dollars, and a conviction shall work a forfeiture of his office.

Sec. 29. Services and expense. The peace officer shall file with the county auditor a detailed, sworn statement of the services rendered and of his actual itemized expenses incurred in connection with said investigation, accompanied by the written order of the county attorney. If the officer be one who is receiving a definite and fixed salary, the board of supervisors shall audit and allow only so much of such expense account as it shall find reasonable and necessary. If the officer be one not receiving a fixed and definite salary, the board of supervisors shall allow such additional sum for services as it may deem reasonable and just, which allowance shall be final.

Sec. 30. Duty of county attorney. Upon trials of information for violations of this title, the county attorney shall appear for the state, unless some other attorney, selected by the peace officer who filed the information, shall have previously appeared.

Sec. 31. Attorney fee. The attorney selected by a peace officer in accordance with the provisions of the preceding section, shall receive, for prosecuting such charge before a justice of the peace, five dollars, to be taxed as costs in the case.

Sec. 32. Unnecessary allegations. In any indictment or information under this title, it shall not be necessary:

1. To set out exactly the kind or quantity of intoxicating liquors manufactured, sold, given in evasion of the statute, or kept for sale, nor
2. To set out the exact time of manufacture, sale, gift, or keeping for sale, nor
3. To negative any exceptions contained in the enacting clause or elsewhere, which may be proper ground of defense.

But proof of the violation by the accused of any provision of this title, the substance of which violation is briefly set forth, within the time mentioned in said indictment or information, shall be sufficient to convict such person.

Sec. 33. Counts. Informations or indictments under this title may allege any number of violations of its provisions by the same party, but the several charges must be set out in separate counts, and the accused may be convicted and punished upon each one as on separate informations or indictments, and a separate judgment shall be rendered on each count under which there is a finding of guilty.

Sec. 34. Former conviction--pleading. In any prosecution for a second or subsequent offense, as provided in this title, it shall not be requisite to set forth in the indictment or information the record of a former conviction, but it shall be sufficient briefly to allege such conviction.

Sec. 35. "Second conviction" defined. The second or subsequent convictions provided for in this title shall be convictions on separate informations or indictments, and, unless shown in the information or indictment, the charge shall be held to be for a first offense.

Sec. 36. Record of former conviction. On the trial of any cause, wherein the accused is charged with a second or subsequent offense, a duly authenticated copy of the former judgment in any court in which such judgment was so had, shall be competent and prima facie evidence of such former judgment.

Sec. 37. Proof of sale. It shall not be necessary in every case to prove payment in order to prove a sale within the true meaning and intent of this title.

Sec. 38. Purchaser as witness. The person purchasing any intoxicating liquor sold in violation of this title shall in all cases be a competent witness to prove such sale.

Sec. 39. Peace officer as witness. Every peace officer shall give evidence, when called upon, of any facts within his knowledge tending to prove a violation of the provisions of this title.

Sec. 40. Judgment lien. For all fines and costs assessed or judgments rendered of any kind against any person for a violation of any provision of this title, or costs paid by the county on account of such violation, the personal and real property, whether exempt or not, except the homestead, as well as the premises and property, personal and real, occupied and used for the purpose, with the knowledge of the owner or his agent, by the person manufacturing, selling, or giving, contrary to the provisions of this title, or keeping with intent to sell intoxicating liquors contrary to law, shall be liable, and the same shall be a lien on such real estate until paid.

Sec. 41. Enforcement of lien. Costs paid by the county for the prosecution of actions or proceedings, civil or criminal, under this title, as well as the fines inflicted or judgments recovered, may be enforced against the property upon which the lien attaches by execution, or by action against the owner of the property to subject it to the payment thereof.

Sec. 42. Evidence of owner's knowledge. In actions under the two preceding sections, evidence of the general reputation of the place kept shall be admissible on the question of knowledge of the owner, and written notice given him or his agent by any citizen of the county shall be sufficient to charge him with the same.

Sec. 42-a. Action to subject property--attorney fees. The county attorney in the name of the state, or any citizen of the county in his own name, may maintain an action to subject real property to the payment of the costs and fines aforesaid, and in all such actions, if successful, there shall be added to the judgment, as additional costs, in favor of the county attorney or citizen, as the case may be, a reasonable attorney fee to be fixed by the court.

Sec. 43. Second and subsequent conviction. Whoever is convicted, or has entered a plea of guilty in a criminal action, in any district court of the state of a violation of any provision of this title or of the laws amendatory thereof, and is thereafter convicted or enters a plea of guilty of a subsequent offense against any provision of this title or of said amendatory laws shall be punished as follows:

1. For his second conviction, by a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail for not less than six (6) months nor more than one (1) year, or, by both such fine and imprisonment.

2. For his third and each subsequent conviction, by imprisonment in the state penitentiary for not more than three (3) years.

Sec. 44. Miscellaneous violations. Any person who, hereafter, is four times convicted either upon trial or a plea of guilty in separate civil or criminal proceedings in any court of this state of violations of this title and is thereafter convicted or enters a plea of guilty in the district court under an indictment or trial information of a fifth violation of this title, shall be imprisoned in the penitentiary for a term not exceeding three years.

Sec. 45. Pleading former convictions. The indictment or information charging a fifth violation under the preceding section shall briefly refer to and identify said former convictions.

CHAPTER 3

SEARCH WARRANTS

Sec. 46. Search warrant proceedings. Search warrant proceedings authorized by this title shall be in the name of the state of Iowa.

Sec. 47. Information for search warrant. Any credible resident of this state, may, before a magistrate, make written information, supported by his oath or affirmation that he has reason to believe and does believe that at a named place in the county wherein the information is filed,

1. Intoxicating liquors are being unlawfully kept, or
2. Instruments and utensils are being kept and used in the manufacture of intoxicating liquors, or are being kept with the intent to so use them, or
3. Materials are being kept and used in the manufacture of intoxicating liquors, or are being kept with the intent to so use them.

Sec. 48. Description of person, place, and things. Said information shall, in all cases, describe with reasonable certainty, the place to be searched, and the liquors or instruments or material kept, used or intended to be used in the manufacture of intoxicating liquors. The person in possession of said place and the person keeping said liquors and things shall be designated by name, if known. If the name of such person is unknown, the information shall state such fact.

Sec. 49. Search warrant for dwelling house. (In redrafting this bill as provided by the fortieth general assembly, section 49 has been omitted, but in order to avoid revising the references and notes under each section the remaining sections have not been renumbered.)

Sec. 50. Probable cause--warrant. Said magistrate shall, upon finding that complainant has probable cause for the belief set forth in said information, issue his warrant of search. Said warrant shall be directed "To any peace officer in the county", shall designate and describe the liquors, instruments, utensils, materials, place, and persons substantially as set forth in said information, and shall command the said officer thoroughly to search said place and to seize the said liquors and the vessels containing them, and said instruments, utensils, and materials, and to keep the same securely until final action be had thereon.

Sec. 51. Execution of warrant. The peace officer to whom such warrant shall be delivered shall forthwith obey and execute, as effectually as possible, the commands of said warrant, and forthwith make return of his doings, to said magistrate and shall securely keep all liquors, instruments, utensils, and materials so seized by him and the vessels containing them until final action be had thereon.

Sec. 52. Notice of hearing. Said magistrate, in the event of a seizure under said warrant, shall, within forty-eight (48) hours after the officer's return is filed with him, issue a notice of hearing on said seizure, which notice shall:

1. Be addressed:
 - (a) To the person named or described in said information as the owner or keeper of said liquors, instruments, utensils, and materials, and
 - (b) "To all persons whom it may concern".
2. Describe said liquors, vessels, instruments, utensils, and materials with reasonable certainty, and state where, when, and why the same were seized.
3. Summon said persons and all others whom it may concern to appear before said magistrate within the county at a place and time named in said notice, which time shall not be less than five nor more than fifteen days after the posting and leaving of said notices, and show cause, if any they have, why said instruments, materials, or liquors, together with the vessels in which the same are contained, should not be forfeited.
4. Be signed by said magistrate.

Sec. 53. Service of notice. Said notice shall be served:

1. By posting a copy thereof in some conspicuous place on or about the building or place where said liquors, vessels, instruments, utensils, and materials were seized, and
2. If the person or persons named or described in the information as owner or keeper of said liquors, articles, and things so seized be resident of said county, then by leaving a copy of said notice at the last known usual place of residence of said person or persons.

Sec. 54. Right to contest forfeiture. At the time and place prescribed in said notice, the person named in said information, or any other person claiming an interest in said liquors, vessels, instruments, utensils, or materials, or in any part thereof, may appear and show cause why the same should not be forfeited, providing such claimant at least three days prior to the time set for the hearing:

1. Has filed a written claim for said liquors, vessels, instruments, utensils, or materials, or for any part thereof, and has alleged therein under oath that the articles claimed were not obtained by him by means of unlawful transportation of the same and were not intended for unlawful sale or use, and

2. Has entered into and filed with the magistrate a bond with proper security as determined by said magistrate, conditioned to pay all costs incurred in the proceeding from the beginning thereof in case the liquors, vessels, instruments, utensils, or materials, or any part of it so claimed, is finally ordered forfeited.

Sec. 55. Procedure. The proceeding in the trial of such case may be the same, substantially, as in cases of misdemeanor triable before justices of the peace.

Sec. 56. Right to jury. Any person may demand a jury, provided he has, within the time and in the manner heretofore provided, acquired the right to contest said condemnation.

Sec. 57. Presumption. It shall be presumed, on the trial of said proceeding, that all intoxicating liquors seized under said search warrant, and the vessels containing such liquors have come into the possession of the holder or claimant by means of unlawful transportation, and that such liquors were owned and kept by claimant with the intent to sell and use the same in violation of this title, and the burden to show the contrary shall rest upon the claimant.

Sec. 58. Insufficiency of description no defense. When any liquors, instruments, utensils, or materials shall have been seized by virtue of any such warrant, the same shall not be discharged or returned to any person claiming the same by reason of any alleged insufficiency of description in the warrant of the liquors, instruments, utensils, materials or place, but the claimant shall only have a right to be heard on the merits of the case.

Sec. 59. Judgment of forfeiture. If, upon the evidence presented, the said magistrate or jury, as the case may be, shall, by verdict, find that said liquors, instruments or materials were when seized, owned or kept by any person, whether said party defendant or not for the purpose of being used or sold in violation of this title or have been unlawfully manufactured or transported, the said magistrate shall render judgment that said liquors, instruments, or materials or said part thereof, with the vessels in which they are contained are forfeited.

Sec. 60. Costs. If no person be made defendant in the manner aforesaid, or if judgment be in favor of all the defendants who appear and are made such, then the costs of the proceeding shall be paid as in ordinary criminal prosecution where the prosecution fails.

If the judgment shall be against only one party defendant appearing as aforesaid, he shall be adjudged to pay all the costs of proceedings in the seizure and detention of the liquors, instruments, utensils, or materials claimed by him, and trial, up to the time of judgment.

If such judgment shall be against more than one party defendant claiming distinct interests in said liquor, instruments or material, then the costs of said proceedings and trial shall be, according to the discretion of said magistrate, equitably apportioned among said defendants.

Execution shall be issued on said judgments against defendants for the amount of costs so adjudged against them.

Sec. 61. Appeal by claimant. Any person appearing as aforesaid may appeal to the district court from said judgment or forfeiture, as to the whole or any part of said liquors, instruments, utensils, materials, or vessels claimed by him and so adjudged forfeited.

Sec. 62. Appeal by state. Where the judgment is against the state, it shall have the same right of appeal, except that no bond shall be required.

Sec. 63. Stay of proceedings. If an appeal be taken by the state, the same shall operate as a stay of proceedings and the liquors, instruments, utensils, or materials seized under the warrant shall not be returned to any claimant thereof until, upon the final determination of said appeal, he is found entitled thereto.

Sec. 64. Default judgment. If no person appears and claims such liquors, instruments, utensils, or materials, at least three days prior to the day set for the forfeiture hearing, the magistrate shall enter an order of forfeiture on default on the date set for the hearing.

Sec. 65. Transcript to district court. When it shall be finally decided by any other than the district court that intoxicating liquors, instruments, utensils, or materials seized as aforesaid are forfeited, the court rendering final judgment of forfeiture shall forthwith file in the office of the clerk of the district court in the county a certified transcript of such judgment.

Sec. 66. Judgment docketed--effect. The clerk of the district court shall file the transcript as soon as received and enter a memorandum thereof and the date of filing in the judgment docket and from such entry it shall be treated in all respects and in its enforcement as a judgment in the district court.

Sec. 67. Delivery to sheriff. When a judgment of forfeiture is transcribed to the district court, the officer having said liquors, instruments, utensils, or materials in custody shall forthwith deliver the same to the sheriff, taking itemized receipts therefor. One of said receipts shall be filed with the clerk of the district court and the other with the court rendering said judgment.

Sec. 68. Restoration. When it shall be finally decided that any liquors, instruments, utensils, or materials so seized are not liable to forfeiture, the court rendering such final decision shall issue a written order to the officer having the same in custody or to some other peace officer, to restore said liquors, instruments, utensils, or materials with the vessels containing the same to the place where it was seized as nearly as may be or to the person entitled to receive it.

Sec. 69. Execution, return, and costs. The officer shall obey said order and make return thereon to the court of his acts thereunder and the costs of the proceeding in such case attending the restoration, shall be taxed to and paid by the state.

Sec. 70. Utilizing condemned liquors. When a transcript has been filed or a judgment has been entered in the district court, decreeing a forfeiture of any intoxicating liquors, instruments, utensils, or materials, the court, or a judge thereof in vacation, may direct the disposition of such liquors, instruments, utensils, or materials and the vessels containing the same:

1. By ordering the destruction thereof, or
2. By ordering any portion thereof consisting of alcohol, brandies, wine or whiskey, to be delivered, for medical or scientific purposes, to any state or reputable hospital in the county, or in adjoining counties, or to the board of control of state institutions.

Sec. 71. Dispensation by board of control. Liquors delivered to the board of control shall be dispensed by it to any state institution or reputable hospital in this state and solely for medical or scientific purposes.

Sec. 72. Duty of board of control. The state board of control shall issue to the said court or judge a receipt stating the kind and quantity of liquor delivered to it and shall keep a strict account of all liquors received and dispensed and shall make a full and complete report of all such transactions each year to the governor of the state.

Sec. 73. Destruction of instruments--sale of material. Said court or judge shall also direct that all instruments used in the manufacture of intoxicating liquors be converted by the sheriff into junk in such manner that they cannot again be used for manufacturing liquor, and shall direct the sheriff to destroy all material which has no value for any other purpose than making intoxicating liquor.

All material which may have legitimate uses and the junk referred to shall be sold by the sheriff as chattels under execution and all moneys realized therefrom shall be turned into the treasury for the benefit of the school fund of the county.

Sec. 74. Undisposed cases--duty of clerk. The clerk of the district court shall call to the attention of the court on the first day of each term all judgments for the forfeiture of intoxicating liquors, instruments, utensils, or materials, and for the disposition of which no order has been theretofore made and the court shall thereupon enter an order for the disposition of such liquors, instruments, utensils, or materials.

Sec. 75. Writ for destruction or disposition. Upon the entry of any order for the disposition of any intoxicating liquors, instruments or materials, which have been adjudged forfeited, the clerk shall forthwith transmit a certified copy thereof to the sheriff for execution.

Sec. 76. Execution and return. The sheriff shall immediately take possession of such liquors, instruments, utensils, or materials and the vessels containing the same, and make disposition thereof in accordance with such order, and make return of his doing to the court.

Sec. 77. Transportation by carrier. When any such liquor is ordered delivered or shipped, the sheriff shall securely attach to the box or package containing the same, a certified copy of the order of the court and thereupon any railroad company, express company, or other common carrier may receive, transport and deliver such liquor to the consignee.

The cost of packing and transportation shall be paid by the consignee receiving such liquor.

Sec. 78. Receipts and return. The sheriff shall take receipts for any liquor disposed of under the provisions of the preceding section, showing in detail the kind and quantity of liquor delivered, the character of the vessels containing the same, the date and manner of delivery and, if delivery is made by common carrier, the name of such carrier. Such receipt shall be attached to and filed with the return of his doings as herein provided.

Sec. 79. "Destruction" defined. The delivery, for medicinal or scientific purposes, of intoxicating liquors to state institutions, hospitals, or to the board of control, under an order of the district court, shall be deemed a destruction thereof within the meaning of any statute of this state providing for such destruction.

CHAPTER 4

SEIZURE AND SALE OF VEHICLES

Sec. 80. "Conveyance" defined. The term "conveyance" as used in this chapter shall embrace wagons, buggies, teams, automobiles, motor vehicles, water and air craft, and all other forms of conveyances except railway, street, and interurban cars.

Sec. 81. Seizure under transportation. A peace officer who discovers that intoxicating liquor has been, or is being, transported in violation of law, shall summarily arrest the offender and likewise seize said liquor and the conveyance used to effect said transportation.

Sec. 82. Replevin not available. A conveyance seized under the preceding section shall not be subject to replevin.

Sec. 83. Custody of conveyance. Said conveyance shall be turned over to the sheriff of the county in which the seizure was made, and shall be retained in his custody until disposed of as hereinafter provided.

Sec. 84. Release of conveyance. Said conveyance shall be returned to the owner upon execution by him of a good and valid bond with sufficient sureties in a sum double the value of the property, which said bond shall be approved by the sheriff of the county and shall be conditioned to pay the value of said car, when seized, to said sheriff in case a judgment of forfeiture be entered against said car.

Sec. 85. Information--return required. The officer shall at once file an information against the accused before some court of the county other than the district court. In addition to the information, the officer shall also file with the said court a written return or statement setting forth a brief description of the conveyance, liquors, and vessels seized.

Sec. 86. Forfeiture. The court, upon conviction of a person so arrested, shall enter an order of forfeiture of the liquors, vessels, and conveyance seized and forthwith file with the clerk of the district court a certified transcript of such order. The district court or a judge thereof shall, on such notice as the court or judge may prescribe, proceed to adjudicate the legality and priority of all claims to and liens on said vehicle, and shall proceed against said liquors and vessels as in case of transcripts filed in search warrant proceedings.

Sec. 86-a1. Optional procedure as to liquors. In lieu of declaring a forfeiture, under the last preceding section, of said liquors and vessels, the said court may, in any case, proceed against the said liquors and vessels, in the manner in which it would proceed had said liquors been seized on a duly issued search warrant.

Sec. 86-a2. Optional procedure as to conveyance. In lieu of declaring a forfeiture, under the second preceding section, of said conveyance, the said court may, in any case, proceed as provided in the first following section.

Sec. 87. Information against conveyance. An information, under oath, and in substantially the following form, shall be filed in the district court against a conveyance promptly upon the seizure thereof, to wit:

vs.

One certain automobile (or other conveyance as the case may be)

_____ being duly sworn do say on oath that (here describe the conveyance with reasonable certainty) was, on the _____ day of _____, 19____, in the county of _____, in the state of Iowa, employed in the transportation of intoxicating liquors in violation of law, and, because of such unlawful use, was at said time and place seized and is now in the custody of the sheriff of said county; that to the best knowledge and belief of this affiant said conveyance belongs to _____ . Wherefore it is asked that said conveyance be dealt with as provided by law."

Sec. 88. Procedure--exceptions. Upon the filing of said information, the procedure for the forfeiture of said conveyance shall be the same as is provided for the forfeiture of intoxicating liquors seized under search warrant, except in the following particulars:

1. Service of notice. The notice of hearing of forfeiture shall, in addition to the service provided in section fifty-three (53) of chapter three (3) of this title, be published once a week for two (2) weeks in some newspaper published in the city or county in which said conveyance was seized, and if the conveyance be a motor vehicle a copy of the aforesaid notice shall forthwith be mailed to the secretary of state.

2. Hearing. Said notice shall fix the day of hearing at a time not less than thirty (30) days after the notice is fully served.

3. Right to contest. The written claim of the owner or other claimant shall allege, under oath, that said conveyance was not being employed, when seized, in the unlawful transportation of intoxicating liquors, or that if it was being so employed such use was without the knowledge or consent, directly or indirectly, of said claimant.

4. Presumption. If it be made to appear that any intoxicating liquors were found in or on said conveyance when it was seized, it shall be presumed that the conveyance was, when seized, employed with the knowledge and consent of all claimants, in the unlawful transportation of such liquors.

5. Trial. The trial shall be by the court.

6. Judgment. A judgment of forfeiture shall direct that said conveyance be sold by the sheriff as chattels under execution, and a certified copy of such order shall constitute an execution.

Sec. 89. Duty of secretary of state. The secretary of state, upon receipt of the notice aforesaid, shall if the owner appears of record in his office, notify such owner of the fact of seizure, and if not of record, said secretary shall mail such description to the county treasurer of each county, and to the state bureau of investigation.

Sec. 90. Permissible claimant. No conveyance shall be returned to any claimant, either as owner or lien holder, nor shall any claim be established when such claimant:

1. Fails to establish a legal and bona fide claim, or
2. Knew or had reason to suspect that said conveyance was being employed in the illegal transportation of intoxicating liquors, or
3. Fails to overcome the presumption, if established, that such conveyance was being so used, with his knowledge and consent, or
4. Fails, in case of a motor vehicle, to establish the registration of the conveyance in the name of the claimant prior to the seizure, or

5. Fails to establish that his lien was duly recorded prior to the seizure.

Sec. 91. Priority of liens. The judgment shall establish the amount and priority of all allowable claims.

Sec. 92. Distribution of proceeds. The sheriff shall apply the proceeds of a sale, or of the forfeited bond in the following order:

1. Expense of keeping the conveyance.
2. Court costs.
3. Liens in the order established by the court.

Sec. 93. Balance to school fund. Any balance of said proceeds shall be paid by the sheriff to the county treasurer who shall credit the same to the county school fund.

Sec. 94. Duplicate receipts. The sheriff, in paying a balance to the county treasurer, shall take duplicate receipts therefor and file one of said receipts with the county auditor.

CHAPTER 5

INJUNCTION AND ABATEMENT

Sec. 95. Action to enjoin. Actions to enjoin nuisances may be brought in equity in the name of the state by the county attorney, who shall prosecute the same to judgment, or any citizen of the proper county may institute and maintain such a proceeding in his name.

Sec. 96. Temporary injunction. In such action the court, or a judge in vacation, shall, upon the presentation of a petition therefor, allow a temporary writ of injunction without bond, if it shall be made to appear to the satisfaction of the court or judge, by evidence in the form of affidavits, depositions, oral testimony or otherwise, as the plaintiff may elect, unless the court or judge, by previous order, shall have directed the form and manner in which it shall be presented, that the nuisance complained of exists.

Sec. 97. Notice. Three days' notice in writing shall be given the defendant of the hearing of the application, and, if then continued at his instance, the writ as prayed shall be granted as a matter of course.

Sec. 98. Scope of injunction. When an injunction has been granted, it shall be binding on the defendant throughout the state, and any violation of the provisions of this title anywhere within the state shall be punished as a contempt, as provided in this chapter.

Sec. 99. Prompt trial. The action when brought shall be triable at the first term of court after due and timely service of notice of the commencement thereof has been given.

Sec. 100. Evidence of general reputation. In all actions to enjoin a nuisance or to establish a violation of the injunction, evidence of the general reputation of the place described in the petition or information shall be admissible for the purpose of proving the existence of the nuisance or the violation of the injunction.

Sec. 101. Attorney fees and commission. In all actions in equity against persons charged with keeping a nuisance, and to abate the same, and all proceedings for a contempt for violating any injunction, temporary or permanent, issued or decreed therein, the court or judge before whom the same shall be heard and determined shall, if the plaintiff be successful, allow the attorney prosecuting such cause an attorney's fee of twenty-five dollars (\$25.00), such fee to be assessed against the defendant, together with the costs in such cause and in case a fine shall be assessed he shall be allowed ten per cent of the fine collected.

Sec. 102. Dismissal of action. Such action, when brought by a citizen, shall not be dismissed upon the motion of either the plaintiff or defendant until the county attorney shall have been notified in writing of the filing of such motion, and until such county attorney shall have made a personal investigation of the place of business sought to be enjoined, and of all matters set forth in said motion for dismissal, and shall have filed, in writing, a report of his findings in said cause, and his recommendation in reference to the disposition of the same.

Sec. 103. Delay in trial. If any such action by a citizen shall remain upon the docket for two terms of court, without triar, it shall be the duty of the judge of such court to order the plaintiff and his attorney or attorneys of record, to appear in open court for examination as to the reasons why such cause has not been brought on for trial; and it shall be the duty of the county attorney to conduct such examination, if the judge shall so order.

Sec. 104. Bad faith in prosecution. Whenever the court shall have reason to believe that any such action to enjoin has not been brought or prosecuted in good faith said court shall direct the grand jury to investigate all the facts and circumstances connected with the bringing and prosecution of the same.

Sec. 105. Violation--procedure--warrant. In case of the violation of any injunction granted under the provisions of this title, the court, or in vacation a judge thereof, may summarily try and punish the offender. The proceedings shall be commenced by filing with the clerk of the court an information under oath, setting out the alleged facts constituting such violation, upon which the court or judge shall cause a warrant to issue, under which the defendant shall be arrested.

Sec. 106 Method of trial. The trial shall be as in equity, and may be had upon affidavits, or either party may demand the production and oral examination of the witnesses.

Sec. 107. First conviction. A party found guilty of contempt under the provisions of the preceding section, shall for the first offense be punished by a fine of not less than two hundred nor more than one thousand dollars, or by imprisonment in the county jail not less than three nor more than six months, or by both fine and imprisonment.

Sec. 108. Second and subsequent convictions. A party who, having once been found guilty of contempt for violating the provisions of any such injunction, shall for each such subsequent violation be punished by a fine of not less than five hundred dollars nor more than one thousand dollars or by imprisonment in the county jail for not less than six months nor more than one year.

Sec. 109. Bootleggers. A bootlegger, as defined in this title, may be restrained by injunction from doing or continuing to do any of the acts prohibited by law, and all the proceedings for injunctions, temporary and permanent, and for fines and costs for violation of same, as defined by law, shall be applicable to such person, company or corporation, and the fact that an offender has no known or permanent place of business or base of supplies, or quits the business after the commencement of an action shall not prevent a temporary or permanent injunction, as the case may be, from issuing.

Sec. 110. Judgment of abatement. If the existence of the nuisance be established in a civil or criminal action, an order of abatement shall be entered as a part of the judgment in the case; which order shall direct the destruction of the liquor, the removal from the building or place of all fixtures, furniture, vessels or movable property used in any way in conducting the unlawful business and sale thereof, in the manner provided for the sale of chattels under execution, and the effectual closing of the building, erection or place against its use for any purpose prohibited in this title, and so keeping it for a period of one year, unless sooner released.

Sec. 111. Use of abated premises. If anyone shall break or use a building or place so directed to be closed, he shall be punished as for contempt as provided in this title.

Sec. 112. Fees. For removing and selling the movable property, the officer shall be entitled to charge and receive the same fees as he would for levying upon and selling like property on execution, and for closing the premises and keeping them closed, a reasonable sum shall be allowed by the court.

Sec. 113. Proceeds--how applied. The proceeds of the sale of the personal property in abatement proceedings shall be applied, first, in payment of the costs of the action and abatement; second, to the satisfaction of any fine and costs adjudged against the proprietor of the premises and keeper of said nuisance, and the balance, if any, shall be paid to the defendant.

Sec. 114. Abatement after judgment. If the owner appears and pays all costs of the proceedings, and files a bond with sureties to be approved by the clerk in the full value of the property, to be ascertained by the court, or, in vacation, by the clerk, auditor and treasurer of the county, conditioned that he will immediately abate said nuisance and prevent the same from being established or kept therein within a period of one year thereafter, the court, or, in vacation, the judge, may, if satisfied of his good faith, order the premises closed under the order of abatement to be delivered to said owner, and said order of abatement canceled so far as the same may relate to said property.

Sec. 115. Abatement before judgment. If the proceeding be an action in equity, and said bond be given and costs therein paid before judgment and order of abatement, the action shall be thereby abated as to said building only.

Sec. 116. Effect of release. The release of the property under the provisions of either to the two preceding sections shall not release it from any judgment, lien, penalty, or liability to which it may be subject by law.

Sec. 116-a1. Abatement bonds--liens on real estate. Undertakings of bond for abatement, shall, immediately after filing by the clerk of the district court, be docketed and entered upon the lien index as required for judgments in civil cases, and, from the time of such entries, shall be liens upon real estate of the persons executing the same, with like effect as judgments in civil actions.

Sec. 116-a2. Attested copies filed in proper counties. Attested copies of such undertakings may be filed in the office of the clerk of the district court of the county in which the real estate is situated, in the same manner and with like effect as attested copies of judgments, and shall be immediately docketed and indexed in the same manner.

Sec. 116-a3. Forfeiture of abatement bond. If the owner of the property who has filed said abatement bond as in this chapter provided, fails to abate the said liquor nuisance on the premises covered by the bond or fails to prevent the maintenance of any liquor nuisance on said premises at any time within the period of one year, the court must, after a hearing in which the said fact is established, direct an entry of such violation of the terms of his said bond, to be made on the record, and the undertakings of his bond is thereupon forfeited.

Sec. 116-a4. Procedure. The proceeding to forfeit said abatement bond shall be commenced by filing with the clerk of the court, by any citizen of the county where the bond is filed, an application, under oath, to forfeit said bond, setting out the alleged facts constituting the violation of the terms of said bond, upon which the judge or court shall direct by order attached to said application, that a notice be issued by the clerk of the district court, directed to the principal and sureties on said bond, to appear at a certain date fixed, to show cause, if any they have, why the said bond should not be forfeited and judgment entered for the penalty therein fixed.

Sec. 116-a5. Method of trial. The trial shall be to the court and as in equity and be governed by the same rules as to evidence as in contempt proceedings.

Sec. 116-6. Judgment. If the court, after hearing, finds that a liquor nuisance has been maintained on the premises covered by the abatement bond and that liquor has been sold or kept for sale on the premises contrary to law, within one year from the date of the giving of said bond, then the court shall order the forfeiture of the bond and enter judgment for the full amount of said bond against the principal and sureties thereon and the lien on the real estate heretofore created, shall be decreed foreclosed and shall provide for a special and general execution for the enforcement of said decree and judgment.

Sec. 116-a7. Appeal. Appeal may be taken as in any equity case and the cause be triable de novo, except that if applicant for forfeiture appeals, he need not file appeal or supersedeas bond.

Sec. 116-a8. Limitation of actions of forfeiture. No application for forfeiture of abatement bond shall be considered or heard unless the same has been filed within one year after the termination of the one year period covered by the said bond, and after said period herein provided has fully elapsed the bond shall be deemed absolutely void and the lien created thereby fully satisfied.

Sec. 116-a9. County attorney to prosecute. It shall be the duty of the county attorney to prosecute all forfeitures of abatement bonds and the foreclosure of the same.

Sec. 117. Advance payment of fees. In an action brought by a citizen to enjoin a nuisance, as defined in this title no officer or witness shall be entitled to receive in advance fees for service or attendance.

Sec. 117-a1. Prompt service of papers by peace officers. It shall be a misdemeanor for any peace officer to delay service of original notice, writ of injunction, writ of abatement or warrant for contempt, in any equity case filed for injunction or abatement, either by state or private citizen, under this chapter.

Sec. 118. Costs. If a prosecution brought by a citizen fails, or the costs can not be collected of the defendant, they shall be paid in the same manner as in criminal causes. If, however, the court shall find that the case was commenced without probable cause, or was maliciously brought, it may tax the costs to the plaintiff.

Sec. 118-a1. Mulet tax. When a permanent injunction shall issue against any person for maintaining a nuisance as herein defined or against any owner or agent of the building kept or used for the purposes prohibited by this title, a tax shall be imposed upon said building and upon the ground upon which the same is located, and against the persons maintaining said nuisance and against the owner or agent of said premises, when they knew or ought, in reason, to have known of said nuisance.

Sec. 118-a2. Amount, manner, and effect of imposition. Said tax shall be in the sum of six hundred dollars (\$600.00) and shall be imposed in the same manner and with the same consequences as governs the imposition of a tax in injunction proceedings against places used for the purpose of lewdness, assignation, or prostitution.

Sec. 118-a3. Evidence. On the issue, whether a party knew or ought to have known of such nuisance, evidence of the general reputation of the place shall be admissible.

CHAPTER 6

CIVIL ACTIONS AND LIABILITY

Sec. 119. Liability for care of intoxicated person. Any person who shall by the manufacture, sale or giving away of intoxicating liquors, contrary to the provisions of this title, cause the intoxication of any other person, shall be liable for and compelled to pay a reasonable compensation to any person who may take charge of and provide for such intoxicated person, and five dollars per day in addition thereto for every day such intoxicated person shall be kept, in consequence of such intoxication, which sums may be recovered in a civil action before any court having jurisdiction thereof.

Sec. 120. Civil action for damages. Every wife, child, parent, guardian, employer or other person who shall be injured in person or property or means of support by any intoxicated person, or in consequence of the intoxication, habitual or otherwise, of any person, shall have a right of action in his or her own name against any person who shall, by selling or giving to another contrary to the provisions of this title any intoxicating liquors, cause the intoxication of such person, for all damages actually sustained, as well as exemplary damages.

Sec. 121. Married women. A married woman shall have the same right, under the preceding section, to bring suits, prosecute, and control the same and the amount recovered, as if a single woman.

Sec. 122. Damages recovered by minor. All damages recovered by a minor under the second preceding section shall be paid either to such minor or his parent, guardian or next friend, as the court shall direct.

Sec. 122-a1. **Illegal transportation.** Any person, firm, or corporation, and any agent or employee thereof, who engages in the transportation of intoxicating liquors shall for each act of transportation be fined in a sum not exceeding one thousand dollars (\$1000.00) or be imprisoned in the county jail not exceeding one (1) year or be punished by both such fine and imprisonment and pay the cost of prosecution, including a reasonable attorney fee to be taxed by the court.

Sec. 122-a2. **Defenses.** In any prosecution under this title for the unlawful transportation of intoxicating liquors it shall be a defense:

1. That the character and contents of the shipment or thing transported were not known to the accused or to his agent or employee, or
2. That the purchase and transportation of said liquors was authorized by a law of this state.

Sec. 122-a3. **Venue.** In any prosecution under this title for the unlawful transportation of intoxicating liquors, the offense shall be held to have been committed in any county in the state in which the liquors are received for transportation, through which they are transported, or in which they are delivered.

Sec. 123. **Principal and surety.** Where anyone is required under the provisions of this title to give bond, the principals and sureties shall be jointly and severally liable for all civil damages and costs which may be adjudged against the principal for any violation of any of the provisions of this title.

Sec. 124. **Recovery of payments.** All payments or compensation for intoxicating liquor sold in violation of this title, whether such payments or compensation be in money or anything else whatsoever, shall be held to have been received in violation of law, and to have been received upon a valid promise and agreement of the receiver to pay on demand to the person furnishing such consideration the amount of said money, or the just value of such other thing.

Sec. 125. **Contracts invalidated.** All sales, transfers, leases and securities of every kind which either in whole or in part shall have been made for or on account of intoxicating liquors sold in violation of this title shall be null and void against all persons, and no rights of any kind shall be acquired thereby.

Sec. 126. **Action prohibited.** No action shall be maintained for intoxicating liquors or the value thereof, sold in any other state or country, contrary to the law of said state or country, or with intent to enable any person to violate any provision of this title nor shall any action be maintained for the recovery or possession of any intoxicating liquor, or the value thereof, except in cases where persons owning or possessing such liquor with lawful intent may have been illegally deprived of the same.

Sec. 127. **Good faith holders.** Nothing in the three last preceding sections shall affect in any way negotiable paper in the hands of holders thereof in good faith for valuable consideration, without notice of any illegality in its inception or transfer, or the holders of land or other property who may have taken the same in good faith, without notice of any defect in the title of the person from whom the same was taken, growing out of a violation of the provisions of this title.

Sec. 128. **Attempt to collect prohibited.** The collection of payment, the solicitation of payment, and all attempts directly or indirectly, to collect payment within this state for intoxicating liquor sold or shipped within or into this state to be used for illegal purposes within this state, is hereby prohibited and made illegal, and the violation hereof is hereby made a misdemeanor.

Sec. 129. Injunction to restrain collection. Every person, who for himself or for another, violates any of the provisions of the preceding section, may be restrained by injunction from continuing to do any of the acts therein prohibited, and all the proceedings for injunctions, temporary and permanent, and for fines and costs for violation of same, as defined by law, shall be applicable to such person.

Sec. 130. Termination of lease. Upon a violation of any provision of this title committed upon real estate occupied by a tenant, his agent, servant, clerk, employee or anyone claiming under him, the landlord of such premises, by himself or agent, may, in writing, notify such agent, tenant, or the person in possession of said leased premises, to the effect that he has terminated such lease and demands possession thereof within three days after the giving of such notice, and, after the expiration of said three days, may recover possession thereof in an action of forcible entry and detainer, without further notice to quit, upon proof of the violation of any provision of this title committed upon such real estate and of the giving of such notice.

Approved March 17, 1924.

CHAPTER 36

HOUSES OF PROSTITUTION

H. F. 52

AN ACT to amend, revise, and codify sections ten hundred twenty-eight (1028) to ten hundred thirty (1030), inclusive, and sections ten hundred thirty-two (1032), ten hundred thirty-five (1035), and ten hundred thirty-six (1036) of the compiled code of Iowa, relating to houses of prostitution.

Be It Enacted by the General Assembly of the State of Iowa:

That sections ten hundred twenty-eight (1028) to ten hundred thirty (1030), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Houses of prostitution - equipment - nuisance - injunction. Whoever shall erect, establish, continue, maintain, use, own, or lease any building, erection, or place used for the purposes of lewdness, assignation, or prostitution is guilty of a nuisance, and the building, erection, or place, or the ground itself, in or upon which such lewdness, assignation, or prostitution is conducted, permitted, or carried on, continued, or exists, and the furniture, fixtures, musical instruments, and movable property used in conducting or maintaining such nuisance, are also declared a nuisance and shall be enjoined and abated as hereinafter provided.

Sec. 2. Injunction - procedure. When a nuisance is kept, maintained, or exists, as defined in this chapter, the county attorney, or any citizen of the county, or any society, association, or body incorporated under the laws of this state, may maintain an action in equity in the name of the state of Iowa, upon the relation of such county attorney, citizen, or corporation to perpetually enjoin said nuisance, the person or persons conducting or maintaining the same from further conducting or maintaining the same, and the owner or agent of the building or ground upon which said nuisance exists, from further permitting such building or ground or both to be so used.

Sec. 3. Notice - temporary writ - without bond. The defendants shall be served with notice as in other actions and in such action the court, or judge in vacation, shall upon the presentation of a petition therefor alleging that the nuisance complained of exists, allow a temporary writ of injunction without bond, if the existence of such nuisance shall be made to appear to the satisfaction of the court or judge by evidence in the form of affidavits, depositions, oral testimony, or otherwise as the complainant may elect, unless the court or judge by previous order, shall have directed the form and manner in which such evidence shall be presented.

Sec. 4. Owners defined - unknown owners - publication of notice. The person in whose name the real estate affected by the action stands on the books of the county auditor, for the purpose of taxation, shall be presumed to be the owner thereof, and in case of unknown persons having or claiming any ownership, right, title, or interest in property affected by the action, such may be made parties to the action by designating them in the notice and petition as "all other persons unknown claiming any ownership, right, title, or interest in the property affected by the action" and service thereon may be had by publishing such notice in the manner prescribed for the publication of original notices in ordinary actions. Any person having or claiming such ownership, right, title, or interest, and any owner or agent in behalf of himself and such owner may make, serve and file his answer therein within twenty (20) days after such service, and have trial of his rights in the premises by the court; and if said cause has already proceeded to trial or to findings and judgment, the court shall by order fix the time and place of such trial and shall modify, add to, or confirm such findings and judgment as the case may require. Other parties to said action shall not be affected thereby.

Sec. 5. Temporary restraining order. Where a temporary injunction is prayed for, the court or judge in vacation, on the application of plaintiff, may issue an ex parte restraining order, restraining the defendants and all other persons from removing or in any manner interfering with the furniture, fixtures, musical instruments, and movable property used in conducting the alleged nuisance, until the decision of the court or judge granting or refusing such temporary injunction and until the further order of the court thereon.

Sec. 6. Writ - how served. The restraining order may be served by handing to and leaving a copy of said order with any person in charge of said property or residing in the premises or apartment wherein the same is situated, or by posting a copy thereof in a conspicuous place at or upon one or more of the principal doors or entrances to such premises or apartment where such nuisance is alleged to be maintained, or by both such delivery and posting. The officer serving such restraining order shall forthwith make and return into court an inventory of the personal property situated in and used in conducting or maintaining such nuisance. Where such order is posted, mutilation or removal thereof, while the same remains in force, shall be contempt of court, provided such posted order contains thereon or therein a notice to that effect.

Sec. 7. Notice of hearing - answer. Three (3) days' notice in writing shall be given the defendants of the hearing of the application for temporary injunction, and if then continued at the instance of defendant, the temporary writ, as prayed shall be granted as a matter of course. Each defendant so notified shall serve upon the complainant or his attorney a verified answer on or before the date fixed in said notice for said hearing, and such answer shall be filed with the clerk of the district court of the county wherein such cause is triable, but the court may allow additional time for so answering, providing such extension of time shall not prevent the issuing of said temporary writ as prayed for.

The allegations of the answer shall be deemed to be traversed without further pleading. When an injunction has been granted, it shall be binding on the defendant throughout the judicial district in which it was issued, and any violation of the provisions of the injunction or temporary restraining order herein provided, shall be a contempt and punished as hereinafter provided.

Sec. 8. Action - when tried - reputation - evidence. The action when brought shall be triable at the first term of the court. In such action evidence of the general reputation of the place shall be competent for the purpose of proving the existence of said nuisance and shall be prima facie evidence of such nuisance and of knowledge thereof and of acquiescence and participation therein on the part of the owners, lessors, lessees, users, and all those in possession of or having charge of, as agent or otherwise, or having any interest in any form of property used in conducting or maintaining said nuisance.

Sec. 9. Dismissal - delay in trial - costs. If the complaint is filed by a citizen or a corporation, it shall not be dismissed except upon a sworn statement made by the complainant and his attorney, setting forth the reasons why the action should be dismissed, and the dismissal approved by the county attorney in writing or in open court. If the court is of the opinion that the action ought not to be dismissed, he may direct the county attorney to prosecute said action to judgment at the expense of the county, and if the action is continued more than one (1) term of court, any citizen of the county or the county attorney may be substituted for the complaining party and prosecute said action to judgment. If the action is brought by a citizen or a corporation and the court finds there were no reasonable grounds or cause for said action, the costs may be taxed to such citizen or corporation.

That section ten hundred thirty-two (1032) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 10. Abatement - sale of property - building closed - contempt. If the existence of the nuisance be admitted or established in an action as provided in this chapter, or in a criminal proceeding in the district court, an order of abatement shall be entered as a part of the judgment in the case, which order shall direct the removal from the building or place of all fixtures, furniture, musical instruments, or movable property used in conducting the nuisance, and shall direct the sale of such in the manner provided for the sale of chattels under execution, and shall direct the effectual closing of the building or place against its use for any purpose, and so keeping it closed for a period of (1) year, unless sooner released as hereinafter provided. For removing and selling the movable property, the officer shall be entitled to charge and receive the same fees as he would for levying upon and selling like property, on execution, and for closing the premises and keeping them closed a reasonable sum shall be allowed by the court.

Sec. 11. Breaking closed building punished. If any person shall break and enter or use a building, erection, or place so directed to be closed, he shall be punished as for contempt as provided in this chapter.

That section ten hundred thirty-five (1035) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 12. Assessment of tax - lien. When a permanent injunction issues against any person for maintaining a nuisance as herein defined, or against any owner or agent of the building kept or used for the purpose prohibited by this chapter, there shall be imposed upon said building and the ground upon which the same is located and against the person or persons maintaining said nuisance, and the owner or agent of said premises, a tax of three hundred dollars (\$300.00). The imposing of said tax shall be made by the court as a part of the

proceeding, and the clerk of said court shall make and certify a return of the imposition of said tax forthwith to the county auditor, who shall enter the same as a tax upon the property and against the persons upon which or whom the lien was imposed as and when the other taxes are entered, and the same shall be and remain a lien on the land upon which such lien was imposed until fully paid. Any such lien imposed while the tax books are in the hands of the auditor shall be immediately entered therein. The payment of said tax shall not relieve the persons or property from any other penalties provided by law.

Sec. 13. Collection of tax - disposition of proceeds. The provisions of the law relating to the collection of taxes in this state, the delinquency thereof, and sale of property for taxes shall govern in the collection of the tax herein prescribed in so far as the same are applicable, and the said tax collected shall be applied in payment of any deficiency in the costs of the action and abatement on behalf of the state to the extent of such deficiency after the application thereto of the proceeds of the sale of personal property as hereinbefore provided, and the remainder of said tax together with the unexpended portion of the proceeds of the sale of personal property shall be distributed in the same manner as fines collected for the keeping of houses of ill fame, except that twenty per cent (20%) of the amount of the whole tax collected and of the whole proceeds of the sale of said personal property, as provided in this chapter, shall be paid by the treasurer to the attorney representing the state in the injunction action, at the time of final judgment.

That section ten hundred thirty-six (1036) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 14. Tax assessed against person served or appearing. When such nuisance has been found to exist under any proceeding in the district court or as in this chapter provided, and the owner or agent of such building or ground whereon the same has been found to exist was not a party to such proceeding, nor appeared therein, the said tax of three hundred dollars (\$300.00) shall, nevertheless, be imposed against the persons served or appearing and against the property as in this chapter set forth.

Approved January 23, 1924.

CHAPTER 37

STATE FIRE MARSHAL

S. F. 53

AN ACT to amend, revise, and codify chapter ten (10) of title five (5) of the compiled code of Iowa, and of the supplement to said code, relating to the state fire marshal and the prevention and investigation of fires; to provide the method of procedure in effecting appeals; also to provide a penalty for a violation thereof.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter ten (10) of title five (5) of the compiled Code of Iowa, and of the supplement to said Code, is amended, revised, and codified to read as follows:

CHAPTER 10

STATE FIRE MARSHAL

Section 1. Appointment - term - vacancy. The governor shall, with the approval of the senate, appoint every four (4) years a state fire marshal, whose term of office shall be four (4) years and begin on the first day of July following the appointment. If any appointment, original or to fill a vacancy, is made when the senate is not in session, it shall be acted upon at the next session thereof, and in such case the appointee shall perform the duties of the office till such appointment is acted upon by the senate. His office shall be at the seat of government and he shall devote his entire time to the duties thereof.

Sec. 2. Removal--vacancies. The governor may remove the fire marshal at any time for cause, and appoint another for the unexpired term.

Sec. 3. Appointment of deputies. The fire marshal may appoint, with the approval of the executive council, one (1) deputy who shall have the same qualifications as the marshal.

Sec. 4. Duties of deputy. During the absence or inability of the fire marshal or a vacancy in that office, the deputy shall perform the duties of fire marshal.

Sec. 5. Expenses. The fire marshal and his deputy and assistants shall be entitled to their necessary traveling and hotel expenses while away from the city of Des Moines. The fire marshal may contract other necessary expenses in the performance of his official duties, but shall not exceed the amount appropriated for the support of his department.

Sec. 6. Investigation of causes of fires--duties of city and other officers. The state fire marshal, his deputy or inspectors, shall immediately investigate the cause, origin, and circumstances of every fire occurring within the state, when so requested by any official mentioned in this section, or the sheriff, deputy sheriff or county attorney of any county. The chief of the fire department of every city, town, or village in which a fire department is established, the mayor of every town or city in which no fire department exists, and the township clerk of every township, outside the limits of any city, town, or village, shall investigate the cause, origin and circumstances of every fire occurring in such city, town, village, or township by which property has been destroyed or damaged, and whether such fire was the result of carelessness or design.

Sec. 7. Time for investigation--report. The state fire marshal shall have the right to supervise and direct such investigation when notified as above provided. The officer making investigation of fires occurring in cities, villages, towns, or townships, shall forthwith notify said fire marshal, and shall within one (1) week of the occurrence of the fire furnish to the said fire marshal a written statement of all facts relating to the cause and origin of the fire and such other information as may be called for by the blanks provided by said fire marshal.

Sec. 8. Refusal of officer to investigate--penalty. Any chief of a fire department, mayor, or township clerk who fails or refuses to make the investigation and report required of him, shall be fined in a sum not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00).

Sec. 9. Record of fires. The fire marshal shall keep in his office a record of all fires occurring in the state, showing the name of the owners, name or names of occupants of the property at the time of the fire, the sound value of the property, the amount of insurance thereon, the total amount of insurance collected, the total amount of loss to the property owner, together with all the facts, statistics, and circumstances, including the origin of the fire, which may be determined by the investigation. Such record shall at all times be open to public inspection.

Sec. 10. Testimony under oath. The fire marshal or his deputy or inspectors shall, when in their opinion further investigation is necessary, take or cause to be taken the testimony under oath of all persons supposed to have knowledge of any facts, or to have means of knowledge in relation to the matter in which an examination is herein required to be made, and shall cause the same to be reduced to writing.

Sec. 11. Power to administer oaths and require attendance of witnesses--evidence--perjury. The fire marshall and his deputy or inspectors shall each have power in any county in the state to administer an oath and compel the attendance of witnesses before them, or either of them, to testify in relation to any matter which is by the provisions of this chapter a subject of inquiry and investigation, and may require the production of any books, papers, or documents necessary for such investigation.

Sec. 12. Refusal to testify or produce books or papers--misdemeanor. Any witness who refuses to be sworn, or refuses to testify, except as otherwise provided by law, or who disobeys any lawful order of said fire marshal, his deputy or inspectors, or who fails to produce any books, papers, or documents touching any matter under examination, shall be guilty of a misdemeanor, and shall be fined not exceeding one hundred dollars (\$100.00) or imprisoned in the county jail not exceeding thirty (30) days.

Sec. 13. Crimes in connection with fires--arrest. If the fire marshal or his deputy shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or with attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with such fire, he or they shall cause such person to be arrested and charged with the offense, or either of them, and shall furnish to the proper county attorney all such evidence, together with the names of witnesses and all of the information obtained, including a copy of all matter and testimony taken in the case.

Sec. 14. Authority to enter and inspect buildings. The state fire marshal and his deputy or inspectors and all officers upon whom the duty of inspection is enjoined by this chapter, or either of them, shall have authority in the performance of the duties imposed by the provisions of this chapter, to enter upon, or examine any buildings, or premises adjoining or near the same, for the purpose of inspecting the same and the contents thereof.

Sec. 15. Removal or repair. When the fire marshal or his deputy shall find any building or structure, which for want of proper repair or by reason of age and dilapidated condition, is especially liable to fire, and is so situated as to endanger other buildings or property therein, or when any such official shall find in any building or upon any premises combustible or explosive matter or inflammable conditions dangerous to the safety of any buildings or premises, they shall in writing order the same to be removed or remedied and such order shall be complied with by the owner or occupant of said building or premises, within such reasonable time as the fire marshall shall specify.

Sec. 16. Review of order by fire marshal. Any owner, lessee, or occupant of a building may, within five (5) days after an order is issued for the removal, destruction, or repair thereof, or the removal of the contents thereof or the change of any other conditions, file with the fire marshal a petition for a review of such order. Thereupon the marshal shall fix a place which shall be within the county where the property is situated, and a time, for such review, which shall be not less than three (3) nor more than ten (10) days after the filing of such petition, and notify the petitioner thereof.

Sec. 17. Hearing on review. The marshal shall hear the evidence both for and against said order and may affirm, modify, or revoke such order according to the facts presented at such hearing, and make record of his findings and final order.

Sec. 18. Appeal to district court. Any owner, lessee, or occupant of a building may appeal to the district court of the county where such building is located from a final order of the fire marshal requiring the removal, destruction, or repair of such building or the removal of any of its contents or changing of its condition in any other respect, within thirty (30) days from the delivery to such person of a copy of such final order.

Sec. 19. How appeal taken. Such appeal shall be taken by filing in the office of the fire marshal notice of such appeal, specifying the order appealed from and the court and term thereof to which the appeal is taken, accompanied by a bond in the penal sum of one hundred dollars (\$100.00) with sureties approved by the clerk of said court, conditioned to pay all costs that shall be adjudged against appellant and abide the decree, judgment and order of the court.

Sec. 20. How tried--trial term. Said appeal shall be tried in equity and the first term shall be the trial term, and if filed in term time shall be triable at any time after the filing of the transcript. The court may affirm, modify, or revoke the order from which the appeal is taken.

Sec. 21. Transcript--how appeal entitled. Forthwith after notice of appeal is filed in the office of the fire marshal, he shall make or cause to be made a certified transcript of the proceedings on review before him, including the order appealed from, notice of appeal, bond and all documentary evidence filed in the proceeding and transmit the same to the clerk of said court who shall docket said appeal and entitle it in the name of the appellant against the state of Iowa.

Sec. 22. County attorney to represent state. The county attorney shall represent the state and the fire marshal, by not to the exclusion of any other attorney who may be engaged in said cause.

Sec. 22-a1. Appeal to supreme court. Either party may appeal from a judgment or order of the district court within the time and in the manner provided by law for appeals in ordinary actions.

Sec. 22-a2. Suspension of order pending appeal. Any order of the fire marshal from which an appeal has been taken to the district or supreme court, shall remain suspended during the pendency of such appeal.

Sec. 23. Costs. If the appellant fails in the appeal the costs shall be taxed against him, but if the order is revoked or annulled the costs shall be taxed to the state. If the order shall be modified, the court may in its discretion apportion the costs.

Sec. 24. Enforcing decree and judgment. The court shall issue such mandatory and other writs as shall be necessary to enforce its decree, judgment, or any final order in any such case and may punish as for contempt of court any refusal to obey the same.

Sec. 25. Appeal exclusive remedy. Unless appealed from as in this chapter provided, any order made by the fire marshal or his deputy shall be final, and the right of appeal as herein provided shall be the exclusive remedy against the enforcement of such orders.

Sec. 26. Time for compliance with order--penalty. When no petition of review has been filed or when the fire marshal on review or the court on appeal has affirmed or modified an order for the removal, destruction, or repair of a building, or the removal of any of its contents, or the change of any of its conditions, the owner, lessee, or occupant shall comply with such order within thirty (30) days after the delivery of the same or a copy thereof to him, either personally or by registered letter to his last known address, or by service upon his duly appointed agent. If such owner, lessee, or occupant shall fail to comply with such order he shall be subject to a penalty of ten dollars (\$10.00) for each day of failure or neglect after the expiration of said period, which shall be recovered in the name of the state and paid into the treasury of the county where collected.

Sec. 27. Refusal to obey orders--duty of marshal--expenses. If any person fails to comply with a final order of the marshal or his deputy or of a court on appeal and within the time fixed, then such officers are empowered and authorized to cause such building or premises to be repaired, torn down, demolished, materials and all dangerous conditions removed, as the case may be, and at the expense of such person, and if such person within thirty (30) days thereafter fails, neglects or refuses to repay said officers the expense thereby incurred by them, such officers shall certify said expenses, together with twenty-five per cent (25%) penalty thereon, to the auditor of the county in which said property is situated that notice of the reasonableness and amount of assessment shall be given in a manner as provided for giving notice in ordinary actions by the marshal or his deputy to the property owner, also notifying the property owner that a hearing thereon shall be had before the auditor of said county on a day not less than 10 or more than 15 days from the date of completed service of notice upon the property owner and if no appeal is taken therefrom to the district court at the time fixed in said notice the auditor shall hear and determine the matter. Any person aggrieved by the order and determination of the auditor may appeal therefrom to the district court of the county by serving notice within twenty days thereafter upon said auditor; and such appeal shall be heard and determined by the court as in cases of appeals from the order of the fire marshal as provided in this act. Said auditor shall enter said expense on the tax records of said county as a special charge against the real estate on which said building is or was situated if in the name of such person, otherwise as a personal tax against such person, and the same shall be collected as other taxes and, when collected, shall, together with the penalty thereon, be refunded to the fire marshal, and by him paid into the state treasury where it shall be credited to the appropriation for expenses of the fire marshal's office.

Sec. 28. Investigation may be private. Investigation by or under the direction of the state fire marshal or his deputy or inspectors may in their discretion be private. They may exclude from the place where such investigation is held all persons other than those required to be present, and witnesses may be kept separate from each other and not allowed to communicate with each other until they have been examined.

Sec. 29. Fire drills in public schools--exits unlocked. It shall be the duty of the state fire marshal and his deputy to require teachers of public and private schools, in all buildings of more than one (1) story, to have at least one (1) fire drill each month, and to require all teachers of such schools, whether occupying buildings of one (1) or more stories, to keep all doors and exits of their respective rooms and buildings unlocked during school hours.

Sec. 30. Bulletin--teachers to instruct--penalty. The state fire marshal shall prepare a bulletin upon the causes and dangers of fires, arranged in not less than four (4) divisions or chapters, and under the direction of the executive council shall publish and deliver the same to the public schools throughout the state.

Sec. 31. Annual report--publication--distribution. The state fire marshal shall file with the governor annually, at the time provided by law, a detailed report of his official acts and of the affairs of his office which report shall be published and distributed as the reports of other state officers.

Sec. 32. Fee for fires reported--payment. There shall be paid to the chief of the fire department, and to mayors of incorporated towns, and to the township clerk of every township, who are by this chapter required to report fires to the state fire marshal, the sum of fifty cents (50c) for each fire so reported to the satisfaction of the state fire marshal and in addition thereto there shall be paid to township clerk mileage at the rate of ten cents (10c) per mile for each mile traveled to and from the place of fire. Said allowances shall be paid by the state fire marshal out of any funds appropriated for the use of the office of said state fire marshal.

Sec. 33. Annual appropriation for expenses and fees. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of seven thousand five hundred dollars (\$7,500.00) annually, or so much thereof as may be necessary for the purpose of paying the expenses and fees authorized by this chapter. The said fire marshal shall keep on file in the office an itemized statement of all expenses incurred by his department.

Approved February 15, 1924.

CHAPTER 38

FISH AND GAME

H. F. 54

AN ACT to amend, revise, and codify chapters fifteen (15) and sixteen (16) of title five (5) of the compiled code of Iowa, and of the supplement to said code, relating to propagation and protection of fish, game, wild birds, and animals.

Be It Enacted by the General Assembly of the State of Iowa

That chapters fifteen (15) and sixteen (16) of title five (5) of the compiled Code of Iowa, and of the supplement to said Code, are amended, revised, and codified to read as follows:

CHAPTER 15

PROPAGATION AND PROTECTION OF FISH, GAME, WILD BIRDS, AND ANIMALS

Section 1. State ownership and title - Exceptions. The title and ownership of all fish, mussels, clams and frogs in any of the public waters of the state, and in all ponds, sloughs, bayous, or other waters adjacent to any public waters stocked with fish by overflow of public waters, and of all wild game, animals, and birds, including their nests and eggs, found in the state, whether game or non-game, native or migratory, except deer in parks and in public and private preserves, the ownership of which was acquired prior to April nineteenth, nineteen hundred eleven (1911), are hereby declared to be in the state, except as otherwise in this chapter provided.

Sec. 2. Conclusive presumption of consent to title. Any person catching, taking, killing or having in possession any of such fish, mussels, clams, frogs, game, animals, or birds, their nests or eggs, in violation of the provisions of this chapter, shall be held to consent that the title to the same shall be and remain in the state for the purpose of regulating and controlling the catching, taking or having in possession the same, and disposing thereof after such catching, taking, or killing.

Sec. 3. Private preserves for certain game birds and animals. Any person desiring to engage in the business of raising and selling game birds or animals in a wholly inclosed preserve or inclosure, of which he is the owner or lessee, may make application in writing to the state game warden for a license so to do. The state game warden, when it shall appear that such application is made in good faith, shall upon the payment of an annual fee of two dollars (\$2.00) issue to such applicant a breeder's license permitting him to breed and raise any of such game birds or animals on such preserve or inclosure, and to sell the same for breeding or stocking purposes on or within such preserve or inclosure and kill, use, or sell the same for food. Such license must be renewed annually upon the payment of the fee as above provided, and the possession of such license shall exempt the licensee from the penalties of this chapter for killing, having in possession, or selling such game birds or animals, or any of them; provided such licensee shall raise or breed such birds or animals upon or within such preserve or inclosure, or secure the same by purchase from without the state, or from a licensed breeder within this state.

Sec. 4. Private fishing preserve. Persons who raise or propagate fish upon their own premises, or who own premises on which there are waters having no natural inlet or outlet through which such waters may become stocked or replenished with fish, are the owners of the fish therein and may take therefrom or permit the same to be done. Any person taking said fish without the consent of such owner shall be liable to such owner for three times the value thereof.

Sec. 5. State game warden - Appointment. Within two (2) months prior to March first, nineteen hundred twenty-five (1925) and each four (4) years thereafter, the governor shall appoint a state game warden who shall hold office for a period of four (4) years from March first of the year of the appointment, subject to the approval of the Senate. Said state game warden shall enforce the provisions of this chapter and shall have his office at the seat of government and devote his entire time to the discharge of his duties.

Sec. 6. Fish Hatcheries - Game Farms - Distribution of Fish and Game. The state game warden shall have the right to establish and control the state hatcheries and game farms, which shall be used for the purpose of stocking the waters of the state with fish and the natural covers with game birds to the extent of the means provided for that purpose; and impartially and equitably distribute all birds, eggs, and fry raised by or furnished to the state, or for it through other sources, in the streams, lakes and natural covers of the state.

Sec. 7. Reports and Accounting. At the time provided by law, the state game warden shall make a report to the Governor of his doings for the preceding biennial period, including therein an itemized statement of all receipts and disbursements; also all contracts for the taking of soft fish from the waters of this state, with the profits accruing from such contracts; also such other information upon the subject of the culture of fish and the protection of game as may be of value. All funds derived under said contracts shall be paid into the state fish and game protection fund.

Sec. 7-a. The state game warden shall monthly forward to the state board of audit, under oath, itemized statements of all monies received and the source thereof, and all the monies expended, and for what purpose, with the balance on

hand in each separate fund. Such monthly statement shall also show the number and varieties of fish distributed and in what waters.

Sec. 8. Assistant and deputy wardens. The state game warden may appoint three (3) assistant game wardens and such number of deputies as he may deem necessary. Such assistant and deputy wardens shall act under the advice and direction of the state game warden, and perform such duties in relation to their offices as may be required of them.

Sec. 9. Arrests - Assistance of peace officers. Assistant and deputy game wardens may arrest without warrant any person violating the provisions of this chapter. They may serve and execute all warrants and process issued by any court in enforcing said provisions, in the same manner as any peace officer might serve and execute the same, and they shall receive the same fee therefor. They may call to their aid any peace officer or other person, whose duty shall then be to enforce or aid in enforcing the provisions of this chapter.

Sec. 10. Seizure of unlawful game. It shall be the duty of the state game warden, his assistants and deputies, and police officers of the state, to seize with or without warrant and take possession of any fish, birds, or animals or mussels, clams, and frogs, except for bait, which have been caught, taken or killed at a time, in a manner, or for a purpose, or had in possession or under control, or offered for shipment, contrary to the provisions of this chapter.

Sec. 11. Seizure of unlawful devices. Any nets, seines, traps, spears, contrivances, materials, and substances whatever, while in use or in possession or kept or maintained for the purpose of catching, taking, killing, trapping, or deceiving any fish, birds or animals contrary to any of the provisions of this chapter, are hereby declared to be a public nuisance; and it shall be the duty of the state game warden, his assistants and deputies, sheriffs, constables, and police officers of the state, without warrant or process, to take or seize any and all of the same, and confiscate and sell or destroy any and all of the same without warrant or process, and no liability shall be incurred to the owner or any other person for such seizure and destruction, and said warden or his assistants or deputies, or other peace officers, shall be released from all liability to any person for any act done or committed, or property seized or destroyed, under or by virtue of this section.

Sec. 12. Search warrant. Any court having jurisdiction of the offense, upon receiving proof of probable cause for believing that any fish, mussels, clams, frogs, birds or animals caught, taken, killed, had in possession, under control, or shipped, contrary to any of the provisions of this chapter, or hidden or concealed in any place, shall issue a search warrant and cause a search to be made in any place therefor. The property so seized under such warrant shall be safely kept under the direction of the court so long as necessary for the purpose of being used as evidence in any trial, and if such trial results in a conviction the property seized shall be confiscated by the state game warden, his assistants or deputies.

Sec. 13. State fish and game protection fund. The assistant and deputy game wardens shall pay to the state game warden, on or before the fifteenth day of each month, all license fees, and other moneys collected by them in the discharge of their duties. All such sums and all license fees, penalties and forfeitures from other sources, including all funds realized from any fish, game, animals, or other property and confiscated and sold under the provisions of this chapter, shall constitute the state fish and game protection fund, which shall be kept separate by the state treasurer, and out of which shall be paid the compensation, traveling, contingent and office expenses of the state game warden, and his assistants and deputies, including the expenses of the propagation of fish and game, gathering and distributing fish in the waters of the state, and

all expenditures necessary for the enforcement of the provisions of this chapter; and all which expenses shall not exceed in any one year the amount collected and placed to the credit of said fund. The balance remaining in the fund provided by section 1117, C. C., at the time this act becomes effective shall be transferred to the state fish and game protection fund at that time. The fish and game protection fund shall be paid out only on verified vouchers approved by the state board of audit.

Sec. 14. License to fish and hunt. No person shall hunt, pursue, kill or take any wild animal, bird, or game in this state in any manner, or trap fur-bearing animals or game without first procuring a license.

No male person over the age of eighteen (18) years shall fish in the stocked meandered lakes of the state without first procuring a fishing license; provided however, no license shall be required from owners or tenants of farm lands, their wives, children or employees for hunting, trapping or fishing upon lands owned or occupied by them.

Sec. 15. Age limit - Consent of parent or guardian. No license shall be granted any person under eighteen (18) years of age unless the written consent of parents or guardian is attached to the application.

Sec. 16. Application blanks - Inclosed or cultivated lands. The state game warden shall furnish county recorders with application blanks for a license and license blanks. These blanks shall provide for the insertion of the name, age, sex, and place of residence of the applicant and of the licensee. The license shall authorize its holder to fish and hunt in accordance with the provisions of this chapter in any county of the state, but not on private waters, or on inclosed or cultivated lands without permission of the owner or the tenant, nor hunt upon any public highway or railroad right-of-way; and shall bear a facsimile signature of the state game warden, and the seal and signature of the recorder of the county in which it is issued.

Sec. 17. License fees - Resident - Nonresident - Resident alien. An applicant for a license to fish and hunt shall fill out an authorized application blank, subscribe and swear to it before the county recorder, a notary or a justice of the peace. Such application blanks shall be furnished by the county recorder to any person requesting same. The application shall then be presented to the county recorder who shall issue all hunting and fishing licenses, the issuance of which is not otherwise provided in this chapter. Before any license is issued to any applicant the following license fees shall be paid to the county recorder:

1. For resident of the state for fishing with hook and line in stocked meandered lakes and hunting, one dollar (\$1.00).
 2. For nonresident or resident alien, for fishing with hook and line and trot-line in any state waters, three dollars (\$3.00).
 3. For nonresident or resident alien, for hunting, ten dollars (\$10.00).
- These fees the county recorder shall pay at the end of each month to the state treasurer who shall place them to the credit of the fish and game protection fund.

Sec. 18. License record. The county recorder shall keep a record of the license he issues which shall show the date of issue, the name, and address of the person to whom issued, the date of revocation, if revoked.

Sec. 19. Terms of license. Each license shall be signed in ink by the licensee. Such license, if issued to a resident of the state and not a resident alien, shall entitle such person to whom issued, to fish with hook and line in stocked meandered lakes and to hunt, pursue and kill wild animals, birds or game within the state at any time when same shall be lawful. A license issued to a nonresident or resident alien shall entitle such person to either fish with hook line and trot-line, or, to hunt, pursue and kill wild animals, birds or game, within the state at any time when same shall be lawful. A license shall not entitle the

person to whom issued to fish, nor hunt, pursue or kill wild animals, birds or game, in this state without having such license upon his person at the time of so doing and exhibiting it for inspection and permitting it, on demand, to be examined by any person. All resident combination fishing and hunting licenses and all hunting licenses shall be void on and after the first day of July next succeeding the issuance thereof. All nonresident or resident alien fishing licenses shall be void after the last day of December of the year in which the same are issued.

Sec. 20. Nonresidents - Restrictions. A nonresident holding a valid license may take from the state not to exceed twenty-five (25) game birds or animals, provided they are so carried as to be readily inspected and his license is shown on request.

Sec. 21. Revocation. A license in the possession of any person other than to whom first issued, and, on complaint, the license of any person hunting on inclosed or cultivated lands without permission of the owner or tenant shall be revoked by the county recorder.

Sec. 21-a. For the purpose of the next succeeding section the state shall be divided into two zones as follows:

1. The northern zone shall embrace all counties of the state north of the township line which divides the townships of Range 81 N. from those of Range 82 N. except such portions of Cedar and Clinton counties as are north of such township line.

2. The southern zone shall embrace all counties south of the township line which divides the townships of Range 81 N. from those of Range 82 N. and those portions of Cedar and Clinton counties lying north of said township line.

Sec. 22. Closed seasons on fish. It shall be unlawful for any person to take from the waters of the state;

1. Any salmon or trout from September first to April fourteenth.

2. Any black bass in the northern zone from December first to June fourteenth or in the southern zone from November fifteenth to May thirty-first.

3. Any pike, crappie, pickerel, catfish, perch, or any other game fish, in the northern zone from December first to May fourteenth, or in the southern zone from November fifteenth to April thirtieth.

All dates in this section are inclusive.

Sec. 23. Catch limits. It shall be unlawful for any person at any time to take from the waters of the state in any one (1) day more than twenty-five (25) of said kinds of fish in the aggregate, of which total number not more than ten (10) may be pike or bass, except as otherwise provided in this chapter when using licensed nets or seines.

Sec. 24. Size limits. No person shall at any time kill, destroy, have in possession or under control, for any purpose whatever, any pike, pickerel or blue or channel catfish less than twelve (12) inches in length, any bass less than ten (10) inches in length, except rock or silver bass which shall not be less than seven (7) inches in length, or any trout or crappie less than eight (8) inches in length, or any perch less than seven (7) inches in length, or any sunfish less than six (6) inches in length, except as otherwise provided in this chapter when using licensed nets or seines. Any such fish taken shall be immediately returned to the water with as little injury to the fish as possible.

Sec. 25. Tackle restrictions - Trot lines. No person shall at any time take from the waters of the state any fish, except as in this chapter otherwise provided, except with hook, line and bait; nor shall any person use more than two (2) lines, with one (1) hook upon each line, in still fishing or otherwise, except when using a trot line in the manner provided in this chapter, or in trolling or casting a spoonhook. Any person may, from June fifteenth to November fourteenth, both dates inclusive, use not more than one (1) trot line in streams only, and extending not more than half the distance across such stream, except that at no time shall a trot line be used within three hundred (300) feet of a fishway or dam.

Sec. 26. Possession of spear, trap, net or seine unlawful. The possession of a spear, trap, net or seine, for fishing, shall be unlawful, except where the use of such is permitted by this chapter.

Sec. 27. Minnows for bait. In taking minnows for bait one quarter (1/4) inch mesh seine not exceeding five (5) yards in length may be used, and longer seines not exceeding thirty (30) feet in length may be used if approved in writing by the state game warden in inland lakes or boundary waters of the state. If any game fish shall be taken, they shall at once be restored unharmed to the water whence taken. "Minnows" as used in this section shall not include young bass, pike, crappie, trout, salmon or fry of any game fish, native or otherwise.

Sec. 28. Trolling from launches and steamboats prohibited. No fish may be taken by trolling from any gasoline, oil or electric launch or steamboat propelled by such power, from any of the inland waters of the state. The foregoing clause relative to launches and steamboats shall not apply to or be effective on the Mississippi or Missouri rivers.

Sec. 29. Explosive - Drugs. It shall be unlawful for anyone to place in the waters of the state any lime, ashes, or drugs of any kind, or other substance, explode dynamite, gun cotton, giant powder, or other compound or preparation, or use electricity in any way, with the intent to kill or so to affect any fish that it may be taken.

Sec. 30. Fishing through ice. It shall be unlawful for any one to have, erect or use, while fishing on or through the ice, any house, shed or other protection against the weather, or have or use any stove or other means for creating artificial heat.

Sec. 31. Stocked waters. No person shall fish for or by any means catch any fish in any waters of the state which have been stocked with brood fish one (1) or two (2) years old, within one (1) year from the date of stocking thereof, if notice of such fact is by the authority of the state game warden posted around such waters.

Sec. 32. Dams - Fishways. It shall be unlawful for any person, firm or corporation to place, erect or cause to be placed or erected, any dam or other device or contrivance in such manner as to hinder or obstruct the free passage of fish up, down or through such waters, except as otherwise provided in this chapter. Dams for manufacturing or other lawful purposes may be erected across the waters of the state. No dam or obstruction across such waters shall be erected or maintained which is not provided with a fishway, nor shall any pumping station or plant except sand pumping and dredging machines, in or connected with such waters be constructed or operated which is not provided with screens to prevent fish from entering the pumping station or plant. Such fishways and screens shall be constructed and used according to the plans and specifications prepared and furnished by the state game warden. Any dam, obstruction, or pumping plant which is not so constructed is a public nuisance and may be abated accordingly.

Sec. 32-al. It shall be unlawful for any owner or his agent to remove or destroy any existing dam, or alter it in a way so as to lower the water level, without giving written notice to the state game warden ten (10) days prior to such removal or change.

Sec. 33. Fish dams - Condemning property for. Any city or town, bounded in whole or in part by any meandered lake or chain of lakes, or the board of supervisors of the county in which such waters are situated, may construct and maintain across the outlet or inlet thereof a dam to obstruct the passage of fish, the same to be of earth, masonry, or other material to the natural and ordinary level of the lake, above and across the entire width to be an open network of bars or wire with the necessary supports, so arranged as to prevent as far as may be the escape of fish. For this purpose, upon the petition of a majority of the resident taxpayers of any city or town, so much land as is situated within the corporate limits as may be necessary may be purchased or condemned in the same manner provided for the appropriation of private property for streets and other municipal uses, and paid for out of the general fund.

Sec. 34. Taking by warden for stocking and exchange. The state game warden may take from any of the public waters of the state, at any time and in any manner, any fish for the purpose of propagating or restocking other waters, or exchanging with fish commissioners or wardens of other states or the federal government.

Sec. 35. Seining undesirable fish. The warden may enter into written contracts for the taking by seine or net from the public waters of this state, buffalo, carp, quillback, redhorse, suckers, dogfish, gizzard shad and gar, but no other fish. Such contracts shall not be for more than one year, and shall specify:

1. The particular waters from which such fish may be taken.
2. The compensation to be paid the state, and the times and terms of payment.
3. That no fish shall be taken except in the presence of and under the supervision of the warden or one of his regular deputies.
4. That all expenses including the fees, salaries, and expenses of the warden and his deputies, shall be paid by the holders of the contracts.
5. That the contract may be forfeited and cancelled, without notice, by the warden in the event of a breach thereof.
6. Such other provisions for the protection of the state as the warden may require.

Sec. 36. Bond. The holder of such contract shall, prior to the taking of any fish thereunder, file with the warden a bond with sufficient security to be approved by the warden, in an amount to be fixed by the warden, and in no event less than five hundred dollars (\$500.00). Such bonds shall be conditioned for the faithful performance of the contract, the payment of all damages resulting from a breach thereof, and such other conditions as to the warden may seem right and proper.

Sec. 37. Net and seine license for certain streams - Bond. It shall be lawful for any person to take from the Mississippi or Missouri rivers within the jurisdiction of this state any fish with nets or seines upon procuring from the state game warden an annual license for the use of such nets and seines. Before any such license shall be issued to a nonresident of the state, the applicant shall execute and deliver to the state game warden a bond running to the state of Iowa in the penal sum of two hundred dollars (\$200.00), with two (2) sureties, to be approved by the state game warden, conditioned that the licensee shall faithfully comply with all the laws of this state regulating the use of nets and seines for fishing.

Sec. 38. License fees for nets and seines. No license shall be issued for the use of any seine or net having less than two and one-half (2 1/2) inch mesh, bar measure, provided, however, that any seine or net which was possessed and licensed prior to March 1, 1924, may be licensed and used lawfully for two (2) years after that date. Fee for licenses shall be as follows:

1. For each five hundred (500) lineal feet of seine, or fraction thereof, fifteen dollars (\$15.00).
2. For each pound net having one hundred (100) feet or more lead on each side, six dollars (\$6.00).
3. For each pound net having less than one hundred (100) feet lead on each side, three dollars (\$3.00).
4. Foreach net, bait net, dip net, hoop net and fyke net, one dollar (\$1.00). All seine and net licenses shall expire on the first day of March following their issuance.

Sec. 38-al. Written reports shall be made to the state game warden, on forms prepared and furnished by him for that purpose, by each licensee at the expiration of such license, stating in detail the amount and kind of fish caught, the amount for which same were sold and the total value of each kind. The state game warden may refuse to issue subsequent licenses until such reports are filed.

Sec. 39. License tags for nets and seines. The state game warden shall furnish to each such licensee, at an expense not to exceed ten cents (10¢) each, a metal tag, numbered and stamped so as to show year of issuance and for what issued, for each net, and each five hundred (500) feet of seine; and it shall be unlawful to use any seine or net without having a tag thus procured attached thereto.

Sec. 40. Size limits when using net or seine. It shall be unlawful for any person to take with any seines or nets, when permitted to use same in the Mississippi or Missouri rivers, any black bass, pike or crappie, or any of the following fish in lengths less than as follows, to wit: Carp, fifteen (15) inches; buffalo, fifteen (15) inches; pickereel, eighteen (18) inches; catfish, thirteen (13) inches; yellow perch, seven (7) inches; sunfish, six (6) inches; and the following fish weighing less than as follows, to wit: Sand sturgeon, one (1) pound, or rock sturgeon, three (3) pounds.

Sec. 41. Wholesale fish market license. It shall be unlawful for any person, firm or corporation to operate a wholesale fish market, jobbing house, or other place for wholesaling, marketing or distributing fish, without first procuring a license for such purpose from the state game warden. The license fee shall be ten dollars (\$10.00) per year, and the license shall expire on the thirty-first day of December following its issuance.

Sec. 42. Reports required. Each holder of a wholesale fish market license shall make to the state game warden, within thirty days after the expiration of the license, a report in writing, upon blanks furnished by the state game warden, of all fish caught or taken from waters under the jurisdiction of this state, which were handled by such licensee. Failure on the part of a holder of such license to make report as herein required shall prevent such licensee from securing a subsequent wholesale fish market license.

Sec. 43. Possession and sale of black bass prohibited. It shall be unlawful for any commercial institution, commission house, restaurant or cafe keeper, or fish dealer, to have in possession, buy, sell or barter, or offer to buy, sell or barter, any black bass, whether caught or taken within or without the state, or lawfully or unlawfully taken.

Sec. 44. Taking of mussels licensed. It shall be unlawful to take, catch, or kill mussels for commercial purposes without a license issued by the state game warden.

Sec. 45. Mussel license. The state game warden shall upon application issue a license to take, catch, or kill mussels. On making application for such license, residents of this state shall pay to the state game warden a fee of two dollars (\$2.00), and nonresidents a fee of twenty-five dollars (\$25.00); and for authority to use a dredge, an additional fee of twenty dollars (\$20.00) in either case. All such licenses shall expire on December thirty-first following their issuance and shall be numbered consecutively as issued and a record kept in the office of the state game warden. Each license shall show the name and address of the licensee and the amount paid for such license, whether or not the use of a dredge is authorized, whether the licensee is a resident or nonresident, and what waters of the state are closed against the taking of mussels under such license.

Sec. 46. Reports required of licensees. On or before December thirty-first of the year in which any license is issued, the holder thereof shall make a written report to the state game warden on blanks furnished by him, stating the total weight of mussels taken, caught or killed under such license, the names and locations of waters from which the mussels were taken and the amount received for shells sold. Upon failure to make such a report, the state game warden shall not issue another license until such report shall be made.

Sec. 47. Manner of taking regulated. Any person, firm, or corporation to whom a license under the provisions of the preceding section has been issued:

1. May operate not more than one (1) boat for each license, or one (1) rig in taking, catching, or killing mussels for commercial purposes. Any such person, firm, or corporation may use one (1) additional boat for purposes of towing only when no apparatus for taking, catching, or killing is used or kept thereon.

2. It shall be unlawful to have in possession in the waters while engaged in taking, catching, or killing mussels for commercial purposes, more than four (4) crowfoot bars, or for more than two (2) of such bars to be in the water at the same time, or for any crowfoot bar to be of greater length than twenty (20) feet, or more than one (1) dredging equipment, or a dredge with openings of greater length than three (3) feet or with prongs or forks of greater length than four (4) inches, or any dredge without a license therefor. A pitchfork may be used for gathering mussel shells, without the payment of a license fee for dredging equipment.

Sec. 48. Legal sizes of mussels. It shall be unlawful to take, catch, or kill, offer for sale or have in possession for commercial purposes, any mussel of a size less than one and three-fourths (1 3/4) inches in greatest dimensions. Undersized mussels shall be immediately culled and returned to the water whence taken, without avoidable injury, excepting that the so-called pigtoes may be retained.

Sec. 49. Restricted areas prescribed. The state game warden may from time to time, as may be required for the conservation of the mussel resources of the state, prescribe by written or printed order, areas in any part of the state from which mussels shall not be taken for such period as may be specified by the warden, but no such period shall exceed five (5) years, nor shall more than one-half (1/2) of the mussel producing waters of the state be closed at the same time.

Sec. 50. Publication of orders. The state game warden shall cause the orders referred to in the preceding section to be published once in the newspapers of general circulation published within each county containing or having on its boundary, waters affected by such orders. Such orders shall take effect at the time fixed therein which shall not be less than thirty (30) days after the publication thereof in the first newspaper in which it is inserted in such county. The state game warden may extend the time at which such order shall take effect.

Sec. 51. Territorial jurisdiction - Reciprocity of states. Any person licensed by the authorities of Illinois or Wisconsin to take mussels from or in the waters forming the boundary between such states and Iowa may take them from that portion of said waters lying within the territorial jurisdiction of this state without having procured a license therefore from the state game warden of this state, in the same manner that persons holding Iowa license may do so, if the laws of Illinois or Wisconsin, respectively, extend a similar privilege to persons so licensed under the laws of Iowa.

Sec. 52. Terms defined. As used in this chapter the words:

1. "Mussels" shall mean and embrace the pearly, fresh water mussels or clams, or naiad, and the shell thereof.

2. "Crowfoot bar" shall mean a bar of any material bearing a series of hooks designed to catch or adapted for catching mussels by the insertion of such hooks between the shells of the mussels.

3. "Dredge" shall mean any mechanism of capture which is adapted for dragging the bottom of waters and is operated with or without the aid of mechanical power, except the crowfoot bar.

4. "Commercial purposes" shall mean and be presumed to be the taking, catching, killing, or having in possession mussels, unless the contrary is proven.

5. "Rig" shall mean one (1) boat equipped with not more than four (4) crowfoot bars, one (1) boat equipped with power and one (1) barge.

Sec. 53. Protection of deer, elk and goat. It shall be unlawful for any person other than the owner, or person authorized by the owner, to kill, maim, trap, or in any way injure or capture any deer, elk, or goat, except when distrained by law.

Sec. 54. Deer - Killing or capture. When it shall become necessary in the opinion of the state game warden or his deputies to kill or capture any deer now running at large within this state, it shall be done under the authority and direction of the state game warden, who shall distribute such deer so killed or captured within this state and the expense of said killing or capture and distribution shall be paid by the person receiving such deer.

Sec. 55. Fur-bearing animals - Trapping regulations. It shall be unlawful for any person to kill, trap, or ensnare any beaver, mink, otter, or muskrat, from March sixteenth to November fourteenth, both dates inclusive, or any raccoon or skunk from February first to October 31st, both dates inclusive, except where such killing, trapping, or ensnaring may be for the protection of public or private property; or to injure any muskrat house or destroy any skunk den, except for the protection of public or private property; or to have in possession during the closed season provided for in this section, except during the first ten (10) days thereof, any of the animals or carcasses or parts thereof described in this section, whether lawfully or unlawfully taken within or without this state; but nothing herein contained shall be deemed to apply to green hides in process of manufacture.

Sec. 56. Closed seasons for game birds and animals. Every person is prohibited from trapping, shooting, killing or taking any of the following named birds or animals during the following named closed seasons:

1. Wild duck, goose or brant, rail, plover, sandpiper, marsh or beach birds, Wilson or jacksnipe, from January first to September fifteenth, both dates inclusive.

2. Woodcock, from December first to September thirteenth, both dates inclusive.

3. Pinnated grouse or prairie chicken, from December first to September thirtieth, both dates inclusive; and at all time prior to October first, nineteen hundred twenty-seven (1927).

4. Ruffed grouse or pheasant or wild turkey, from December first to October thirty-first, both dates inclusive; and at all time prior to November first, nineteen hundred thirty-two (1932).

5. Quail, from November sixteenth to October thirty-first, both dates inclusive, and at all time prior to November first, nineteen hundred twenty-seven (1927).

6. Mongolian, ring-neck, English or Chinese pheasants, Hungarian partridge, or other imported birds in this state, at all times.

7. Gray, fox, or timber squirrel, from January first to August thirty-first, both dates inclusive.

Sec. 57. Bag limits and possession. No person shall shoot or kill to exceed the following numbers of game birds or animals in any one (1) day, respectively:

Five (5) prairie chickens, eight (8) quails, fifteen (15) ducks, two (2) male imported pheasants, and fifteen (15) of the other game birds or animals. Nor shall any one (1) person, firm, or corporation have in his or its possession at any one (1) time to exceed ten (10) prairie chickens, fifty (50) water fowl, fifteen (15) quail, eight (8) male imported pheasants, and fifteen (15) of either of the other kinds of game birds or animals named in this chapter, unless by a common carrier for the purpose of lawfully shipping as provided in this chapter. Nothing in this section shall apply to such animals as are considered fur-bearing animals in this chapter in possession during the periods when the killing thereof is prohibited, except during the first ten (10) days of the closed season for them, respectively.

Sec. 58. Buying or selling game prohibited. Except as otherwise provided in this chapter, it shall be unlawful for any person, firm or corporation to buy or sell, dead or alive, any game birds or animals named in this chapter, but nothing in this section shall apply to such animals as are considered fur-bearing animals in this chapter.

Sec. 59. Regulations on killing game birds. No person shall kill or attempt to kill any bird named in this chapter with the aid or use of any sneak boat or sink box, or from any sailboat, gasoline or electric launch or steamboat, or any other water conveyance except as propelled by oar or paddle, or any other device used for concealment in the open water; nor pursue, for the purpose of killing or capture, any such bird by motor vehicle or aircraft; nor use any artificial light, battery, or deception, contrivance or device with intent to attract or deceive such bird, except that in hunting wild ducks and geese, decoys and duck or goose calls may be used and artificial ambushes erected and used on land. No person shall at any time hunt or shoot any game bird between sunset and thirty (30) minutes before sunrise of the following morning.

Sec. 60. Swivel gun and poison prohibited. It shall be unlawful for any person to use a swivel gun, or any other firearm, except such as is commonly shot from the shoulder, or any poison or medicated or poisoned food, for the purpose of capturing or killing any of the birds or animals protected by this chapter.

Sec. 61. Carrying firearms in motor vehicles. No person shall carry a gun or other firearm, except a pistol or revolver, in a motor vehicle unless the same be unloaded in both barrels and magazine and taken apart or contained in a case.

Sec. 62. Traps, nets and snares prohibited. No person shall capture or take or attempt to capture or take, with any trap, snare or net, any of the game birds named in this chapter.

Sec. 63. Protection of nongame birds - Sale of plumage prohibited - Game birds defined. No person shall, within the state, kill or catch or have in his or her possession, living or dead, any wild bird other than a game bird, or purchase, offer or expose for sale, transport or ship within or without the state, any such wild bird after it has been killed or caught, except as permitted by this chapter. No part of the plumage, skin or body of any bird protected by this section shall be sold or had in possession for sale, irrespective of whether said bird was captured or killed within or without the state. All species of wild birds, either resident or migratory, except as specified in this section shall be considered nongame birds. The following are declared to be game birds:

1. The Anatidae, commonly known as swans, geese, brant, and river and sea ducks.
2. The Rallidae, commonly known as rail, coots, mud-hens, and gallinules.
3. The Limicolae, commonly known as shore birds, plovers, surf birds, snipe, woodcock, sandpipers, tattlers, and curlews.
4. The Gallinae, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges, and quail.

Sec. 64. Protection of nests and eggs. No person shall destroy, have in possession or under control, for any purpose whatever, except specimens for scientific use as provided in this chapter, the nests or eggs of any nongame bird, but nothing herein shall be construed to prevent the removal of nests from buildings.

Sec. 65. Certain birds and fowls not protected. It shall not be a violation of the provisions of this chapter to take, shoot, or kill the following birds or fowls:

1. The English starling, the English or European house sparrow, blackbird, blue-jay, crow, sharp-shinned hawk, Cooper's hawk, and great horned owl.
2. Grebe, loon, gull or tern, merganser, bittern, known as blue crane, poorjoe or cranky, little blue heron and black crowned night heron, on the grounds and waters of any public or private fish hatchery within the state by the owner, superintendent or employee thereof.

Sec. 66. Parrots and canaries. This chapter shall not be construed to forbid the selling or shipping of parrots, canaries or any other cage birds which are imported from other countries or not native to any part of the United States.

Sec. 67. Using birds as targets. No person shall keep or use any live pigeon or other bird as a target, to be shot at for amusement or as a test of skill in marksmanship, or shoot at a bird kept or used for such purpose, or be a party to such shooting, or lease any building, room, field, or premises, or knowingly permit the use thereof, for the purpose of such shooting.

Sec. 68. Certificates of permission for scientific purposes. Certificates may be granted by the state game warden to any properly accredited person of the age of eighteen (18) years or over, permitting the holder thereof to collect fish, game, wild animals and birds, and their nests or eggs, for scientific purposes only. The applicant for the same must present to said officer written testimonials from two (2) well known zoologists who must be residents of Iowa, certifying to the good character and fitness of said applicant to be intrusted with such privilege, and must pay said officer two dollars (\$2.00) to defray the necessary expenses attending the granting of such certificate. On proof that the holder of such certificate has taken or killed any fish, game, animal or bird, whether game or nongame, or taken the nest or eggs of any such bird, for other than strictly scientific purposes, his certificate shall become void. The certificates shall expire on December thirty-first of the year issued and shall not be transferable.

Sec. 69. Transportation for sale prohibited. It shall be unlawful for any person, firm or corporation to offer for transportation or to transport by common carrier or vehicle of any kind, to any place within or without the state, for purposes of sale, any of the fish, game, animals, or birds taken, caught, or killed within the state, or to peddle any of such fish, game, animals, or birds; provided, however, that fish of one day's catch lawfully taken may be sold, in the immediate vicinity where taken, to an individual for his family consumption, by the party taking such fish. It shall be unlawful to take, ship, or carry out of the state for any purpose any such fish, game, animals or birds unless lawfully caught, taken, or killed by a nonresident licensee under the provisions of this chapter, who may take, carry, or ship to his place of residence as indicated by such license, such fish, game, animals, or birds, as are lawfully caught, taken, or killed thereunder. Nothing in this section shall apply to such animals as are considered fur-bearing animals in this chapter.

Sec. 70. Transportation regulations and restrictions. Any person, firm, or corporation desiring the shipment or transportation of any game, fish, animals, or birds, shall deliver to the common carrier to which the shipment is offered, a statement under oath, in duplicate, showing the name and address of the shipper, the date and number of his license, where and by what officer issued, the name and residence of the consignee to whom the shipment is made, the kind and number of fish, animals, or birds in the shipment, that the same have not been unlawfully killed, bought, sold, or had in possession, and are not being shipped for the purpose of market or sale, and that such shipment does not contain a greater number of fish, animals or birds than may be lawfully shipped in one (1) day. One (1) copy of such affidavit shall be retained by the common carrier receiving such shipment, for the period of twelve (12) months thereafter, and the other copy shall be attached in a secure manner to the package or container of such fish, animals, or birds.

Sec. 71. Authority to administer oath. In addition to all officers authorized by law to administer oaths, the agent of any common carrier receiving for transportation any fish, animals, or birds, as in this chapter provided, is hereby authorized to administer the required oath.

Sec. 72. Limit of shipment for one day. No person as otherwise provided shall ship, carry or transport in any one (1) day, game, fish, birds or animals, except fur-bearing animals, in excess of the following numbers, respectively: Ten (10) prairie chickens, fifty (50) water fowl, fifteen (15) quail, eight (8) male imported pheasant, and fifteen (15) of either of the other game, birds or animals, and forty (40) fish including all varieties shipped, except as otherwise provided under license to fish with seine or net or under permit from the state game warden.

Sec. 73. Shipping restrictions. It shall be unlawful for any common carrier to receive for transportation any game, fish, animals or birds in greater numbers or in any other way or manner than in this chapter provided.

Sec. 74. Transportation regulations on commercial shipments. The foregoing provisions regarding the possession and transportation of fish, shall not apply to such fishing as is done under written permits from the state game warden or to such fishing as is permitted with nets or seines in certain boundary waters of the state or fishing done on private fishing preserves. Provided, however, that it shall be unlawful for any person, firm or corporation to ship any fish taken with licensed nets or seines unless there is attached to each container a tag stating the name and address of the consignor and consignee, the amount of each kind contained therein, the waters from which taken, and that same were taken with licensed nets or seines.

Sec. 74-a1. In the shipping of fish, whenever a container includes one or more fish that are contraband, the entire contents of the container shall be deemed contraband, and shall be seized by the state game warden, his assistants or deputies.

Sec. 75. Game brought into the state. It shall be lawful for any person, firm or corporation to have in possession any fish or game lawfully taken outside the state and lawfully brought into the state, but the burden of proof shall be upon the person in such possession to show that such fish or game was lawfully killed and lawfully brought into the state.

Sec. 76. Violations - Penalty. Whoever shall take, catch, kill, injure, destroy, have in possession, buy, sell, ship or transport any fish, mussels, birds, their nests, eggs or plumage, fowls, game or animals in violation of the provisions of this chapter or whoever shall use any device, equipment, seine, trap, net, tackle, firearm, drug, poison, explosive, or other substance or means, the use of which is prohibited by this chapter, or use the same at a time, place or in a manner or for a purpose prohibited, or do any other act in violation of such provisions for which no other punishment is provided, shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) or be imprisoned in the county jail not more than thirty (30) days. And each fish, fowl, bird, birds' nest, egg or plumage, and animal unlawfully caught, taken, killed, injured, destroyed, possessed, bought, sold, or shipped shall be a separate offense.

Sec. 77. Violations relating to dams - Penalty. Whoever shall erect any dam or other obstruction prohibited by this chapter or at a place or in a manner prohibited, or shall injure or destroy any dam lawfully erected, shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or be imprisoned in the county jail not more than one hundred (100) days.

Sec. 78. Violations by common carrier - Penalty. Any common carrier which shall violate any of the provisions of this chapter relating to receiving, having in possession, shipping or delivering any fish, fowls, birds, birds' nests, eggs or plumage, game or animals, in violation of the provisions of this chapter or contrary to the regulations and restrictions therein provided, and any agent, employee or servant of such corporation violating such provisions, shall be fined not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00), and any such agent, employee, or servant may be imprisoned not exceeding thirty (30) days.

Sec. 79. Duty of attorney general and county attorneys. It shall be the duty of the attorney general, when requested by the state game warden to give his opinion in writing upon any question of law arising under this chapter; and it shall be the duty of all county attorneys in this state when requested by the state game warden or any deputy, to prosecute all criminal actions brought in their respective counties for violations of the provisions of this chapter. Nothing in this chapter shall be construed as prohibiting any person from instituting legal proceedings for the enforcement of any of the provisions thereof.

Sec. 80. Informations - Jurisdictions. In all prosecutions under this chapter, any number of violations may be charged in one (1) information, but each charge shall be set out in a separate count if more than one (1) charge is included in one (1) information. Prosecutions for violations may be brought in the county in which any fish, fowl, bird, birds' nest, eggs, or plumage, or animals protected by this chapter were unlawfully caught, taken, killed, trapped, ensnared, bought, sold or shipped unlawfully, or in any county into or through which they were received, transported, or found in possession of any person.

Sec. 81. Presumptive evidence of violations. It shall be presumptive evidence of a violation of the provisions of this chapter for any person:

1. At any time to have in his possession a gun in any field, forest, or on any waters of the state, without a license, except as provided in section 14 of this chapter.

2. To fail to have a license upon his person at any time required by law, or then refuse to exhibit the same on request of any person desiring to examine it.

3. To have in his possession any fish, game, birds, birds' nests, eggs, or plumage, or animals, which have been unlawfully caught, taken, or killed.

4. To be in possession of such fish, game, birds, or animals at a time when or place where it shall be unlawful to take, catch, or kill the same, except game, birds or animals, during the first ten (10) days of the closed season.

5. To have in his possession any implements, devices, equipment, or means whatever of taking fish, birds, or animals protected by this chapter at any place where the possession or use thereof is prohibited.

Approved April 3, 1924.

CHAPTER 39

FISH AND GAME

H. F. 54-A

AN ACT to amend substitute for House File no. 54, acts of the fortieth general assembly in special session, relating to fish and game.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. That Substitute for House File No. 54, acts of the Fortieth General Assembly in special session, be amended as follows:

Amend section fifty-seven (57) by striking out the last sentence thereof and inserting in lieu thereof the following: "Nothing in this section shall apply to such animals as are considered fur-bearing animals. It shall be unlawful to have any game birds or animals named in this chapter in possession during the periods when the killing thereof is prohibited, except during the first ten (10) days of the closed season for them, respectively."

Approved April 16, 1924.

FUBLIC PARKS

S. F. 55

AN ACT to amend, revise, and codify sections eleven hundred seventy-nine (1179) to eleven hundred eighty-two (1182), inclusive, of the compiled code of Iowa, and section eleven hundred seventy-seven-a nine (1177-a9) of the supplement to said code, relating to the state board of conservation and state parks.

Be It Enacted by the General Assembly of the State of Iowa:

That sections eleven hundred seventy-nine (1179) to eleven hundred eighty-two (1182), inclusive, of the compiled Code of Iowa, and section eleven hundred seventy-seven-a nine (1177-a9) of the supplement to said Code are amended, revised, and codified to read as follows:

Section 1. Title to lands. The title to all lands purchased, condemned, or donated, hereunder, for park or highway purposes, shall be taken in the name of the state and if thereafter it shall be deemed advisable to sell any portion of the land so purchased or condemned, the proceeds of such sale shall be placed to the credit of the said public state parks fund to be used for such park purposes.

Sec. 2. Gifts. The board of conservation, with the written consent of the executive council, may accept gifts of land or other property, or the use of lands or other property for a term of years, and improve and use the same as public state parks.

Sec. 3. Conditions. The conditions attached to a gift shall be entered in writing as part of the record of the title by which the state takes the lands, and shall be inscribed upon any chart, map, or description of said park if the conditions are made by the grantor in lieu of money as a consideration paid by the state. If the donation be other than real estate and a particular specification for its use be made by the donor, no part of such donation shall be used or expended for any other purpose.

Sec. 4. Reversion of gift. If the lands transferred to the state as a gift, or if lands purchased in whole or in part by the state from moneys given for that purpose, shall be abandoned or sold and not used for state park purposes, the donor shall reclaim the land or funds donated by filing his request in writing with the executive council within six months of the time of the abandonment or sale by the state of such lands, but no interest or other charge shall be demanded of or paid by the state. Any unclaimed funds shall be used for park purposes.

Sec. 5. Use of private funds. The board may permit the improvement of parks, when established, or the improvement of bodies of water, upon the border of which such parks may be established, by the expenditure of private funds, such improvement to be done, however, under the direction of the state board of conservation, by and with the consent of the executive council.

Sec. 6. The state board of conservation may call upon the state college of agriculture and mechanic arts for the services of at least one competent landscape architect, engineer or gardner, who shall, under the direction of the board, proceed to work with it in the improvement of the state property under the control of said board. The president of said college shall, when called upon, designate the landscape architect, engineer or gardner, as the case may be, who shall work with said board. Students who are enrolled in the landscaping department of said college may be assigned by the proper college auth-

onities to assist with the landscaping and improvement of state property under the control of the board of conservation, when requested by said board, and when such service will not interfere materially with their college work. All necessary expense incurred by such landscape architect, engineer or gardner or the students of the college under the provisions of this section, shall be paid in the same manner as are other expenditures by the board, but no compensation shall be paid for such services.

Approved March 11, 1924.

CHAPTER 41

LOST PROPERTY

H. F. 57

AN ACT to amend, revise, and codify sections twelve hundred four (1204) to twelve hundred seven (1207), inclusive, and twelve hundred nine (1209) of the compiled code of Iowa, relating to lost property.

Be It Enacted by the General Assembly of the State of Iowa:

That sections twelve hundred four (1204) to twelve hundred seven (1207), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Advertisement - title vests in finder if under twenty dollars. In all cases where the appraisement of any such property shall not exceed the sum of twenty dollars (\$20.00), the finder shall advertise the same on the door of the courthouse, and in three (3) other of the most public places in the county, within five (5) days after the appraisement, and if no person shall appear to claim and prove such property within six (6) months of the time of taking up, it shall vest in the finder.

Sec. 2. Held for owner by county if over twenty dollars. If the value thereof shall exceed the sum of twenty dollars (\$20.00), the county auditor, within five (5) days from the time of the reception of the justice's certificate at his office, shall cause an advertisement to be posted on the door of the courthouse, and at three (3) other of the most public places in the county, and also a notice to be published once each week for three (3) weeks successively, in some newspaper printed in this state; and if such property be not claimed or proved within ninety (90) days after the advertisement of the same, as aforesaid, the finder shall deliver the same to the sheriff of the county wherein it was taken up, who shall thereupon proceed to sell it at public auction to the highest bidder for cash, having first given ten (10) days' notice of the time and place of sale, and the proceeds of all such sales, after deducting the costs and other necessary expenses, shall be paid into the county treasury.

Sec. 3. Lost goods - money restored to owner if known. If any person shall find any lost goods, money, bank notes or other things of any description whatever, of the value of five dollars (\$5.00) and over, such person shall inform the owner thereof, if known, and make restitution thereof.

Sec. 4. If unknown - entered in estray book. If the owner be unknown, such person shall, within five (5) days after such finding, take such money, bank notes, and a description of any other property before the county auditor of the county where the property was found, and make affidavit of the description thereof, the time when and place where the same was found, and that no alteration has been made in the appearance thereof since the finding; whereupon the county auditor shall enter a description of the property and the value thereof, as nearly as he can determine it, in his estray book, together with the affidavit of the finder

Sec. 5. Advertisement. The finder of such lost goods, money, bank notes, or other things, shall forthwith give written notice of the finding of such property. Such notice shall contain an accurate description of the property and a statement as to the time when and place where the same was found and the post-office address of the finder. Said notice shall:

1. Be posted at the door of the courthouse in the county in which the property was found and in three other of the most public places in the said county; and

2. In case the property found shall exceed ten dollars in value, the notice shall be published once each week for three consecutive weeks in some newspaper published in and having general circulation in said county.

Sec. 6. Record of publication. Proof of publication of said notice and of the posting thereof shall be made by affidavits of the publisher and the person posting said notices, and said affidavits shall be filed in the office of the county auditor of said county.

Sec. 6-a1. Additional publication. The affidavits provided for in the preceding section shall be entered by the auditor in the proceedings of the board of supervisors and the same shall be published with the proceedings of said board.

Sec. 6-a2. Vesting of title. If no person appears to claim and prove ownership to said goods, money, bank notes or other things within twelve months of the date when proof of said publication and posting is filed in the office of the county auditor, the right to such property shall irrevocably vest in said finder.

Sec. 7. Advertisement - title vests - if under five dollars. In all cases where any vessel, water craft, logs or lumber shall be taken up as aforesaid, which shall be of value less than five dollars (\$5.00), the finder shall advertise the same by posting a notice of such finding in three (3) of the most public places in the neighborhood; but in such cases he shall keep and preserve the same in his possession, and shall make restitution thereof to the owner, without fee or reward, except the same be given voluntarily when the owner claims the same, provided it shall be done in three (3) months from such taking up or finding; but, if no owner shall claim such property within the time aforesaid, the exclusive right to it shall be vested in the finder.

That section twelve hundred nine (1209) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 8. Compensation. As a reward for the taking up of boats and other vessels, and for finding lost goods, money, bank notes and other things, before restitution of the property or proceeds thereof shall be made, the finder shall be entitled to ten per cent (10%) upon the value thereof, and for taking up any logs or lumber, as hereinbefore described, twenty-five cents (25c) for each log not exceeding ten (10), twenty cents (20c) for each exceeding ten (10) and not exceeding fifty (50), fifteen cents (15c) for each exceeding fifty (50), and fifty cents (50c) per thousand feet for sawed lumber.

Sec. 9. Owner also to pay costs, charges and for cars. The owner shall also be required to pay the finder all such costs and charges as may have been paid by him for services rendered as aforesaid, including the cost of publication, together with reasonable charges for keeping and taking care of such property, which last mentioned charge, in case the finder and the owner cannot agree, shall be assessed by two (2) disinterested householders of the neighborhood, to be appointed by some justice of the peace of the proper county, whose decision, when made, shall be binding and conclusive on all parties.

Approved April 1, 1924.

CIVIL ENGINEERS

H. F. 53

AN ACT to amend, revise, and codify sections twelve hundred fourteen (1214), twelve hundred seventeen (1217), twelve hundred eighteen (1218), twelve hundred twenty-two (1222) and twelve hundred twenty-six (1226) of the compiled code of Iowa and section twelve hundred nineteen (1219) of the supplement to said code, relating to the practice of professional engineering and land surveying.

Be It Enacted by the General Assembly of the State of Iowa:

That section twelve hundred fourteen (1214) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Only registered engineers and surveyors may practice. No person shall practice professional engineering or land surveying in the state unless he be a registered professional engineer or a registered land surveyor as provided in this chapter, except as permitted by the last section thereof.

That sections twelve hundred seventeen (1217) and twelve hundred eighteen (1218) of the compiled Code of Iowa, and section twelve hundred nineteen (1219) of the supplement to said Code, are amended, revised, and codified to read as follows:

Sec. 2. Board of engineering examiners - qualifications. There is hereby created a state board of engineering examiners consisting of five (5) members who shall be appointed by the governor. Each member of the board shall be a professional engineer at least thirty-five (35) years of age, and shall have been a resident of this state for at least three (3) years immediately preceding his appointment and shall have had at least ten (10) years' active practice preceding his appointment and during such time shall have had charge of engineering work as principal or assistant for at least two (2) years, and shall be a member in good standing of a recognized state or national engineering society. No two (2) members of said board shall be from the same branch of the profession of engineering.

Sec. 3. Appointment and tenure. Appointments to said board shall be made as follows:

1. Two members on July first (1st), nineteen hundred twenty-five (1925), and each four years thereafter.

2. Three members on July first (1st), nineteen hundred twenty-seven (1927), and each four years thereafter.

This section shall not be construed to limit the term of office of the present members.

Sec. 4. Vacancies how filled. Vacancies in the membership of the board caused by death, resignation, or removal from office, shall be filled by an appointment from the governor for the unexpired portion of the term.

Sec. 5. Official seal - by-laws. The board shall adopt and have an official seal which shall be affixed to all certificates of registration granted and may make all by-laws and rules, not inconsistent with law, necessary for the proper performance of its duty.

Sec. 6. Attorney general to assist. Such board, or any committee thereof, shall be entitled to the counsel and to the services of the attorney general, and shall have power to compel the attendance of witnesses, and may take testimony and proofs and may administer oaths concerning any matter within its jurisdiction.

Sec. 7. Compensation and expenses. Each member of the board shall receive as compensation the sum of ten dollars (\$10.00) per day for the time actually spent in traveling to and from, and in attending sessions of the board and its committees, and shall receive all necessary traveling and incidental expenses incurred in the discharge of his duties, but in no event shall the state be chargeable with any expenses incurred under the provisions of this act.

Sec. 8. Organization of the board - meetings - quorum. The board shall elect annually from its members a chairman and vice chairman. The secretary of the executive council, or one of his assistants, to be designated by him, shall act as secretary of said board. The board shall hold at least one (1) stated meeting on the first Tuesday of December of each year, and special meetings shall be called at other times by the secretary at the request of the chairman or of three (3) members of the board. At any meeting of the board, three (3) members shall constitute a quorum.

Sec. 9. Annual report to governor. At the time provided by law, the board shall submit to the governor a written report of its transactions for the preceding year, and shall file with the secretary of state a copy thereof, together with a complete statement of the receipts and expenditures of the board, attested by the affidavits of the chairman and the secretary and a complete list of those registered under this chapter with their addresses and the dates of their certificates of registration. Said report shall be printed by the state and a copy mailed to, and placed on file in the office of the clerk of each incorporated city or town in the state and in the office of the auditor of each county therein.

Sec. 10. Secretary - duties of. The secretary shall keep on file a record of all certificates of registration granted and shall make annually such revisions of said record as may be necessary. In revising said record the secretary shall communicate annually by mail with every professional engineer and surveyor registered hereunder. In every case in which a reply is not received within thirty (30) days after the date of the first letter, the secretary shall send a second letter by registered mail and the failure on the part of any engineer or surveyor to reply within sixty (60) days from the date of said second letter shall operate to revoke his certificate of registration, but he may be reinstated at any time upon due application therefor and upon the payment of a registration fee of ten dollars (\$10.00) as hereinafter provided.

Sec. 11. Engineering examiners fund. The secretary shall collect and account for all fees provided for by this chapter and pay the same to the state treasurer who shall keep such moneys in a separate fund to be known as the fund of the board of engineering examiners, which shall be continued from year to year and shall be drawn only for the expenses and compensation of said board of examiners as provided in this chapter.

That sections twelve hundred twenty-two (1222) and twelve hundred twenty-six (1226) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 12. Seal - certificate evidence of registration. Each registrant shall provide himself with a suitable seal with a uniform inscription thereon formulated by the board, with which he shall stamp all plans, specifications, surveys, and reports made or issued by him. A certificate of registration provided for in this chapter shall be presumptive evidence that the person named therein is legally registered.

Sec. 13. Professional engineers' certificate. To any applicant who shall have passed the examination as a professional engineer and who shall have paid an additional fee of ten dollars (\$10.00), the board shall issue a certificate of registration as a professional engineer signed by the chairman and secretary of the board under the seal of such board, which certificate shall authorize the applicant to practice professional engineering as defined in this chapter. Such certificate shall not carry with it the right to practice land surveying, unless specifically so stated in said certificate, which permission shall be granted by the board without additional fee in cases where the applicant duly qualifies as a land surveyor as prescribed by the rules of said board.

Sec. 14. Land surveyors' certificate. To any applicant who shall have passed the examination as a land surveyor and who shall have paid an additional fee of ten dollars (\$10.00), the board shall issue a certificate of registration signed by its chairman and secretary under the seal of the board, which certificate shall authorize the applicant to practice land surveying as defined in this chapter and to administer oaths to his assistants and to witnesses produced for examination, with reference to facts connected with land surveys, being made by such land surveyor.

Approved January 5, 1924.

CHAPTER 43

GOLD AND SILVER ALLOY

H. F. 61

AN ACT to amend, revise, and codify chapter twenty-three (23) of title five (5) of the compiled code of Iowa, relating to gold and silver alloy.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter twenty-three (23) of title five (5) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

CHAPTER 23

Gold and Silver Alloy

Section 1. Fraudulent marking of gold or alloy. Any person making for sale, selling or offering to sell or dispose of, or having in possession with intent to sell or dispose of, any article of merchandise made, in whole or in part, of gold or any alloy of gold, and having stamped, branded, engraved or imprinted thereon, or upon any tag, card or label attached thereto, or upon any container in which said article is inclosed, any mark indicating or designed to indicate, that the gold or alloy in such articles is of a greater degree of fineness than the actual fineness or quality thereof, unless the actual fineness thereof, in the case of flatware or watchcases, be not less by more than three one-thousandths (.003) parts, and in case of all other articles be not less by more than one-half (1/2) karat than the fineness indicated by the marks stamped, branded, engraved, or imprinted upon any part of such article, or upon any tag, card or label attached thereto, or upon any container in which such article is inclosed according to the standards and subject to the qualifications hereinafter set forth, is guilty of a misdemeanor.

Sec 2. Tests for fineness. In any test for the ascertainment of the fineness of the gold or alloy in any such article, according to the foregoing standards, the part of the gold or alloy taken for the test, shall be such portion as does not contain or have attached thereto any solder or alloy of inferior fineness used for brazing or uniting the parts of said article; and in addition to the foregoing tests and standards, the actual fineness of the entire quantity of gold and its alloys contained in any article mentioned in this and the preceding section, except watchcases and flatware, including all solder or alloy of inferior metal used for brazing or uniting the parts of the article, all such gold, alloys and solder being assayed as one (1) piece, shall not be less than the fineness indicated by the mark stamped, branded, engraved or imprinted upon such article, or upon any tag, card or label attached thereto, or upon any container in which said article is inclosed.

Sec. 3. Articles made of silver marked "sterling silver". Any person making for sale, selling or offering to sell or dispose of, or having in possession with intent to sell or dispose of, any article of merchandise made in whole or in part of silver or any alloy of silver and having marked, stamped, branded, engraved or imprinted thereon, or upon any tag, card or label attached thereto or upon any container in which said article is inclosed, the words "sterling silver", "sterling" or any colorable imitation thereof, unless nine hundred twenty-five one thousandths (.925) of the component parts of the metal purporting to be silver, of which such article is manufactured are pure silver to the qualifications hereinafter set forth, is guilty of a misdemeanor, but in the case of all such articles there shall be allowed a divergence in fineness of four one-thousandths (.004) parts from the foregoing standard.

Sec. 4. Articles made of silver marked "coin silver". Any person making for sale, selling or offering to sell or dispose of, or having in possession with intent to sell or dispose of, any article of merchandise made in whole or in part of silver or of any alloy of silver and having marked, stamped, branded, engraved or imprinted thereon, or upon any tag, card or label attached thereto, or upon any box, package, cover or wrapper in which such article is inclosed, the words "coin" or "coin silver", or any colorable imitation thereof, unless nine hundred one-thousandths (.900) of the component parts of the metal appearing or purporting to be silver, of which such article is manufactured are pure silver, subject to the qualifications hereinafter set forth, is guilty of a misdemeanor; but in case of all such articles there shall be allowed a divergence in fineness of four one-thousandths (.004) parts from the foregoing standards.

Sec. 5. Articles of silver marked other than "sterling" or "coin". Any person making for sale, selling or offering to sell or dispose of, or having in possession with intent to sell or dispose of, any article of merchandise made in whole or in part of silver or of any alloy of silver and having stamped, branded, engraved or imprinted thereon, or upon any tag, card, or label attached thereto, or upon any container in which said article is inclosed, any mark or word, other than the word "sterling" or the word "coin", indicating, or designed to indicate that the silver or alloy of silver in said article is of a greater degree of fineness than the actual fineness or quality, unless the actual fineness of the silver or alloy of silver of which said article is composed be not less by more than four one-thousandths (.004) parts than the actual fineness indicated by the said mark or word, other than the word "sterling" or "coin", stamped, branded, engraved or imprinted upon any part of said article, or upon any tag, card, or label attached thereto, or upon any container in which said article is inclosed, subject to the qualifications hereinafter set forth, is guilty of a misdemeanor.

Sec. 6. Tests for articles in three preceding sections. In any test for the ascertainment of the fineness of any such article mentioned in this and the three preceding sections, according to the foregoing standards, the part of the article taken for the test, shall be such portion as does not contain or have attached thereto any solder or alloy of inferior metal used for brazing or uniting the parts of such article, and provided further and in addition to the foregoing test and standards, that the actual fineness of the entire quantity of metal purporting to be silver contained in any article mentioned in the three (3) preceding sections, including all solder or alloy of inferior fineness used for brazing or uniting the parts of any such article, all such silver, alloy or solder being assayed as one piece, shall not be less by more than ten one-thousandths (.010) parts than the fineness indicated according to the foregoing standards, by the mark stamped, branded, engraved or imprinted upon such article, or upon any tag, card or label attached thereto, or upon any container in which said article is inclosed.

Sec. 7. Marking of gold-plated or gold-filled articles. Any person making for sale, selling or offering to sell or dispose of, or having in possession with intent to sell or dispose of, any article of merchandise made in whole or in part of inferior metal having deposited or plated thereon or brazed or otherwise affixed thereto a plate, plating, covering or sheet of gold or of any alloy of gold and which article is known in the market as "rolled gold plate", "gold plate", "gold filled" or "gold electroplate", or by any similar designation, and having stamped, branded, engraved or imprinted thereon, or upon any tag, card or label attached thereto, or upon any container in which said article is inclosed, any word or mark usually employed to indicate the fineness of gold, unless said word be accompanied by other words plainly indicating that such article or part thereof is made of rolled gold plate, or gold plate, or gold electroplate, or is gold filled, as the case may be, is guilty of a misdemeanor.

Sec. 8. Marking of silver-plated articles. Any person making for sale, selling or offering to sell or dispose of, or having in possession with intent to sell or dispose of, any article of merchandise made in whole or in part of inferior metal having deposited or plated thereon or brazed or otherwise affixed thereto, a plate, plating, covering or sheet of silver or of any alloy of silver, and which article is known in the market as "silver plate" or "silver electroplate" or by any similar designation, and having stamped, branded, engraved or imprinted thereon, or upon any tag, card, or label attached thereto, or upon any container in which said article is encased or inclosed, the word "sterling" or the word "coin" either alone or in conjunction with any other words or marks, is guilty of a misdemeanor.

Sec. 9. Violation - penalty. Every person guilty of a violation of the provisions of this chapter, and every officer, manager, director, or agent of any such person directly participating in such violation or consenting thereto, shall be punished by a fine of not more than five hundred dollars (\$500.00) or imprisoned for not more than three (3) months, or both, at the discretion of the court; but nothing in this chapter shall apply to articles manufactured prior to the thirteenth day of June, nineteen hundred seven (1907).

Sec. 10. Person defined. The term "person" as used in this chapter shall embrace persons, firms, partnerships, companies, corporations and associations.

Approved December 19, 1924.

DEPARTMENT OF AGRICULTURE

H. F. 65

AN ACT to amend, revise, and codify sections nine hundred seven (907), fourteen hundred forty (1440), fourteen hundred forty-three (1443), fourteen hundred fifty-two (1452), fourteen hundred sixty-nine (1469), fourteen hundred seventy-two (1472), fourteen hundred eighty-one (1481), fifteen hundred thirty-six (1536), fifteen hundred ninety-two (1592), sixteen hundred thirteen (1613), sixteen hundred seventeen (1617), sixteen hundred twenty-six (1626), sixteen hundred twenty-seven (1627), and sixteen hundred ninety-nine (1699) of the compiled code of Iowa and sections eight hundred ninety-nine (899), nine hundred three (903), fourteen hundred forty-two (1442), fifteen hundred thirty-two-a fifteen (1532-a15), sixteen hundred thirty-one-a one (1631-a1) to sixteen hundred thirty-one-a fifteen (1631-a15), inclusive, sixteen hundred fifty-three-a one (1653-a1) to sixteen hundred fifty-three-a seven (1653-a7), inclusive, and seventeen hundred eleven (1711) of the supplement to said code, relating to the department of agriculture and fruit-tree and forest reservations.

Be It Enacted by the General Assembly of the State of Iowa:

That sections nine hundred seven (907), fourteen hundred forty (1440), fourteen hundred forty-three (1443), fourteen hundred fifty-two (1452), fourteen hundred sixty-nine (1469), fourteen hundred seventy-two (1472), fourteen hundred eighty-one (1481), fifteen hundred thirty-six (1536), fifteen hundred ninety-two (1592), sixteen hundred thirteen (1613), sixteen hundred seventeen (1617), sixteen hundred twenty-six (1626), and sixteen hundred twenty-seven (1627) of the compiled Code of Iowa and sections eight hundred ninety-nine (899), nine hundred three (903), fourteen hundred forty-two (1442), fifteen hundred thirty-two-a fifteen (1532-a15), sixteen hundred thirty-one-a one (1631-a1) to sixteen hundred thirty-one-a fifteen (1631-a15), inclusive, and sixteen hundred fifty-three-a one (1653-a1) to sixteen hundred fifty-three-a seven (1653-a7), inclusive, of the supplement to said Code are amended, revised, and codified to read as follows:

TITLE VIII
AGRICULTURE, HORTICULTURE AND ANIMAL INDUSTRY
CHAPTER I
DEPARTMENT OF AGRICULTURE

Section 1. Definitions and rules of construction. For the purposes of this title, unless otherwise provided:

1. "Secretary" shall mean the secretary of agriculture.
2. "Department" shall mean the Iowa department of agriculture and wherever such department is required or authorized to do an act, unless otherwise provided, it shall be construed as authorizing performance by an officer, regular assistant, or duly authorized agent of such department.
3. "Person" shall include an individual, a corporation, company, firm, society, or association; and the act, omission, or conduct of any officer, agent, or other person acting in a representative capacity shall be imputed to the organization or person represented, and the person acting in such capacity shall also be liable for violation of this title.

Sec. 2. Object of department. The object of the department of agriculture shall be:

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

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

3. To administer efficiently and impartially the inspection service of the state as is now or may hereafter be placed under its supervision.

Sec. 3. Cooperation with other agriculture agencies.

1. The department of agriculture and the Iowa state college of agriculture and mechanic arts shall cooperate in all ways that may be beneficial to the agricultural interests of the state, but without duplicating research or educational work conducted by said college. Nothing herein contained shall be construed to subordinate either the Department or the college in their several spheres of action.

2. The department of agriculture is hereby authorized to cooperate with the United States department of agriculture as the Iowa department may deem wise and just.

Sec. 4. Location of department. The department of agriculture shall be located at the seat of government.

Sec. 5. Powers and duties. The secretary of agriculture shall be the head of the department of agriculture which shall:

1. Carry out the objects for which the department is created and maintained.

2. Establish and maintain such divisions in the department as are necessary for the proper enforcement of the laws administered by it.

3. Consolidate the inspection service of the state in respect to the laws administered by the department so as to eliminate duplication of inspection in so far as practicable.

4. Maintain weather and crop bureaus which shall, in cooperation with the United States weather bureau, collect, and disseminate weather statistics and meteorological data, and promote the knowledge of the meteorology and climatology of the state. Said bureau shall be in charge of a director who shall be appointed by the secretary of agriculture, and shall be an officer of the United States weather bureau, if one be detailed for that purpose by the federal government.

5. Establish volunteer weather and crop service stations in one (1) or more places in each county, appoint observers thereat, supervise such stations, receive reports of meteorological events and crop conditions, and tabulate the same for permanent record.

6. Issue weekly weather and crop bulletins from April first to October first of each year, and edit and cause to be published monthly weather, crop, and live-stock reports, containing meteorological and agricultural matter of public interest.

7. Compile statistics and information, in cooperation with the federal government, relative to crop production, farm economics, the production and marketing of beef, pork, mutton, wool, poultry, milk, butter, cheese, and all other dairy and agricultural products, in so far as such statistical information may be deemed of value to agriculture and its allied interests in the state. Such statistics when published shall constitute the official agricultural statistics of the state, and shall be published in the "Iowa Year Book of Agriculture".

8. Inspect and supervise all cold storage plants and food producing or distributing establishments including the furniture, fixtures, utensils, machinery, and other equipment so as to prevent the production, preparation, packing, storage, or transportation of food in a manner detrimental to its character or quality.

9. Establish, publish, and enforce rules not inconsistent with law for the enforcement of the provisions of this title and for the enforcement of the various laws, the administration and supervision of which are imposed upon the department.

Sec. 6. Additional duties. In addition to the duties imposed by the preceding section the department shall enforce the law relative to:

1. Forest and fruit-tree reservations, chapter two (2) of this title.
2. Registration of animals, chapter three (3) of this title.
3. Infectious and contagious diseases among animals, chapter four (4) of this title.
4. Eradication of bovine tuberculosis, chapter five (5) of this title.
5. Hog cholera virus and serum, chapter six (6) of this title.
6. Use and disposal of dead animals, chapter seven (7) of this title.
7. Practice of veterinary medicine and surgery, chapter eight (8) of this title.
8. Hotels, restaurants, and food establishments, chapter nine (9) of this title.
9. Cold storage, chapter ten (10) of this title.
10. Regulation and inspection of foods, drugs, and other articles, title - of this code, but chapter nine (9) and ten (10) of said title shall be enforced as therein provided.
11. State aid received by certain associations as provided in chapters 13 to 19, inclusive, of this title.

Sec. 7. Notice of adoption of rules. Immediately after the adoption of any rule, the department shall forward a certified copy thereof to the auditor of each county. When any rule is amended, notice of such amendment shall be given in the same manner.

Sec. 8. Time rules take effect. The rules of the department shall take effect and be in force in the respective counties from and after the date stated in the certified copies of said rules which are forwarded to the county auditors.

Sec. 9. Publication and distribution of rules. A sufficient number of the rules of the department shall be published from time to time to supply the various needs for the same. A copy of the rules shall be furnished to any resident of the state upon request.

Sec. 9-a1. Iowa Year Book of Agriculture. The Iowa Year Book of Agriculture shall contain such information and data as in the discretion of the secretary concern the agricultural interests of the state, including data relative to or the reports of:

1. The state fair board, the county and district fair societies, the farmers' institutes and short courses, and the farm aid associations.
2. The state horticultural society, the state dairy association, the beef cattle producers' association, the corn and small grain growers' association, and the poultry associations.

3. Other agricultural, horticultural, and live-stock associations in the state organized for the promotion of agriculture.

Any section of such year book, may, on the order of the secretary, be published in pamphlet or book form for separate distribution.

Sec. 10. Assessor to collect statistics. Agricultural statistics shall be collected each year by the township, town and city assessors under the supervision of the department, which shall design and distribute blank forms and instructions therefor.

Sec. 11. Returns by assessor. The assessor shall require each person whose property is listed, to make answers to such inquiries as may be necessary to enable him to return the foregoing statistics, carefully footed and summarized, to the department on or before the fifteenth day of April of each year.

Sec. 12. Official seal. The department shall have an official seal, and every commission, license, order, or other paper executed by or under the authority of the department may be attested with such seal.

Sec. 13. Bonds of employees. The secretary shall require every inspector or employe who collects fees or handles funds belonging to the state to give an official bond, properly conditioned and signed by sufficient sureties, in a sum to be fixed by the secretary, which bond shall be approved by him and filed in the office of the secretary of state. This section shall not apply to the deputy secretary of agriculture.

Sec. 14. Biennial report. The secretary shall make a report to the governor in each even-numbered year, at the time provided by law, which shall include all receipts and disbursements for the year, and such information and statistics concerning the enforcement of the several laws administered by the department as may be thought useful, with such suggestions as to legislation as may be deemed advisable.

Sec. 15. Duty of peace officers to enforce rules. All peace officers of the state when called upon by the secretary or any officer or authorized agent of the department shall enforce its rules and execute its lawful orders within their respective jurisdictions and upon the request of the secretary such officers shall make such inspections as directed by the secretary and report the results thereof to him.

Sec. 16. Interference with department. Any person resisting or interfering with the department, its employees or authorized agents, in the discharge of any duty imposed by law shall be guilty of a misdemeanor.

Sec. 17. State farmer's institute. In connection with the annual convention to elect members of the state fair board, either preceding or following the day on which the officers are elected, the secretary may hold a state farmers' institute, for the discussion of practical and scientific topics relating to the various branches of agriculture, the substance of which may be published in the Iowa Year Book of Agriculture.

Sec. 18. Appropriations. There is hereby appropriated, annually for the biennium ending June 30, 1925 out of any unappropriated funds in the state treasury:

1. The sum of two hundred fifty thousand dollars (\$250,000.00) for the eradication of infectious and contagious diseases among animals.

2. The sum of fifteen thousand dollars (\$15,000.00) as a contingent fund for the payment of incidental and miscellaneous expenses incurred by the department in the carrying out of the various laws, the administration and supervision of which are imposed upon the department.

CHAPTER 2

FRUIT-TREE AND FOREST RESERVATIONS

That section sixteen hundred ninety-nine (1699) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 19. *State forestry commissioner.* The secretary of agriculture shall be the state forestry commissioner. It shall be his duty to promote the objects of this chapter, and he shall have power to appoint deputies without salary for each county, or group of counties, who shall assist him, and who shall make an annual report to him of forestry matters and of the operations of this chapter, within their respective territories.

Sec. 20. *Tax exemption.* Any person who establishes a forest or fruit-tree reservation as provided in this chapter shall be entitled to the tax exemption provided by law.

That section seventeen hundred eleven (1711) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 21. *Duty of county auditor.* It shall be the duty of the county auditor in every county to keep a record of all forest and fruit-tree reservations within his county; and to make a report of the same to the department of agriculture on or before June fifteenth of each year.

Approved April 26, 1924.

CHAPTER 45

AGRICULTURAL ORGANIZATIONS

H. F. 66

AN ACT to amend, revise, and codify chapters three (3), five (5), and nine (9) of title eight (8), and sections sixteen hundred fourteen (1614) to sixteen hundred sixteen (1616), inclusive, sixteen hundred eighteen (1618) to sixteen hundred twenty-one (1621), inclusive, sixteen hundred twenty-three (1623) to sixteen hundred twenty-five (1625), inclusive, sixteen hundred twenty-eight (1628), sixteen hundred thirty (1630), sixteen hundred thirty-one (1631), and sixteen hundred thirty-eight (1638) to sixteen hundred forty-four (1644), inclusive, of the compiled code of Iowa, and chapters six (6), seven (7), and eight (8) of title eight (8), of the compiled code of Iowa and the supplement to said code, and chapter ten (10) of title eight (8) and sections sixteen hundred twenty-two (1622), sixteen hundred thirty-one-a nine (1631-a9), sixteen hundred thirty-six-a one (1636-a1) to sixteen hundred thirty-six-a eight (1636-a8) inclusive, and sixteen hundred thirty-seven (1637), of the supplement to said code, relating to state fair and agricultural organizations receiving state aid.

Be It Enacted by the General Assembly of the State of Iowa:

That chapters three (3), five (5), and nine (9) of title eight (8), and sections sixteen hundred fourteen (1614) to sixteen hundred sixteen (1616), inclusive, sixteen hundred eighteen (1618) to sixteen hundred twenty-one (1621), inclusive, sixteen hundred twenty-three (1623) to sixteen hundred twenty-five (1625), inclusive, sixteen hundred twenty-eight (1628), sixteen hundred thirty (1630), sixteen hundred thirty-one (1631), and sixteen hundred thirty-eight (1638) to sixteen hundred forty-four (1644), inclusive, of the compiled Code of Iowa, and chapters six (6), seven (7), and eight (8) of title eight (8), of the compiled Code of Iowa and the supplement to said Code, and chapter ten (10) of title eight (8) and sections sixteen hundred twenty-two (1622), sixteen hundred thirty-one-a nine (1631-a9), sixteen hundred thirty-six-a one (1636-a1) to sixteen hundred thirty-six-a eight (1636-a8), inclusive, and sixteen hundred thirty-seven (1637), of the supplement to said Code are amended, revised, and codified to read as follows:

CHAPTER 11 STATE FAIR AND EXPOSITION

Section 1. State fair board. The Iowa State Fair Board shall consist of:

1. The governor of the state, the state secretary of agriculture, and the president of the state college of agriculture and mechanic arts.
2. A president and vice president, and one (1) director from each congressional district, to be elected at a convention as hereinafter provided.
3. A secretary and treasurer to be elected by the state fair board.

Sec. 2. Convention-composition. A convention shall be held at the capitol, on the second Wednesday of December of each year, to elect members of the state fair board. The convention shall be composed of:

1. The members of the state fair board as then organized.
2. The president or secretary of each county or district agricultural society entitled to receive aid from the state, or a regularly elected delegate therefrom accredited in writing, who shall be a resident of the county.
3. One (1) delegate, a resident of the county, to be appointed by the board of supervisors in each county where there is no such society, or when such society fails to report to the state fair board in the manner provided by law as a basis for state aid. The board shall promptly report such failure to the county auditor.
4. The president, or an accredited representative, of each farmers' institute organized under chapter thirteen (13) of this title, which is entitled to receive aid from the state.
5. The president, or an accredited representative, of the Iowa state horticultural society.
6. The president, or an accredited representative, of the Iowa state dairy association.
7. The president, or an accredited representative, of the Iowa beef cattle producers' association.
8. The president, or an accredited representative, of the Iowa corn and small grain growers' association.

Sec. 3. Certification of state aid associations. On or before November fifteenth (15th) of each year the secretary of agriculture shall certify to the secretary of the state fair board the names of the various associations and societies which have qualified for state aid under the provisions of chapter thirteen (13) to nineteen (19), inclusive, of this title and which are entitled to representation in the convention as provided in the preceding section.

Sec. 4. Voting power. On all questions arising for determination by the convention, each member present shall be entitled to but one (1) vote, and no proxies shall be recognized by the convention.

Sec. 5. Elections to be made by convention. The convention shall elect:

1. A president and a vice president of the state fair board.
2. A successor to each congressional district director on the board whose term expires at noon on the day following the adjournment of the convention.

Sec. 6. Terms of office. The term of the president and vice president of the board shall be one (1) year and that of a director two (2) years. Such term shall begin at noon on the day following the adjournment of the convention at which such officer or director was elected and shall continue until a successor is elected and qualifies as provided in this chapter.

Sec. 7. Vacancies. If, after the adjournment of the convention, a vacancy occurs in the office of any member of the board elected by the convention the board shall fill the same, and the member so elected shall qualify at once and serve until noon of the day following the adjournment of the next convention. If, by that time, the member elected by the board will not have completed the full term for which his predecessor was elected, said convention shall elect a member to serve out the unexpired portion of such term. The member so elected shall qualify at the same time as other members elected by the convention.

Sec. 8. Elective members-compensation. The members of the board elected at the annual convention shall be allowed ten dollars (\$10.00) a day and necessary traveling and hotel expenses for attending the meetings of the board, and for services rendered in carrying on the state fair

Sec. 9. Secretary. The board shall elect a secretary who shall hold office for one (1) year, and he shall:

1. Keep a complete record of the annual convention and of all meetings of the board.
2. Draw all warrants on the treasurer of the board and keep a correct account thereof.
3. Perform such other duties as the board may direct.

Sec. 10. Salary of secretary. The secretary shall receive such compensation for his services as the board may fix, but said salary shall in no event be more than four thousand dollars (\$4,000.00) a year.

Sec. 11. Treasurer. The board shall elect a treasurer who shall hold office for one (1) year, and he shall:

1. Keep a correct account of the receipts and disbursements of all moneys belonging to the board.
2. Make payments on all warrants signed by the president and secretary from any funds available for such purposes.
3. Execute and file with the secretary of the board a bond, to be approved by the board, for the faithful performance of his duties.

Sec. 12. Salary of treasurer. The treasurer shall receive such compensation for his services as the board may fix, not to exceed two hundred fifty dollars (\$250.00) a year, and necessary traveling and hotel expenses.

Sec. 13. Executive committee-meetings. The president, vice president, and secretary shall constitute an executive committee, which shall transact such business as may be delegated to it by the board. The president may call meetings of the board or executive committee when the interests of the work require it.

Sec. 14. Powers and duties of board. The state fair board shall have the custody and control of the state fair grounds, including the buildings and equipment thereon belonging to the state, and shall have power to:

1. Erect and repair buildings on said grounds and make other necessary improvements thereon.
2. Regulate the construction of street railways within said grounds and determine the motive power by which the same shall be propelled.
3. Hold an annual fair and exposition on said grounds of the productive resources of the state.
4. Prepare premium lists and establish rules of exhibition for such fair which shall be published by the board not later than the first day of June in each year.
5. Take and hold property by gift, devise, or bequest for fair purposes, and the president, secretary, and treasury of the board shall have charge and control of the same, subject to the action of the board. Such officers shall give bonds as required in the case of executors, to be approved by the board and filed with the secretary of state.
6. Adopt all necessary rules in the discharge of its duties and in the exercise of the powers herein conferred.

Sec. 15. Delegating management of state fair. The board may delegate the management of the state fair to the executive committee and two (2) or more additional members of the board; and in carrying on such fair it may employ such assistance as may be deemed necessary.

Sec. 16. Maintenance of state fair. All expenses incurred in maintaining the state fair grounds and in conducting the annual fair thereon, including the compensation and expenses of the officers, members, and employees of the board, shall be recorded by the secretary and paid from the state fair receipts, unless a specific appropriation has been provided for such purpose, but in the absence of any such appropriation the state shall not be liable for any expenses or liabilities incurred by the board.

Sec. 17. Presentation and payment of claim. The board shall prescribe rules for the presentation and payment of claims out of the state fair receipts and other funds of the board and no claim shall be allowed which does not comply therewith.

Sec. 18. Warrants. No claim shall be paid by the treasurer except upon a warrant signed by the president and secretary of the board, but this section shall not apply to the payment of state fair premiums.

Sec. 19. Appropriation. There is hereby appropriated out of any funds in the state treasury not otherwise appropriated, one thousand dollars (\$1,000.00), annually for the biennium ending June 30, 1925 for insurance and repair of buildings and for making other necessary improvements on the state fair grounds. The auditor of state shall, on the order of the board, signed by the president and secretary thereof, draw warrants on said appropriation in such amounts and at such times as the board shall deem necessary.

Sec. 20. Auditing of accounts. Prior to the annual convention, an accountant of the executive council shall examine and report to the council upon all financial affairs of the board. Such report shall be edited as provided by law and included in the biennial expense report of the auditor of state.

Sec. 20-21. Report. The board shall file each year with the department of agriculture, at such time as the department may specify, a report containing such information relative to the state fair and exposition and the district and county fairs as the department may require.

Sec. 20-a2. Annual report to governor. The state fair board shall each year at the time provided by law make a report to the governor containing:

1. A complete account of the annual state fair and exposition.
2. The proceedings of the annual state agricultural convention.
3. The proceedings of the annual county and district fair managers' convention.

CHAPTER 12 COUNTY AND DISTRICT FAIRS

Sec. 21. Terms defined. For the purposes of this chapter:

1. "Fair" shall mean a bona fide exhibition of agricultural, dairy, and kindred products, live stock, and farm implements.
2. "Society" shall mean a county or district fair or agricultural society incorporated under the laws of this state for the purpose of holding such fair.

Sec. 22. Powers of society. Each society may hold annually a fair to further interest in agriculture and to encourage the improvement of agricultural products, live stock, articles of domestic industry, and other mechanical devices. It may offer and award such premiums as will induce general competition.

Sec. 23. Control of grounds. During the time a fair is being held, no ordinance or resolution of any city or town shall in any way impair the authority of the society, but it shall have sole and exclusive control over and management of such fair.

Sec. 24. Permits to sell articles. The president of any society may grant a written permit to such persons as he thinks proper, to sell fruit, provisions, and other articles not prohibited by law, under such regulations as the board of directors may prescribe.

Sec. 25. Appointment of police. The president of any society may appoint such number of special police as he may deem necessary. Such officers are hereby vested with the powers and charged with the duties of peace officers.

Sec. 26. Removal of obstructions. All shows, swings, booths, tents, carriages, or any other thing that may obstruct the grounds of any society or the driveways thereof may be removed from the grounds on the order of the president.

Sec. 27. Refusal to remove obstructions. Any person owning, occupying, or using any such obstruction who shall refuse or fail to remove the same when ordered to do so by the president shall be liable to a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) for each such offense.

Sec. 28. Publication of financial statement. Each society shall annually publish in one (1) newspaper of the county an itemized list of the awards paid, and a financial statement of receipts and disbursements for the current year.

Sec. 29. State aid. Each society shall be entitled to receive aid from the state if it files with the state fair board on or before November first of each year, a sworn statement which shall show:

1. The actual amount paid by it in cash premiums at its fair for the current year, which statement must correspond with its published offer of premiums.

2. That no part of said amount was paid for speed events, or to secure games or amusements, and that no gambling devices, sales of intoxicating liquors or other violations of law were permitted on its grounds.

3. A full and accurate statement of the receipts and expenditures of the society for the current year and other statistical data relative to exhibits and attendance for the year.

4. A copy of the published lists of awards and financial statement published as required by law, together with proof of such publication, and such other information as the state fair board may require.

Sec. 30. Amount as state aid. The amount allowed to any society as state aid shall be a sum equal to eighty per cent (80%) of the first one thousand dollars (\$1,000.00), seventy per cent (70%) of the second one thousand dollars (\$1,000.00), and sixty per cent (60%) of the third one thousand dollars (\$1,000.00) paid in cash by the society for premiums at its annual fair for the current year, but the total aid shall not in any one (1) year exceed two thousand dollars (\$2,000.00) to any one (1) society.

Sec. 31. Payment of state aid. The auditor of state shall issue his warrant to any society for the amount due as state aid, less one hundred dollars (\$100.00), provided the secretary of the state fair board certifies to the auditor that such society has complied with the law relative thereto and that a named amount is due the society. The auditor shall issue a like warrant for one hundred dollars (\$100.00) provided the secretary of the state fair board certifies that such society had an accredited delegate in attendance at the annual convention for the election of members of the state fair board.

Sec. 32. County aid. The board of supervisors of the county in which any such society is located may pay to such society from the general fund of the county, a sum not exceeding one hundred dollars (\$100.00) for each one thousand (1,000) inhabitants of the county, and in no case exceeding one thousand dollars (\$1,000.00) to any one (1) society in any one (1) year, for the sole purpose of fitting up or purchasing fair grounds for the society, provided such society shall be the owner, in fee simple, or the lessee, of at least ten (10) acres of land for fair ground purposes, and shall own buildings and improvements thereon, of at least two thousand dollars (\$2,000.00) in value.

Sec. 33. Additional county aid. The board of supervisors may upon a petition signed by twenty-five per cent (25%) of the qualified voters of the county as shown by the poll books of the last preceding general election, submit to the voters of the county, at a general election, the proposition to purchase, for county or district fair purposes, real estate exceeding one thousand dollars (\$1,000.00) in value. Notice of such election shall be published in the official newspapers of the county for four weeks previous to such election.

Sec. 34. Purchase and management. If a majority of the votes cast are in favor of such proposition, the board shall make the authorized purchase and pay for the same out of the general fund. Title shall be taken in the name of the county, but the board of supervisors shall place such real estate under the control and management of an incorporated county or district fair society. Such society is authorized to erect and maintain buildings and make such other improvements on the real estate as is necessary, but the county shall not be liable for such improvements nor the expenditures therefor.

Sec. 35. Termination of rights of society. The right of such society to the control and management of said real estate may be terminated by the board of supervisors whenever well-conducted agricultural fairs are not annually held thereon by such society.

Sec. 36. Tax aid. The board of supervisors of any county which has acquired real estate for county or district fair purposes and which has a society using said real estate, may levy a tax of not to exceed one-half (1/2) mill upon all the taxable property of the county, the funds realized therefrom to be known as the fair ground fund.

Sec. 37. Expenditure of fund. The fair ground fund shall be expended only for the erection and repair of buildings or other permanent improvements on said real estate, or for the payment of debts contracted in such erection or repair.

Sec. 38. Report to supervisors. Each society receiving an appropriation from the county shall, through its secretary, make to the board of supervisors a detailed statement, accompanied with vouchers, showing the legal disbursement of all moneys so received.

CHAPTER 13 FARMERS' INSTITUTES AND SHORT COURSES

Sec. 39. State aid to farmers' institutes. A farmers' institute shall be entitled to state aid only under the following conditions:

1. The institute must be organized by at least forty (40) farmers of the county and have a president, secretary, treasurer, and executive committee of not less than three (3) members other than said officers.

2. It must hold, for not less than two (2) days each year, an institute devoted to farm and kindred subjects.

3. It must file with the department of agriculture on or before the first day of June of each year a sworn, itemized report of such institute, which report must show the organization of such institute, the fact that such institute was held, the purposes for which held and for which the money used by it was expended, and such other information as the department may require.

Sec. 40. Certification by department. The department, on receipt of such report, if the same is sufficient and filed within the time named, shall certify to the auditor of state that all of said conditions have been complied with by such institute and that a named amount is due it as state aid. Such amount shall not exceed the amount shown to have been legally expended.

Sec. 41. Auditor to draw warrant. The auditor of state, on receipt of such certificate, shall draw a warrant in favor of the county where such institute is located for the amount specified in said certificate, but the amount drawn shall not in any case exceed seventy-five dollars (\$75.00) for any one (1) year.

Sec. 42. Farmers' institute fund. Such money shall be kept by the county treasurer as a farmers' institute fund, and no warrant shall be drawn thereon except on a written order signed by a majority of the members of the executive committee of said institute. No officer of any such institute shall receive any part of said fund as compensation for services as such officer.

Sec. 43. Division of fund. If there be, in a county, two (2) or more institutes claiming right to such fund under this chapter, the board of supervisors shall equitably divide the fund among such institutes as may be legally entitled thereto, but in no case shall more than three (3) institutes be held in one (1) year in any county under the provisions of this chapter.

Sec. 44. Appropriation. There is appropriated, annually, for the biennium ending June 30, 1925, out of any unappropriated funds in the state treasury, a sum not exceeding seventy-five dollars (\$75.00) for such institute work in each county.

Sec. 45. State aid for short courses in agriculture. An organization for the purpose of holding a short course in agriculture and domestic science shall be entitled to state aid under the following conditions:

1. The organization must be formed by a least one hundred (100) citizens of a county which has no county or district fair receiving state aid as provided in the preceding chapter of this title, or in which a county fair is not held in the year in question.
2. It must have a president, secretary, treasurer, and an executive committee of not less than five (5) members.
3. It must hold a short course consisting of a session of four (4) or more days at some place within the county and give a program designed to promote agriculture and domestic science.
4. It must, through one (1) of said named officers, file a sworn statement with the department of agriculture, setting forth the facts showing compliance with all the foregoing conditions, an itemized list of cash premiums paid by it at said short course, and such other information as the department may require.

Sec. 46. Certification by department. The department of agriculture, on receipt of such statement, shall, if it complies with the preceding section, certify to the auditor of state that said organization has fully complied with the required conditions and that a named amount is due it as state aid.

Sec. 47. Payment of state aid. The state auditor, on receipt of such certificate, shall draw a warrant in favor of the president, secretary, or treasurer, of said organization for a sum equal to forty per cent (40%) of the amount paid in premiums by it, but in no case shall the amount exceed two hundred dollars (\$200.00) in any county. In all counties where no regular farmers' institute is held and where a short course is held, the money appropriated for such farmers' institute shall be payable on account of such short course upon proof being made as provided in the second preceding section.

Sec. 48. Appropriation. There is appropriated, annually, for the biennium ending June 30, 1925, out of any unappropriated funds in the state treasury, a sum sufficient to pay the amount contemplated by the preceding section.

CHAPTER 14 FARM AID ASSOCIATIONS

Sec. 49. Incorporation authorized. For the purpose of improving and advancing agriculture, domestic science, animal husbandry, and horticulture, a body corporate may be organized in each county of the state.

Sec. 50. Method of incorporation. Such body corporate may be formed by the acknowledging and filing articles of incorporation with the county recorder, signed by a least ten (10) farmers, landowners, or other business men of the county.

Sec. 51. Articles of incorporation. Such articles of incorporation shall be as follows:

We, the undersigned farmers, landowners, and business men of _____ county, Iowa, do hereby adopt the following articles of incorporation:

Article 1. The objects of this corporation shall be to advance and improve, in _____ county, Iowa, agriculture, domestic science, horticulture, and animal husbandry.

Article 2. The name of this corporation shall be _____
(the name of the county of which the incorporators are residents shall appear as part of the name of the corporation).

Article 3. The affairs of this corporation shall be conducted by a president, a vice president, a secretary, and a treasurer, who shall perform the duties usually pertaining to such positions, and by a board of nine directors. Such officers and directors shall be elected by the members of the corporation at an annual meeting held on the first Monday in January of each year; they shall serve for a term of one (1) year and until their successors are elected. Not more than two of such directors shall be residents of the same township at the time of election.

We, the said incorporators, have elected the following provisional officers to hold their respective positions until their successors are elected at the annual meeting in the year _____:

President _____

Vice president _____

Secretary _____

Treasurer _____

Board of directors:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____

Article 4. The yearly dues of the members of this corporation shall be one dollar (\$1.00), payable at the time of applying for membership and on the first Monday in January of each year thereafter. No member having once paid his dues shall forfeit his membership until his subsequent dues are six months in arrears.

Article 5. Any citizen of the county and any nonresident owning land in the county shall have the right to become a member of the corporation by paying the annual dues and thereafter complying with the articles and by-laws of the corporation.

Article 6. This corporation shall endure until terminated by operation of law.

Sec. 52. Additional provisions. Such articles may include other provisions which are not inconsistent with the provisions of this chapter and shall be recorded by the county recorder without fee.

Sec. 53. Private property exempt from debts-seal. Such association may sue and be sued, but the private property of the members shall be exempt from corporate debts. It may have a seal which it may alter at pleasure.

Sec. 54. Powers of association. Such association shall have power:

1. To establish and maintain a permanent agricultural school, in which agriculture, horticulture, animal industry, and domestic science shall be taught.
2. To employ one (1) or more teachers, experts, or advisers, to teach, advance, and improve agriculture, horticulture, animal industry, and domestic science, in the county, under such terms, conditions, and restrictions as may be deemed advisable by the board of directors.

3. To use part of all of the sum annually received as dues from its members in payment of prizes offered in any department of its work, including agricultural fairs, short courses, or farmers' institutes.

4. To adopt by-laws.

5. To take by gift, purchase, devise, or bequest, real or personal property.

6. To do all things necessary, appropriate, and convenient for the successful carrying out of the objects of the association.

Sec. 55. Appropriation by board of supervisors. When articles of incorporation have been filed as provided by this chapter and the secretary and treasurer of the corporation have certified to the board of supervisors that the organization has among its membership at least two hundred (200) farmers or farm owners in the county and that the association has raised from among its members a yearly subscription of not less than one thousand dollars (\$1,000.00), the board of supervisors shall appropriate to such organization, from the general fund of the county, a sum double the amount of such subscription. Such sum shall not exceed, in any year a total of five thousand dollars (\$5,000.00) in counties with a population of twenty-five thousand (25,000) or over, nor a total of three thousand dollars (\$3,000.00), in counties with a smaller population.

Sec. 56. Limitation on aid. The only farm improvement association which shall be entitled to receive such county aid shall be one organized to cooperate with the United States department of agriculture, the state department of agriculture, and the Iowa state college of agriculture and mechanic arts.

Sec. 57. Funds advanced by federal government. The president and the secretary of the association shall, prior to the time of advancing any funds, as herein provided, certify to the board of supervisors the amount, if any, advanced to the association by the government of the United States for the ensuing year in aid of the objects of the association.

Sec. 58. Funds-how expended. The treasurer of the association shall receive all funds advanced or belonging to it and pay out the same only on bills allowed by the board of directors, such allowance to be certified to by the president or secretary.

Sec. 59. Bond of treasurer. The treasurer of such association shall give a bond with proper sureties. The amount of such bond shall be fixed by the board of directors but shall not be less than five thousand dollars (\$5,000.00) nor less than double the amount likely to come into his hands at any time. Such bond shall be filed with and approved by the county auditor and recorded without fee.

Sec. 60. Compensation. No salary or compensation of any kind shall be paid to the president, vice president, treasurer, or to any director of the association.

Sec. 61. Dividends-division of funds or property. No dividend shall ever be declared by the association and any diversion of the funds or property of such organization to any other purpose than that for which such organization was incorporated shall constitute larceny and be punished accordingly.

Sec. 62. False certificate. Any officer of the association making any certificate herein required, knowing the same to be false or incorrect in any particular, shall be guilty of a misdemeanor and punished accordingly.

Sec. 63. Annual reports-records open to inspection. The outgoing president and treasurer shall, on the first Monday of January of each year, file with the county auditor full and detailed reports under oath of all receipts and expenditures of such association, showing from whom received and to whom paid and for what purpose. One (1) duplicate of such report shall be laid before the members of the corporation at the annual meeting, and one (1) duplicate shall be forwarded to the department of agriculture, together with such additional information as it may require. The books, papers, and records of the association shall at all times be open to the inspection of the department and to the board of supervisors or anyone appointed by the board to make such inspection.

CHAPTER 15
CORN AND SMALL GRAIN GROWERS' ASSOCIATION

Sec. 64. Recognition of organization. The organization now existing in and incorporated under the laws of this state and known as the Iowa corn and small grain growers' association, shall be entitled to the benefits of this chapter by filing each year with the department of agriculture verified proofs of its organization and of the names of its president, vice president, secretary, and treasurer, and that five hundred (500) persons are bona fide members of the association, together with such other information as the department of agriculture may require.

Sec. 65. Duties and objects of association. The Iowa corn and small grain growers' association shall:

1. Advance the interests of the farmers in securing better methods of selecting and caring for seed corn and small grain.
2. Improve and develop varieties of corn and small grain especially adapted to Iowa.
3. Encourage better and more thorough methods of production.
4. Hold an annual convention for instruction in corn and small grain growing at the same time as the farmers' winter short course at the state college of agriculture and mechanic arts.
5. Issue certificates of qualification to experts in judging of corn and small grain.
6. Publish a seed directory which will indicate the places where good seeds may be secured.
7. Help in disseminating good seed especially adapted to Iowa conditions.
8. Promote in such other ways as the association may think advisable the objects set out in this section.
9. Make an annual report of the proceedings and expenditures to the secretary of agriculture.

Sec. 66. Executive committee. The business of the association shall be transacted by an executive committee which shall consist of:

1. The president and the secretary of the association.
2. The dean of the division of agriculture of the Iowa state college of agriculture and mechanic arts.
3. A member of the faculty of said college engaged in the teaching of agronomy to be designated by said dean.
4. The secretary of agriculture.

Sec. 67. Employees of executive committee-compensation. The executive committee may employ one (1) or more competent persons who shall devote their entire time, while employed by the association, to carrying out the provisions of this chapter. Such persons shall receive such compensation as the executive committee may fix and their necessary expenses incurred while engaged in such work.

Sec. 68. Expenses of officers. The officers of the association shall serve without compensation, but shall receive their necessary expenses while engaged in the business of the association.

Sec. 69. Appropriation. There is appropriated for the biennium ending June 30, 1925 out of any funds in the state treasury not otherwise appropriated, the sum of seventy-five hundred dollars (\$7,500.00) for the purpose of carrying out the provisions of this chapter. Claims payable out of such appropriation shall be approved by the executive committee of the association and by the department of agriculture after which they shall be audited by the state board of audit and paid as other claims against the state.

CHAPTER 16 STATE DAIRY ASSOCIATION

Sec 70. Recognition of organization. The organization known as the Iowa state dairy association shall be entitled to the benefits of this chapter by filing each year with the department of agriculture verified proofs of its organization, the names of its president, vice president, secretary, and treasurer, and that five hundred (500) persons are bona fide members of said association, together with such other information as the department of agriculture may require.

Sec. 71. Duties and objects of association. The Iowa state dairy association shall:

1. Cause inspection to be made of dairy products, farms, cattle, barns, and other buildings, appliances, and methods used or employed in connection with the dairy industry of the state.
2. Promote dairy test associations, shows, and sales.
3. Publish a breeders' directory.
4. Furnish such general instruction and assistance, either by institutes or otherwise, as it may deem proper, to advance the general interests of the dairy industry.
5. Make an annual report of the proceedings and expenditures to the secretary of agriculture.

Sec. 72. Executive committee. The association shall conduct its business through an executive committee which shall consist of:

1. The president and the secretary of the association.
2. The dean of the division of agriculture of the Iowa state college of agriculture and mechanic arts.
3. A member of the faculty of said college engaged in the teaching of dairying to be designated by said dean.
4. The secretary of agriculture.

Sec. 73. Employees of executive committee-compensation. The executive committee may employ two (2) or more competent persons who shall devote their entire time, under the direction of the executive committee, in carrying out the provisions of this chapter. Such persons shall hold office at the pleasure of the committee, and each shall receive a salary of not to exceed three thousand dollars (\$3,000.00) per annum, and their necessary expenses incurred while engaged in such work.

Sec. 74. Expenses of officers. The officers of the association shall serve without compensation, but shall receive their necessary expenses while engaged in the business of the association.

Sec. 75. Appropriation. There is appropriated for the biennium ending June 30, 1925 out of any funds in the state treasury not otherwise appropriated, the sum of twelve thousand five hundred dollars (\$12,500.00) for the purpose of carrying out the provisions of this chapter. Claims payable out of such appropriation shall be approved by the executive committee of the association and by the department of agriculture, after which they shall be audited by the state board of audit and paid as other claims against the state.

CHAPTER 17
BEEF CATTLE PRODUCERS' ASSOCIATION

Sec. 76. Recognition of organization. The Iowa beef cattle producers' association now existing in and incorporated under the laws of this state shall be entitled to the benefits of this chapter by filing, each year, with the department of agriculture, verified proof of the names of its president, vice president, secretary, and treasurer, and that five hundred (500) persons are bona fide members of said association, together with such other information as the department of agriculture may require.

Sec. 77. Duties and objects of association. The Iowa beef cattle producers' association shall:

1. Aid in the promotion of the beef cattle industry of the state.
2. Provide for practical and scientific instruction in the breeding and raising of beef cattle.
3. Provide for the inspection of herds, premises, appliances, methods, and feedstuffs used in the raising of beef cattle.
4. Make demonstrations in the feeding of beef cattle and publish suggestions beneficial to such business.
5. Aid and promote beef cattle feeding contests, shows, and sales.
6. Publish a breeders' directory.
7. Make an annual report of the proceedings and expenditures to the secretary of agriculture.

Sec. 78. Executive committee. The association shall act through an executive committee which shall consist of:

1. The president and secretary of the association.
2. The dean of the division of agriculture of the Iowa state college of agriculture and mechanic arts.
3. A member of the faculty of said college engaged in the teaching of animal husbandry to be designated by said dean.
4. The secretary of agriculture.

Sec. 79. Employees of executive committee—compensation. The executive committee may employ two (2) or more competent persons who shall devote their entire time, under the direction of the committee, in carrying out the provisions of this chapter. Such persons shall hold office at the pleasure of the committee and shall each receive a salary not to exceed three thousand dollars (\$3,000.00) per annum, and their necessary expenses incurred while engaged in such work.

Sec. 80. Expenses of officers. The officers of the association shall serve without compensation, but shall receive their necessary expenses while engaged in the business of the association.

Sec. 81. Appropriation. There is appropriated for the biennium ending June 30, 1925 out of any funds in the state treasury not otherwise appropriated, the sum of twelve thousand five hundred dollars (\$12,500.00) for the purpose of carrying out the provisions of this chapter. Claims payable out of such appropriation shall be approved by the executive committee of the association and by the department of agriculture after which they shall be audited by the state board of audit and paid as other claims against the state.

CHAPTER 18 POULTRY ASSOCIATIONS

Sec. 82. State aid. Every poultry association which complies with the following conditions shall be entitled to the aid herein provided:

1. The association shall be composed of at least fifteen (15) bona fide poultry raisers or dealers in poultry, residing in any one (1) county.

2. The membership of the association must be open to all persons on an equal basis, with a minimum membership fee of twenty-five cents (25c), or a maximum fee not exceeding one dollar (\$1.00).

3. The association shall have a president, vice president, secretary, treasurer, and a board of directors of at least three (3) persons other than said officers.

4. The annual income in cash of the association, exclusive of state aid, shall be at least one hundred dollars (\$100.00).

5. The association shall hold a bona fide poultry show, each year, of not less than two (2) working days.

6. The association shall, on or before the second Wednesday in December of each year, file with the department of agriculture a sworn statement showing compliance with the foregoing conditions, and, in detail, the manner in which its funds for the preceding twelve (12) months have been expended, together with such other information as the department may require.

Sec. 83. Certification by department. The department of agriculture shall on receipt of such statement, if it complies with the preceding section, and the expenditures listed therein appear to be bona fide, certify to the auditor of state after the time for filing such statement has expired, that the association has complied with all conditions imposed by this chapter and is entitled to the state aid herein provided.

Sec. 84. Payment of state aid. The auditor of state, on receipt of such statement, shall issue his warrant to the treasurer of such association for one hundred dollars (\$100.00).

Sec. 85. Division of state aid. If more than one (1) such association from the same county is entitled to state aid, the one hundred dollars (\$100.00) shall be equally divided among such associations and the state auditor shall draw the warrants accordingly.

Sec. 86. Appropriation. There is appropriated, annually, for the biennium ending June 30, 1925, from any unappropriated funds in the state treasury a sum not exceeding one hundred dollars (\$100.00) in any one (1) year for such poultry association work in each county.

Sec. 87. State-wide show-management. An annual state-wide poultry show is hereby authorized. Such show shall be conducted or managed by the officers of the local poultry association of the place at which such show is held.

Sec. 88. Location of state-wide poultry show. At each state poultry show, a convention shall be held to determine the place of holding the next state show, but such show shall not be held oftener than once in three (3) years in the same city or town.

Each association that has complied with the provisions of this chapter, for state aid, shall be entitled to send one (1) delegate, who shall have one (1) vote on all questions that arise. The officers of the local association conducting the show shall officiate at the convention.

Sec. 89. Statement of expenditures. Such local poultry association, through its treasurer, shall, upon the adjournment of the state-wide poultry show, file with the department of agriculture a sworn statement which shall show the time and place of holding such show and an itemized statement of all expenditures on account thereof, and the specific purposes for which the same were expended, together with such other information as the department may require.

Sec. 90. Certification by department. The department of agriculture, on receipt of such statement, if the same is, in its judgment, sufficient, and the expenditures bona fide, shall certify to the auditor of state that such state-wide poultry show has been under the management of such local association. Said certificate shall show the amount of the bona fide expenditures on account of such convention.

Sec. 91. Payment of state aid. The auditor of state, on receipt of such certificate, shall issue his warrant to the treasurer of such association for the amount of said expenditures, but in no case shall such warrant exceed five hundred dollars (\$500.00) in any one (1) year.

Sec. 92. Appropriation. There is appropriated for the biennium ending June 30, 1925 out of any unappropriated funds in the state treasury a sufficient sum to pay for the expenditure authorized under the preceding section.

CHAPTER 19 STATE HORTICULTURAL SOCIETY

Sec. 93. Meetings and organization of society. The state horticultural society shall hold meetings each year, at such times as it may fix, for the transaction of business. The officers and board of directors of the society shall be chosen as provided for in the constitution of the society, for the period and in the manner prescribed therein, but the secretary of agriculture shall be a member of the board of directors and of the executive committee. Any vacancy in the offices filled by the society may be filled by the executive committee for the unexpired portion of the term.

Sec. 93-a1. Horticultural exposition. The society is authorized to hold at such time and in such place in Iowa as it may select, a horticultural exposition, including honey products and manufactured plant products, with practical and scientific demonstrations of approved methods of crop production, grading, packing, marketing, and establishment of standard market grades pertaining to horticulture. It may delegate to its executive committee the duty and power to make and execute all plans for the holding of such an exposition.

Sec. 94. Affiliation with allied societies. The society shall encourage the affiliation with itself of societies organized for the purposes of furthering the horticultural, honey bee, or forestry interests of the state.

Sec. 95. Annual report. The secretary shall make an annual report to the department of agriculture at such time as the department may require. Such report shall contain the proceedings of the society, an account of the exposition, a summarized statement of the expenditures for the year, the general condition of horticultural, honey bee, and forestry interests throughout the state, together with such additional information as the department may require.

Sec. 96. General support. There is appropriated, annually, for the biennium ending June 30, 1925, out of any unappropriated funds in the state treasury, the sum of thirty-seven hundred fifty dollars (\$3750.00) for the general support of said society.

Sec. 97. Appropriation for exposition. There is appropriated for the biennium ending June 30, 1925 out of any unappropriated funds in the state treasury the sum of fourteen thousand dollars (\$14,000.00) for the purpose of holding the horticultural exposition.

Sec. 98. Methods of presenting claims. The auditor of state shall, on the order of the executive committee of the society, signed by the president and secretary thereof, draw warrants on the appropriation provided for in the two preceding sections in such amounts and at such times as the executive committee shall deem necessary. Claims payable out of such appropriations shall be approved by the president and the secretary of the society and by the department of agriculture.

Approved April 26, 1924.

CHAPTER 46

ANIMAL INDUSTRY

H. F. 68

AN ACT to amend, revise, and codify chapters twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18), and nineteen (19), of title eight (VIII) of the compiled code of Iowa, and of the supplement to said code, and house file sixty-eight-a (68-a) of the special session of the fortieth general assembly, relating to animal industry.

Be It Enacted by the General Assembly of the State of Iowa:

That chapters twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18), and nineteen (19), of title eight (VIII) of the compiled Code of Iowa and of the supplement to said Code, and House File sixty-eight-a (68-a) of the special session of the fortieth general assembly are amended, revised, and codified to read as follows:

CHAPTER 3

REGISTRATION OF ANIMALS

Section 1. Offering services of stallion. No person shall offer for public service any stallion unless he shall have had said animal enrolled with the department of agriculture as a registered animal, and shall have procured from the department a certificate of soundness; provided, however, that no stallion entitled under the provisions of section eighteen hundred eleven (1811) of the compiled Code, to a permanent state certificate of soundness shall be denied renewal

Sec. 2. Offering services of jack. No person shall offer for public service any jack unless he has procured from the department a certificate of soundness. Such certificate shall state whether the animal is registered or unregistered.

Sec. 3. Sale of registered animals. No person shall offer for sale, transfer, or exchange any stallion or jack over two (2) years old as registered unless he shall have had said animal enrolled with the department as a registered animal, and shall have procured from the department a certificate of soundness.

Sec. 4. Sale of unregistered jacks. No person shall offer for sale, transfer, or exchange for public service any unregistered jack over two (2) years old unless he shall have procured from the department a certificate of soundness.

Sec. 5. Application for certificate for pure bred. Every application for enrollment as a registered animal shall set forth, under oath, the name, age, color, and ownership of the animal, and be accompanied by a certificate of registry and an affidavit of an Iowa licensed veterinarian that such animal has been examined by him and is free from any unsoundness or any hereditary, infectious, or contagious disease.

Sec. 6. Application for certificate for grade jack. Every application for a certificate of soundness for an unregistered jack shall be made in the same manner and form, except as to the certificate of pedigree, as provided in the preceding section.

Sec. 7. Animals subject to enrollment as registered. No animal shall be subject to enrollment as a registered animal unless he has been recorded in some stud book recognized by the department.

Sec. 8. Diseases which disqualify. No certificate of soundness shall be granted for an animal affected with glanders, farcy, maladie du coit (dourine), coital exanthema, urethral gleet, mange, melanosis, blindness, cataract, or periodic ophthalmia (moon blindness).

Sec. 9. Defects which do not disqualify. A certificate of soundness may be granted when an animal is affected with any of the following defects, unless such defects appear to be aggravated, or in a serious form: Amaurosis, laryngeal hemiplegia (roaring or whistling), pulmonary emphysema (heaves, broken wind), bog spavin, bone spavin, ringbone, sidebone, navicular disease, curb, with curby formation of hock, chorea (St. Vitus' dance), crampiness, shivering, string halt.

Sec. 10. Certificate when animal defective - advertisements. Certificates of soundness issued under the preceding section shall distinctly specify the defect with which the animal is affected. All advertisements of an animal so affected shall enumerate in large type, or prominent writing, the defect with which the animal is affected.

Sec. 11. Issuance of certificate. Upon receipt of an application for enrollment as a registered animal, the department shall, if satisfied that the same is reliable and that the animal is pure bred, make such enrollment and issue to the applicant a certificate of soundness. Upon receipt of an application for a certificate of soundness for an unregistered jack the department shall also issue the proper certificate.

Sec. 12. Posting certificate. Every certificate of soundness, or a true copy thereof, shall be kept posted upon the door or stall of the stable where the animal for which it was issued is usually kept, and, when such animal is advertised, each advertisement shall contain a copy of such certificate or the substance thereof.

Sec. 13. Examination on complaint. Complaint may be made to the department that a stallion or jack is diseased. The department shall determine whether an examination of said animal is reasonably necessary. If it is so

determined the owner shall be notified accordingly, and an examination shall be made by a board of three (3) licensed veterinarians, one (1) member to be selected by the department, one (1) member to be selected by the owner of the animal, and the third member to be selected by the other two (2) members so selected.

Sec. 14. Department to appoint examiners. If the owner neglects for ten (10) days after being so notified to appoint a veterinarian to act for him, the department shall appoint such veterinarian, who shall proceed as though appointed by the owner.

Sec. 15. Decision of board. The board shall determine whether said animal is:

1. Affected with a disease which would prevent the issuance of a certificate of soundness.
2. Affected with any other disease or defect in such a serious or aggravated form as to render the animal unfit for breeding.
3. Transmitting any disease or defect enumerated in this chapter as not disqualifying him for a certificate of soundness.

A decision by a majority of the board shall be certified to the department and shall be final.

Sec. 16. Revocation of certificate. If the decision is to the effect that such animal is affected as specified in the preceding section, the department shall not issue a certificate of soundness, and if one has been issued the department shall immediately revoke the same and notify the owner accordingly.

Sec. 17. Expense. If the board finds that said animal is eligible to receive or retain a certificate of soundness, the reasonable costs of the examination shall be paid from any funds in the state treasury not otherwise appropriated; otherwise such costs shall be collected from the owner.

Sec. 18. Blindness - examination - certificate. The owner of any blind stallion or jack otherwise entitled to a certificate of soundness may, upon application to the department, have the same examined at his own expense by a board of three (3) licensed veterinarians, one (1) member to be selected by the department, one (1) member to be selected by the owner of the animal, and the third member to be selected by the two (2) members so selected. If upon examination and proof furnished, a majority of said board declare that such blindness was caused by accident or disease not transmissible, then upon affidavit of a majority of said board, the department shall issue a state certificate of soundness.

Sec. 19. Renewal of certificate of soundness. If an animal for which a certificate of soundness has been issued is retained for sale, transfer, or exchange, or for public service, such certificate shall be renewed between January first and April first of each year. Such renewal shall be obtained by presenting an affidavit of soundness to the department as hereinbefore provided.

Sec. 20. Renewal without examination. The owner of every stallion or jack which has successfully passed the veterinary examination provided in this chapter for two (2) consecutive years shall be entitled to a renewal of the certificate of soundness thereafter without further examination, provided application for such renewal is made in every year following the last examination.

Sec. 21. Fee. The department shall collect a fee of one dollar (\$1.00) for each certificate of soundness and for each annual renewal thereof.

Sec. 22. Transfer of certificate - fee. When the holder of a certificate of soundness sells or otherwise transfers the title to such animal, he shall indorse on the certificate a transfer thereof to the new owner, and file the certificate, accompanied by a fee of fifty cents (50c), with the department, which shall thereupon issue a certificate to the new owner.

Sec. 23. False affidavit. Any veterinarian who knowingly makes a false affidavit as to the disease or freedom from disease, or soundness or unsoundness, of any animal examined by him or who fails to file with the department a report of his findings in accordance with the provisions of this chapter, shall be guilty of a misdemeanor and punished accordingly and his license to practice shall be revoked.

Sec. 24. Violations - penalties. Any person who shall commit any of the following acts shall be punished by a fine of not more than one hundred dollars (\$100.00), or by imprisonment in the county jail not exceeding thirty (30) days, or by both such fine and imprisonment:

1. Fraudulently represents any animal to be registered.
2. Fraudulently posts or publishes any false pedigree or certificate of soundness.
3. Uses any stallion or jack for public service, or sells any such animal over two (2) years old, representing him to be registered, without first having obtained a certificate of soundness as provided in this chapter.
4. Violates any of the provisions of this chapter in any manner.

Sec. 25. Prior certificates of soundness. Where a permanent certificate of soundness for a registered animal has heretofore been issued by the former state board of agriculture an additional state certificate shall not be required, but a renewal of the same shall be secured as herein provided.

CHAPTER 4

INFECTIOUS AND CONTAGIOUS DISEASES AMONG ANIMALS

Sec. 27. Powers of department. In the enforcement of this chapter the department of agriculture shall have power to:

1. Make all necessary rules for the suppression and prevention of infectious and contagious diseases among animals within the state.
2. Provide for quarantining animals affected with infectious or contagious diseases, or that have been exposed to such diseases, whether within or without the state.
3. Determine and employ the most efficient and practical means for the prevention, suppression, control, and eradication of contagious or infectious diseases among animals.
4. Establish, maintain, enforce, and regulate quarantine and other measures relating to the movements and care of diseased animals.
5. Provide for the disinfection of suspected yards, buildings, and articles, and the destruction of such animals as may be deemed necessary.
6. Enter any place where any animal is at the time located, or where it has been kept, or where the carcass of such animal may be, for the purpose of examining it in any way that may be necessary to determine whether it was or is infected with any contagious or infectious disease.
7. Regulate or prohibit the arrival in, departure from, and passage through the state, of animals infected with or exposed to any contagious disease; and in case of violation of any such regulation or prohibition, to detain any animal at the owner's cost.

8. Regulate or prohibit the bringing of animals into the state, which, in its opinion, for any reason, may be detrimental to the health of animals in the state.

9. Cooperate with and arrange for assistance from the United States department of agriculture in performing its duties under this chapter.

Sec. 27-a1. Infectious and contagious diseases defined. For the purpose of this chapter, infectious and contagious diseases shall be deemed to embrace glanders, farcy, maladie du coit (dourine), anthrax, foot and mouth disease, scabies, hog cholera, necrotic enteritis, or tuberculosis.

Sec. 28. Veterinary assistants. The department may appoint one (1) or more licensed veterinarians in each county as assistant veterinarians. It may also appoint such special assistants as may be necessary in cases of emergency.

Sec. 29. Powers of assistants. Such assistant veterinarians shall have power, under the direction of the department, to perform all acts necessary to carry out the provisions of law relating to infectious and contagious diseases among animals, and shall be furnished by the department with the necessary supplies and materials which shall be paid for out of the appropriation for the eradication of infectious and contagious diseases among animals.

Sec. 30. Oaths - power to administer. Such assistant veterinarians shall have power to administer oaths and affirmations to appraisers acting under this and the following chapters of this title.

Sec. 31. Adoption of rules - approval - publication. All rules adopted by the department under this chapter in addition to the other requirements concerning promulgation of rules by the department shall be published at least one (1) week prior to their taking effect in at least two (2) daily papers of general circulation within the state, except in such cases as require immediate action.

Sec. 32. Rules to harmonize with federal rules. The rules adopted by the department regarding interstate shipments of animals shall not be in conflict with the rules of the federal department of agriculture, unless there is an outbreak of a malignant, contagious disease in any locality, state, or territory, in which event the department shall have the right to place an embargo on such locality, state, or territory.

Sec. 33. Enforcement of rules. The assistant veterinarians appointed under this chapter shall enforce all rules of the department, and in so doing may call to their assistance any peace officer.

Sec. 34. Veterinary division at Ames to assist. The dean of the veterinary division of the Iowa state college of agriculture and mechanic arts is authorized to use the equipment and facilities of the division in assisting the department in carrying out the provisions of this chapter.

Sec. 35. Quarantining or killing animal. The department may quarantine or condemn any animal which is infected with any contagious or infectious disease, but no cattle infected with tuberculosis shall be killed without the owner's consent, unless there shall be sufficient funds to pay for such cattle, in the allotment made for that purpose from the appropriation for the eradication of infectious and contagious diseases among animals as provided in this chapter.

Sec. 36. Inspection of imported animals. No person shall bring into this state, except to public live-stock markets where federal inspection of live-stock is maintained, any animal for work, breeding, or dairy purposes, unless such animal has been examined and found free from all contagious or infectious diseases. Animals for feeding purposes, however, may be brought into the state without inspection, under such regulations as the department may prescribe.

Sec. 37. Certificate of freedom from disease. Freedom from disease as specified in the preceding section shall be established by a certificate of health signed by a veterinarian acting under either the authority of the federal department of agriculture, or the state department of agriculture.

Sec. 38. Certificate attached to bill of lading. A copy of such certificate shall be attached to the waybill accompanying the shipment, and a copy thereof shall be mailed to the department.

Sec. 39. Intrastate shipments. All animals, except those intended for immediate slaughter, shall be inspected when required by the department, and accompanied by the aforesaid certificate when shipped from a public stockyard in this state to another point within the state where federal inspection is not maintained.

Sec. 40. Foot and mouth disease - appropriation. Any animal killed on account of what is known as "foot and mouth disease" shall be appraised and paid for in the same manner as prescribed in the following chapter for the appraisement and payment of animals killed on account of tuberculosis, except that the deduction of five per cent (5%) of the appraised value of the animals tested as provided in said chapter shall not be made. There is appropriated from any funds in the state treasury not otherwise appropriated sufficient funds to carry out the provisions of this section.

Sec. 41. Limitation on right to receive pay. Unless an animal was examined at the time of importation into the state and found free from contagious or infectious diseases as provided in this chapter, no person importing the same and no transferee who receives such animal knowing that the provisions of this chapter have been violated shall receive any compensation under the preceding section for the destruction of such animal by the department.

Sec. 42. Duty of local boards of health. All local boards of health shall assist the department in the prevention, suppression, control, and eradication of contagious and infectious diseases among animals, whenever requested to do so.

Sec. 43. False representation as to stock shipments. Any person who knowingly makes any false representation as to the purpose for which a shipment of animals is being or will be made, with intent to avoid or prevent an inspection of such animals for the purpose of determining whether the animals are free from disease, shall be guilty of a misdemeanor and punished as provided in this chapter.

Sec. 44. Sale or exposure of infected animals. No owner or person having charge of any animal, knowing the same to have any infectious or contagious disease, shall sell or barter the same for breeding, dairy, work or feeding purposes, or permit such animal to run at large or come in contact with any other animal.

Sec. 45. Glanders. No owner or person having charge of any animal, knowing the same to be affected with glanders, shall permit such animal to be driven upon any highway, and no keeper of a public barn shall knowingly permit any animal having such disease to be stabled in such barn.

Sec. 46. Penalties. Any person who shall violate any provision of this chapter or any rule adopted thereunder by the department shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail for not more than one (1) year.

Sec. 47. Annual estimate of expenditures. The department of agriculture shall each year make an estimate of expenditures to be made from the annual appropriation for the eradication of contagious and infectious diseases among animals. Such estimates shall set aside:

1. A sufficient sum for the general administration of this chapter.
2. A sufficient sum for the inspection of herds for tuberculosis under the following chapter, except herds in counties which have been enrolled under the county area plan of eradication.

3. The remainder of said appropriation for allotment among the counties in accordance with the number of breeding cattle owned therein for the eradication of bovine tuberculosis in such counties.

CHAPTER 5 ERADICATION OF BOVINE TUBERCULOSIS

Sec. 48. Cooperation of state and federal authorities. The state department of agriculture is hereby authorized to cooperate with the federal department of agriculture for the purpose of eradicating tuberculosis from the dairy and beef breeds of cattle in the state.

Sec. 49. Testing and examining herds. The owner of any herd kept for breeding or dairy purposes may petition the department of agriculture for an examination of such herd for tuberculosis. The department shall grant the petition when satisfied that the petitioner intends to permanently maintain his herd and has applied for such examination for the sole purpose of detecting the presence of such disease and freeing his herd therefrom. Such examination shall be conducted as soon as practicable after the granting of the petition.

Sec. 50. Petition blank. A blank for such petition shall be furnished by the department, which shall include an agreement on the part of the person making the petition that he will conform to and abide by the rules laid down by the state and federal departments of agriculture and follow their instructions designed to suppress the disease, prevent its spread, and avoid re-infection of the herd.

Sec. 51. Appraisal. Before being tested, such animals shall be appraised at their cash value for breeding, dairy, or beef purposes by the owner and a representative of the state department of agriculture, or a representative of the federal department of agriculture, or by the owner and both of such representatives. If these parties cannot agree as to the amount of the appraisal, there shall be appointed three (3) competent and disinterested persons, one (1) by the state department of agriculture, one (1) by the owner, and the third by the first two (2) appointed, to appraise such animals, which appraisal shall be final. Every appraisal shall be under oath or affirmation and the expenses of the same shall be paid by the state, except as provided in this chapter.

Sec. 52. Presence of tuberculosis - use of infected animals. If, after such examination, tubercular animals are found, the department shall have authority to order such disposition of them as it considers most desirable and economical. If the department deems that a due regard for the public health warrants it, it may enter into a written agreement with the owner,

subject to such conditions as it may prescribe, for the separation and quarantine of such diseased animals. Subject to such conditions, the diseased animals may continue to be used for breeding purposes.

Sec. 53. Forfeiture of right to receive compensation. Any animal retained, under the preceding section, by the owner for ninety (90) days after it has been adjudged infected with tuberculosis shall not be made the basis of any claim for compensation against the state.

Sec. 54. Amount of indemnity to be paid owner. When breeding animals are slaughtered following any test there shall be deducted from their appraised value:

1. Five per cent of the appraised value of the breeding animals tested.

2. The proceeds from the sale of the salvage

The owner shall be paid by the state one-third of the sum remaining after the above deductions are made.

The state shall in no case pay to such owner a sum in excess of fifty dollars (\$50.00) for any registered pure bred animal or twenty-five dollars (\$25.00) for any grade animal.

Sec. 55. Pedigree. The pedigree of pure-bred cattle shall be proved by a certificate of registry from the herd books where registered.

Sec. 56. Limitation on right to receive pay. No compensation shall be paid to any person for an animal condemned for tuberculosis:

1. Unless said animal, if produced in the state, has been owned by such person for at least six (6) months prior to condemnation, or was raised by such person.

2. Unless said animal, if imported into the state, was examined at the time of importation and found free from tuberculosis.

Sec. 57. Preference in examinations. The department, in passing upon petitions for examinations of herds, shall give priority to petitions for the testing of dairy herds from which are sold, or offered for sale, in cities or towns, milk or milk products in liquid or condensed form.

Sec. 58. Examination by department on its own motion. The department may at any time, on its own motion, make an examination of any herd, and in case animals are destroyed, the appraisalment and payment shall be made as provided in this chapter.

Sec. 59. Records public. All records pertaining to animals infected with tuberculosis shall be open for public inspection and the department shall furnish such information relative thereto as may be requested.

Sec. 60. Accrediting tuberculosis-free herds. The department shall establish rules for determining when a herd of cattle tested and maintained under the provisions of this chapter, the laws of the United States, and the rules of the state and federal departments of agriculture shall be considered as tuberculosis-free. When any herd meets such requirements the owner shall be entitled to a certificate from the department showing that the herd is a tuberculosis-free accredited herd. Such certificate shall be revoked whenever the herd no longer meets the necessary requirements for an accredited herd, but the herd may be reinstated as an accredited herd upon subsequent compliance with such requirements.

Sec. 61. Tuberculin. The department shall have control of the sale, distribution, and use of all tuberculin in the state, and shall formulate rules for its distribution and use. Only a licensed veterinarian shall apply a tuberculin test to cattle within this state.

Sec. 62. Appointment of inspectors and assistants. The department may appoint one or more accredited veterinarians as inspectors for each county and one or more persons as assistants to such inspectors. Such inspectors, with the assistance of such person or persons, shall test the breeding cattle subject to test, as provided in this chapter, and shall be subject to the direction of the department in making such tests.

Sec. 63. Accredited veterinarian defined. An accredited veterinarian is one who has successfully passed an examination set by the state and federal departments of agriculture and is authorized to make tuberculin tests of accredited herds of cattle under the uniform methods and rules governing accredited herd work which are approved by the United States department of agriculture.

Sec. 64. Equipment for inspector. The department may furnish each inspector with the necessary tuberculin and other material not including instruments and utensils necessary to make the tests provided for in this chapter.

Sec. 65. Compensation. An inspector shall receive a compensation not to exceed ten dollars (\$10.00) per diem and ten cents (10c) for every mile traveled while engaged in such work. Unless such compensation is fixed in the biennial salary act it shall be approved by the committee on retrenchment and reform.

COUNTY AREA ERADICATION PLAN AND ACCREDITED AREA PLAN

Sec. 66. Establishment by petition of breeders. When any number of resident owners of breeding cattle constituting a number equal to fifty-one (51) percent of the number of owners of breeding cattle in said county, as show by the last assessors' rolls, petition the board of supervisors for the establishment of a county area eradication plan, such petition including an agreement on the part of the respective signers thereof for the testing of their respective herds, as provided in this chapter, the board shall cause a notice to be published for two consecutive weeks in two official county papers of the date of the hearing on said petition, which shall not be less than five nor more than ten days after the last publication, said date to be set by the county auditor. If, after such hearing, or if no objections are filed to such petition on or before such date, the petition shall be found sufficient, the board shall make application to the secretary of agriculture for the enrollment of the county under such plan. The application shall be accompanied by a copy of the petition and agreements, together with the action of the board thereon, duly certified by the county auditor. The secretary of agriculture, upon receiving the application, shall enroll the county under such plan. Certified copy of the agreements as filed with the secretary of agriculture shall have the same force and effect as originals on file with him. Subsequent agreements may be filed with the department.

Sec. 68. Levy for eradication fund. In each county enrolled under either of the plans provided in this chapter, the board of supervisors shall each year when it makes the levy for taxes, levy a tax sufficient to provide a fund to pay the indemnity and other expenses provided in this chapter, except as hereinafter provided, but such levy shall not exceed three (3) mills in any year upon the taxable value of all the property in the county. Such levy shall be placed upon the tax list by the county auditor and collected by the county treasurer in the same manner and at the same time as other taxes of the county. The money derived from such levy shall be placed in a fund to be known as the county tuberculosis eradication fund, and the same shall only be used for the payment of claims as provided in this chapter.

The county auditor of each county shall, not later than August fifteenth of each year, certify to the secretary of agriculture a report showing the amount in the tuberculosis eradication fund on August first of each year.

Should it appear to the secretary of agriculture that the balance in such fund is sufficient, with the county's allotment of state and federal funds available, to carry on the work in such county for the ensuing year, he shall so certify to the county auditor and when such certification has been made the board shall make no levy for such tuberculosis eradication fund for such year.

Sec. 70. Availability of county fund. After the amount allotted in any year by the department to any county enrolled under the county area plan has been expended in said county, or at any time that there ceases to be available for such county any federal funds for the eradication of bovine tuberculosis, the county eradication fund provided in this chapter shall become available as a substitute for either or both such funds for the payment of materials, indemnities, inspectors and assistants as herein provided. Immediately upon the exhaustion of such allotment the department shall certify such fact to the county auditor, which certificate shall be full authority for the board of supervisors to pay claims out of the county eradication fund.

Sec. 71. Notice of exhaustion of fund. Whenever the balance in such fund becomes less than twenty-five hundred dollars (\$2500.00) the county auditor shall notify the department in writing of such fact and no expense shall be incurred on such account in excess of the cash available in such fund.

Sec. 72. Certification of claims. All claims presented under the second preceding section shall be certified by the department and filed with the county auditor who shall present them to the board of supervisors, and such board shall allow and pay the same as other claims against the county.

Sec. 73. Accredited counties. Whenever seventy-five percent (75%) of the owners of breeding cattle in any county operating under the county area plan, shall have signed agreements with the department of agriculture, the department shall enroll the county under the accredited area plan and notify the board of supervisors of such county accordingly. The board shall cause to be published a notice of such enrollment once in two official newspapers of the county and thereafter every owner of breeding cattle within the county shall cause his cattle to be tested for tuberculosis as provided in this chapter and shall comply with all the requirements for the establishment and maintenance of a tuberculosis-free accredited herd.

Sec. 73-a1. Certification of number of owners in county. For the purpose of determining the number of owners of breeding cattle in the county constituting the percent required by the preceding section, the county auditor of each county which has been enrolled under the county area eradication plan, shall certify to the department after each assessment in the county, the number of owners of breeding cattle in such county as shown by the last assessors' rolls.

Sec. 73-a2. Establishment by vote of people. Whenever any number of electors of the county equal to fifteen per cent (15%) of the voters of the county as shown by the vote for the head of the ticket at the last general election, petition the board of supervisors for the establishment of the accredited area plan and file the same in the office of the county auditor, the board shall, if it finds such petition complies with the requirements of this chapter, submit at the next general election the following proposition: Shall _____ county levy a tax of not more than three (3) mills on the taxable value of the property of the county for the purpose of establishing a county tuberculosis eradication fund and entering upon the accredited area plan? If the proposition receives sixty-five per cent (65%) of the votes cast at such election the board shall notify the department, which shall enroll the county under the accredited area plan. When the county is so enrolled the board of supervisors shall cause a notice of such enrollment to be published once in two official newspapers of the county and thereafter every owner of breeding cattle within the county shall cause his cattle to be tested for tuberculosis as provided in this chapter and shall comply with all the requirements for the establishment and maintenance of the tuberculosis-free accredited herd.

Sec. 74. Penalty. Any owner of breeding cattle in any county which has been enrolled under the accredited area plan, as provided in this chapter, who does not apply for and sign an agreement for such test or fails to have his cattle tested as provided therein within a period of ninety (90) days from the publication of the notice of enrollment, shall be guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars. It shall be prima facie evidence that the breeding cattle of any such owner who does not permit said cattle to be tested as herein provided are affected with tuberculosis and may be quarantined by the department until such test is made.

Sec. 75. Notice. Before any action is commenced under the preceding section, the board of supervisors of the county shall cause such owner to be served with a written notice of the provisions of the four preceding sections, at least fifteen (15) days before the commencement of the action.

Sec. 76. Allotment of funds to counties. The department shall allot on or before November first of each year among the counties of the state in proportion to the number of breeding cattle owned in each county, as shown by the last assessors' books, the amount of the state funds estimated to be available for the testing of cattle for tuberculosis. The department shall also attempt to secure a similar allotment each year of the available federal funds by the federal department of agriculture.

Sec. 77. Transfer of funds. The amount of state funds allotted to each county shall be expended therein, but the department, whenever such moneys are not needed in any county, may transfer the same to any other county.

CHAPTER 6 HOG CHOLERA VIRUS AND SERUM

Sec. 79. Definitions. When used in this chapter:

1. The words biological products shall include and be deemed to embrace only anti-hog cholera serum and virus.

2. "Manufacturer" includes every person engaged in the preparation, at any stage of the process, of biological products except those engaged in such preparation in the biological laboratory in the Iowa state college of agriculture and mechanic arts, or in any other state or governmental institution.

3. "Dealer" includes every person who, for profit, sells, dispenses, or distributes, or offers to do so, either as principal or agent, biological products, except:

(a) A manufacturer selling direct to any person licensed under this chapter to sell, dispense, or distribute such biological products.

(b) A regularly licensed veterinarian who used such biological products in his professional practice and does not use it for sale or distribution to any other person.

Sec. 80. Power to make rules. The department shall have power to make such rules governing the manufacture, sale and distribution of biological products as it deems necessary to maintain their potency and purity.

Sec. 81. Permit to manufacture or sell. Every person, before engaging as a manufacturer of, or dealer in, biological products shall obtain from the department of agriculture a permit for that purpose.

Sec. 82. Application for permit to manufacture or sell. Every application for such permit shall be made on a form provided by the department, which form shall call for such information as the department shall deem necessary, including the name and place of business of the applicant.

Sec. 83. Application for manufacturer's permit. An application for a permit to manufacture biological products shall be accompanied by evidence satisfactory to the department that the applicant is the holder of a valid, unrevoked, United States department of agriculture license for the manufacture and sale of such biological products.

Sec. 84. Application for dealer's permit. An application for a permit to deal in biological products shall be accompanied by a bond, with sureties to be approved by the department, in the sum of five thousand dollars (\$5,000.00), which bond shall be conditioned:

1. To faithfully comply with all laws governing the warehousing, sale and distribution of biological products, and with all the rules of the department relating to such biological products.

2. To indemnify any person who uses any such biological products sold by the principal and is damaged by the negligence of the principal, or any of his agents, in the warehousing, handling, sale, or distribution of such biological products.

3. To pay to the state all penalties which may be adjudged against the principal.

Sec. 85. Liability of principal on bond. The principal on such bond shall be liable to every person for any damage caused by the negligence of the principal or of his agents, notwithstanding the execution of the bond.

Sec. 86. New or additional bond. When judgment is rendered on such bond, the principal shall immediately execute and file with the department a new or additional bond, conditioned as the original bond, and in an amount to be fixed by the department, which will furnish the same amount of security that was furnished before the original bond was impaired.

Sec. 87. Liability of manufacturer. A manufacturer shall be liable to an injured person for all damages which occur:

1. By reason of the negligence of the manufacturer or his employees in the manufacture, warehousing, handling, or distribution of biological products.

2. By reason of the failure of the manufacturer, or his employees, to discharge any duty imposed by law, or by the rules of the department.

Sec. 88. Fees. Fees for permits shall be paid by the manufacturer or dealer to the department when the application for such permit is made and shall be:

1. In case of a manufacturer, twenty-five dollars (\$25.00) for each plant at which it is proposed to manufacture biological products.

2. In case of a dealer, fifteen dollars (\$15.00) for each warehouse or distributing agency of the dealer.

Sec. 89. Inspection of premises. The premises upon which the business authorized by such permit is carried on shall be subject at all times to inspection by the department. Before issuing an original permit, the department may cause the proposed premises to be inspected, and shall make such requirements regarding the physical conditions and sanitation of said premises as it may deem necessary to secure and maintain the potency and purity of the biological products. If such requirements are not complied with and maintained, the permit shall be refused or revoked as the case may be.

Sec. 90. Duration of manufacturer's or dealer's permit. Every permit issued to a manufacturer or dealer shall expire one (1) year from the date of issuance. A renewal of the same shall be subject to all the conditions, including fees, that are required in the case of an original permit.

Sec. 91. Automatic revocation of manufacturer's or dealer's permit. Such a permit shall be automatically revoked:

1. In case of a dealer, by his failure to execute and file with the department a new and approved bond when required by law.
2. In case of a manufacturer, by his ceasing to be the holder of a United States department of agriculture license for the manufacture and sale of biological products.
3. In case of either a manufacturer or dealer for discrimination in the price at which such biological products are sold, and such permit shall not in such case be renewed for one year.

Sec. 92. Revocation by department. Such permit may also be revoked by the department at any time after a reasonable notice and hearing:

1. For violation of the terms, conditions, and requirements on which it was issued.
2. For violation of any law, or of any rule of the department, relating to the business authorized by such permit.
3. In case of a dealer's permit, when a judgment has been rendered on the bond, or when the security of such bond has become impaired in any other way and no new bond is given as required by the department.

Sec. 93. Prohibited sales. No biological products shall be sold, offered for sale, distributed, or used unless produced at a plant which, at the time of producing, held a United States department of agriculture license for the manufacture of such biological products.

Sec. 94. Sales to permit holders only. No person shall sell, distribute, or offer to sell or distribute, virulent blood or virus from cholera infected hogs except to persons who are holders of valid, unrevoked, written permits to administer the same.

Sec. 95. Permits to administer virus. No person shall administer hog cholera virus unless he is the holder of a permit issued by the department for that purpose or is the holder of a license to practice veterinary medicine.

Sec. 96. County school of instruction. Provision shall be made by the extension division of the state college of agriculture and mechanic arts for instruction in each county in the use of anti-hog cholera serum and virus. Whenever there are ten (10) applicants in any county for such instruction, said division shall make the necessary arrangements, including a sufficient number of competent instructors, at a convenient time and place, which shall be within thirty (30) days after the filing of the requisite number of applications.

Sec. 97. Application for instruction - fee. Applications for such school shall be made to the county agent, or in the event there is no county agent, to some other person appointed by the board of supervisors to receive such applications, accompanied by a fee of three dollars (\$3.00). When there are sufficient applications to authorize a school, said agent, or person, shall forward the applications to the extension division.

Sec. 98. Instruction - examinations. Said school shall consist of necessary instruction in the use and administration of anti-hog cholera serum and virus, and, if reasonably possible, of actual demonstrations. Examinations shall be conducted in such manner as will, in the opinion of the instructor, best test the applicant's understanding of the instructions, and his ability to practically apply them.

Sec. 99. Report by instructor. The instructor shall at once report to the extension division the names and postoffice addresses of those persons who are found by him to be competent to use and administer hog cholera virus. The names and addresses shall then be certified by the extension division to the department of agriculture.

Sec. 100. Issuance of permits. Upon receipt of such names the department shall at once issue and forward to each person a permit to administer hog cholera virus.

Sec. 100-a1. Transmittal and refund of fees. The names of the successful and unsuccessful applicants for a permit from each county shall also be certified by the extension division to the county agent of their respective counties. In the event there is no county agent, such certification shall be made to the person appointed by the board of supervisors to receive the applications and fees for instruction. Upon receipt of such list the county agent, or the person in possession of such fees, shall forthwith forward the fees received from the successful applicants to the extension division and refund the fee received from each unsuccessful applicant to him.

Sec. 101. Duration of virus permit. - revocation. A permit to administer hog cholera virus shall continue in force until revoked by the department on a showing that the holder has become incompetent to administer such virus.

Sec. 102. Right of holder of virus permit. The person to whom a permit to administer hog cholera virus has been issued is authorized only to administer such virus to hogs owned by the holder of the permit, and the permit shall so state.

Sec. 103. Compensation and expenses. The compensation of the instructors and other expenses connected with the instruction of applicants for permits shall be paid as far as possible out of the fees collected from such applicants, and any surplus shall be paid into the state treasury on July first (1st) of each year.

Sec. 104. Schools of instruction at Ames. The state college of agriculture and mechanic arts may hold a school for the purpose of giving instruction in the method of administering anti-hog cholera serum and virus at any time when there are at least ten (10) applicants for such instruction.

Sec. 105. Conducting school - permits. Schools of instruction held at said college shall be conducted substantially in the same manner as county schools. Permits to administer virus shall be issued to all applicants who are found to be competent upon the same condition and in the same manner as those taking instruction in county schools.

Sec. 106. Reports by manufacturers and dealers. A person holding a permit as manufacturer or dealer shall make such written reports to the department relative to biological products as it may from time to time require.

Sec. 107. Reports by virus permit holders. Every holder of a permit to administer hog cholera virus shall, upon request of the department, make a report to the department giving such information as the department may require. Such information shall be on a form furnished by the department.

Sec. 108. Delivery of report. Within ten (10) days after being requested in writing by the department such report shall be delivered or sent by registered mail to the department by the permit holder. The department may suspend the permit of any holder who fails to make such report until he has complied with the preceding section.

Sec. 109. Lists of manufacturers and dealers. The department shall, without additional charge, and when it issues a permit to administer hog cholera virus, inclose with such permit a complete list of every manufacturer and dealer licensed to manufacture or distribute biological products. A similar list shall also be sent to every county agent, and any necessary corrections or changes shall be sent to such agent at least once every three months.

Sec. 110. Lists of virus permit holders. The department shall also upon the request of any manufacturer, dealer, or other person furnish a complete list of the names and addresses of the holders of unrevoked permits to administer virus immediately upon the issuance of such permits. A sufficient charge shall be made for such list as will cover the cost of preparation and distribution.

Sec. 111. Seizure of samples. The department may seize, at any time or place, for examination, samples of biological products manufactured or kept for use or sale within the state.

Sec. 112. Condemnation and destruction. The department shall have power to condemn and destroy any biological products which it deems unsafe.

Sec. 113. Defacing labels. No person shall remove or deface any label upon the bottles or packages containing any biological products or change the contents from the original container except for immediate use.

Sec. 114. Price of virus - rebates prohibited. Persons holding permits, either as manufacturers or dealers, shall sell all biological products at a uniform price to all persons to whom sales are made. No rebate on said price shall be given, either directly or indirectly, in any manner whatsoever.

Sec. 115. Collection of compensation by veterinarian. No licensed veterinarian shall receive, directly or indirectly, any compensation of any kind for the handling, sale, or use of any biological products, other than his charges for administering the same, unless he makes known in writing the amount of such compensation, if requested to do so by the person using biological products. Any veterinarian violating this section shall forfeit his license to practice and the same shall not be renewed for a period of one (1) year.

Sec. 116. Violations - penalty. Any person who violates any provision of this chapter, or any rule of the department, or who shall hinder or attempt to hinder the department or any duly authorized agent or official thereof in the discharge of his duty, shall be fined in a sum of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

CHAPTER 7

USE AND DISPOSAL OF DEAD ANIMALS

Sec. 117. Scope of chapter. This chapter shall not apply to the disposal of the bodies of animals slaughtered for human food.

Sec. 118. Disposal of dead animals - license. No person shall engage in the business of disposing of the bodies of dead animals without first obtaining a license for that purpose from the department of agriculture.

Sec. 119. Disposing of dead animals defined. Any person who shall receive from any person the body of any dead animal for the purpose of obtaining the hide, skin, or grease from such animal, in any way whatsoever, shall be deemed to be engaged in the business of disposing of the bodies of dead animals.

Sec. 120. Application for license - fee. Application for such license shall be made to the department on forms provided by it, which application shall set forth the name and residence of the applicant, his proposed place of business, and the particular method which he intends to employ in disposing of such bodies, and such other information as the department may require. Said application shall be accompanied by a fee of twenty-five dollars (\$25.00).

Sec. 121. Inspection of place - certificate. On receipt of such application, the secretary of agriculture or some person appointed by him, shall at once inspect the building in which the applicant proposes to conduct such business. If the inspector finds that said building complies with the requirements of this chapter, and with the rules of the department, and that the applicant is a responsible and suitable person, he shall so certify in writing to such specific findings, and forward the same to the department.

Sec. 122. Issuance of license - fee. On the receipt of the foregoing certificate, and the additional payment of twenty-five dollars (\$25.00), the department shall issue a license to the applicant to conduct such business, at the place specified in the application, for one (1) calendar year.

Sec. 123. Record of licenses. The department shall keep a record of all licenses applied for or issued, which shall show the date of application and by whom made, the cause of all rejections, the date of issue, to whom issued, the date of expiration, and the location of the licensed business.

Sec. 124. Inspection revealing unsuitable place. If the inspector find that said building does not comply with the requirements of this chapter or with the rules of the department, he shall notify the applicant wherein the same fails to so comply. If within a reasonable time thereafter, to be fixed by the inspector, the specified defects are remedied, the department shall make a second inspection, and proceed therewith as in case of an original inspection. Not more than two (2) inspections need be made under one (1) application.

Sec. 125. No return of application fee. In case such applicant is refused a license, no part of the fees paid by him shall be refunded.

Sec. 126. Renewal of license. An original license shall be renewed for each subsequent calendar year on the payment of twenty-five dollars (\$25.00), provided the holder, in the opinion of the department, remains responsible and suitable to carry on said business, and the place of business continues to comply with this chapter and the rules of the department, as they then exist.

Sec. 127. Disposal plants - specifications. Each place for the carrying on of said business shall, to the satisfaction of the department, be provided with floors constructed of concrete or some other nonabsorbent material and adequate drainage, be thoroughly sanitary, and adapted to carrying on the business.

Sec. 128. Manner and time of disposing of bodies. The following requirements shall be observed in the disposal of such bodies:

1. Cooking vats or tanks shall be air-tight, except proper escapes for live steam.

2. Steam shall be so disposed of as not to cause unnecessary annoyance or create a nuisance.

3. The skinning and dismembering of bodies shall be done with ⁱⁿ said building.

4. The building shall be so situated and arranged, and the business therein so conducted, as not to interfere with the comfortable enjoyment of life and property.

5. Such portions of bodies as are not entirely consumed by cooking or burning shall be disposed of by burying as hereafter provided, or in such manner as the department may direct.

6. In case of disposal by burying, the burial shall be to such depth that no part of such body shall be nearer than four (4) feet to the natural surface of the ground, and every part of such body shall be covered with quicklime, and by at least four (4) feet of earth.

7. All bodies shall be disposed of within twenty-four (24) hours after death.

Sec. 129. Rules. The department shall make such reasonable rules for the carrying on and conducting of such business as it may deem advisable, and all persons engaging in such business shall comply therewith.

Sec. 130. Annual inspection - revocation of license. The department shall inspect each place licensed under this chapter at least once each year, and as often as it deems necessary, and shall see that the licensee conducts the business in conformity to this chapter and the rules made by the department. For a failure or refusal by any licensee to obey the provisions of this chapter or said rules, the department shall suspend or revoke the license held by such licensee.

Sec. 131. Transportation of dead animals. Any person holding a license under the provisions of this chapter may haul and transport the carcasses of animals that have died from disease, except those prohibited by the department, in a covered wagon bed or tank which is water-tight, and is so constructed that no dripping or seepings from such carcasses can escape from such wagon bed or tank, and said carcasses shall not be moved from said wagon bed or tank except at the place of final disposal. The department may prescribe additional requirements governing the construction of such vehicles and such transportation not inconsistent with the above.

Sec. 132. Driving upon premises of another. Vehicles when loaded with the carcass of an animal which has died of disease shall be driven directly to the place of disposal, except that the driver in so driving may stop on the highway for other like carcasses, but he shall not drive into the yard or upon the premises of any person unless he first obtains the permission of the person to do so.

Sec. 133. Disinfecting outfit. The driver or owner of a vehicle used in conveying animals which said driver or owner has reason to believe died of disease, shall, immediately after unloading said animals, cause the wagon box, tank, or other vehicle, the wheels thereof, all canvassing and covers, the feet of the animals drawing said conveyance, and the outer clothing of all persons who have handled said carcasses to be disinfected with a solution of at least one (1) part of cresol dip to four (4) parts of water, or with some other equally effective disinfectant.

Sec. 134. Duty to dispose of dead bodies. No person caring for or owning any animal that has died shall allow the carcass to lie about his premises. Such carcass shall be disposed of within twenty-four (24) hours after death by cooking, burying, or burning as provided in this chapter, or by disposing of it, within said time, to a person licensed to so dispose of it, but the carcass of an animal which has not died of a contagious disease may be fed to hogs.

Sec. 135. Penalty. The violation of any of the provisions of this chapter or any rule adopted thereunder by the department shall be punished by a fine of not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00) or by imprisonment in the county jail not more than ninety (90) days.

Sec. 136. Appropriation. The expense attending the inspection provided for in this chapter shall be paid from any unappropriated funds in the state treasury.

CHAPTER 8

VETERINARY MEDICINE AND SURGERY

Sec. 137. Persons engaged in practice of veterinary medicine. For the purpose of this chapter the following classes of persons shall be deemed to be engaged in the practice of veterinary medicine:

1. Persons practicing veterinary medicine, surgery, or dentistry, or any of the branches thereof.
2. Persons who profess to be veterinarians, or who profess to assume the duties incident to the practice of veterinary medicine.
3. Persons who make a practice of prescribing or who do prescribe and furnish medicine for the ailments of animals.

Sec. 138. Persons not engaged in practice of veterinary medicine. The preceding section shall not be construed to include the following classes of persons:

1. Veterinarians of the United States army, navy, or in the service of the federal department of agriculture, not engaged in private practice.
2. Persons who dehorn cattle or castrate animals.
3. Persons who treat diseased or injured animals gratuitously.

Sec. 139. License required. No person shall engage in the practice of veterinary medicine unless he shall have obtained from the department of agriculture a license for that purpose.

Sec. 140. Form of license. Every license to practice veterinary medicine shall be in the form of a certificate under the seal of the department, and signed by the secretary. The number of the book and page containing the entry of the license in the office of the department shall be noted on the face of the license.

Sec. 141. Display of license. Every person licensed under this chapter shall keep his license displayed in the place in which he maintains an office.

Sec. 142. Renewal of license. Every license issued under this chapter shall expire on the thirtieth day of June following the date of issuance, and shall be renewed annually upon application by the licensee, without examination. Application for such renewal shall be made in writing to the department of agriculture, accompanied by the legal fee, at least thirty (30) days prior to the expiration of such license. The department shall notify each licensee by mail of the expiration of his license. Every renewal shall be displayed in connection with the original license.

Sec. 143. Prima facie evidence. The opening of an office or place of business for the practice of veterinary medicine, the use of a sign, card, device, or advertisement as a practitioner of veterinary medicine or as a person skilled in such practice, shall be prima facie evidence of engaging in the practice of veterinary medicine.

Sec. 145. Unlawful use of degree. No person shall use any veterinary degree or abbreviation for the same unless such degree has been conferred upon him by an institution of learning recognized by the state board of education.

Sec. 146. Requirement for license. Each applicant for a license to practice veterinary medicine, surgery, and dentistry, shall:

1. Present satisfactory evidence that he is at least twenty-one (21) years of age, and of good character.
2. Present a diploma showing that he is a graduate of a recognized school of veterinary medicine.
3. Pass satisfactorily an examination in veterinary medicine, surgery, and dentistry.

Sec. 147. Fees. The following fees shall be collected by the department of agriculture:

1. For a license to practice veterinary medicine, issued upon an examination given by the examining board, twenty-five dollars (\$25.00), which shall be paid in advance to the department of agriculture.
2. For a license to practice veterinary medicine, issued upon the basis of a license issued in another state, fifty dollars (\$50.00).
3. For the renewal of a license to practice veterinary medicine, two dollars and fifty cents (\$2.50).
4. For a certified statement that a license is licensed in this state, five dollars (\$5.00).
5. For the issuance of a duplicate license in case the original has been lost or destroyed, five dollars (\$5.00).

Sec. 148. Reexaminations. In case an applicant fails in his examination, he shall be permitted to take a subsequent examination within any period not exceeding twelve (12) months thereafter without paying any additional fee. After the expiration of twelve (12) months such applicant shall pay the regular fee.

Sec. 149. Record of license - open to public inspection. The name, age, nativity, location, number of the certificate, and the date of registration thereof shall be entered in a book kept in the office of the department of agriculture, to be known as the registry book, and the same shall be open to public inspection.

Sec. 150. Notice of change of residence. When any person licensed to practice under this chapter changes his residence, he shall notify the department of agriculture and such change shall be noted in the registry book.

Sec. 151. Examining board. For the purpose of giving examinations to applicants for license to practice veterinary medicine, the department of agriculture shall appoint a board of three examiners, who shall be licensed veterinarians.

Sec. 152. Term of examiners. The members of the examining board shall be appointed for a term of three (3) years. The term of each examiner shall commence on July first in the year of appointment and the terms of the members of the board shall be rotated in such manner that one (1) examiner shall retire each year and a successor be appointed to take his place.

Sec. 153. Vacancies. Any vacancy in the membership of the examining board caused by death, resignation, removal, or otherwise shall be filled for the period of the unexpired term in the same manner as original appointments.

Sec. 154. Compensation of examiners. Each member of the examining board shall receive ten dollars (\$10.00) a day for each day actually engaged in the discharge of his duties, including compensation for a reasonable number of days for the preparation of examination questions and the reading of papers in addition to the time actually spent in conducting examinations, but if any member of the examining board is in the full-time employ of the department he shall not receive any compensation as a member of such board other than his regular salary. Each member of the board shall also receive five cents (5¢) per mile for the number of miles actually traveled in the discharge of his duties.

Sec. 155. Appropriation. There is hereby annually appropriated out of any funds in the state treasury, not otherwise appropriated, a sum sufficient to pay the compensation and expenses of the members of the examining board.

Sec. 156. Supplies. The department of agriculture shall furnish the examining board with all articles and supplies required for the public use and necessary to enable said board to perform the duties imposed upon it by law. Such articles and supplies shall be obtained by the department in the same manner in which the regular supplies for the department are obtained, and the same shall be considered and accounted for as if obtained for the use of said department.

Sec. 157. Quarters. The executive council shall furnish the examining board with suitable quarters in which to conduct the examinations held by said board.

Sec. 158. Meetings - quorum. The board shall meet at least once a year, and oftener if necessary, at the capital, for the purpose of holding examinations. A majority shall constitute a quorum.

Sec. 159. Representation at national meetings. The department may designate one of the members of the examining board to attend either:

1. The annual meeting of the regular national association or society of the veterinary profession, or
2. The annual meeting of the national organization of state examining boards for such profession.

Sec. 160. Applications for examination. Any person desiring to take the examination for a license to practice veterinary medicine shall make application to the department of agriculture, on a form provided by the department, at least fifteen (15) days before the examination. Such application shall be accompanied by the license fee and such documents and affidavits as are necessary to show the eligibility of the candidate to take such examination. All applications shall be in accordance with the rules of the department and shall be signed and verified by the oath of the applicant.

Sec. 161. List of accredited colleges. The department of agriculture shall prepare and keep up to date a list of accredited colleges in which is taught the science of veterinary medicine, surgery, and dentistry.

Sec. 162. Data relative to professional schools. As a basis for such action on the part of the department the registrar of the state college of agriculture and mechanic arts and the dean of the division of veterinary medicine of said college shall supply such data relative to any veterinary school as the department may request.

Sec. 163. Transmittal of names of eligible candidates. Prior to each examination the department of agriculture shall transmit to the examining board the list of candidates who are eligible to take such examination. In making up such list, the department may call upon the examining board, or any member thereof, for information relative to the eligibility of any applicant.

Sec. 164. Rules relative to examinations. The examining board shall establish rules for:

1. The conducting of examinations.
2. The grading of examination and passing upon the technical qualifications of applicants, as shown by such examinations.

Sec. 165. Examinations in theory. All examinations shall be in writing, and the identity of the person taking the same shall not be disclosed upon the examination papers in such a way as to enable the members of the examining board to know by whom written until after the papers have been passed upon.

Sec. 166. Certification of successful applicants. Every examination shall be passed upon in accordance with the established rules of the examining board and shall be satisfactory to at least a majority of the members of said board. After each examination, the examining board shall certify the names of the successful applicants to the department of agriculture, in the manner prescribed by said department, which shall issue the proper license and make the required entry in the registry book.

Sec. 167. Preservation of records. All matters connected with each examination for license shall be filed with the department of agriculture and preserved for five (5) years as a part of the records of the department, during which time said records shall be open to public inspection.

Sec. 168. Reciprocal agreements. For the purpose of recognizing licenses to practice veterinary medicine which have been issued in other states, the department of agriculture, upon recommendation of the examining board, is authorized to establish reciprocal relations with the duly constituted and proper authorities of such other states.

Sec. 169. Reciprocal disabilities. When the laws of such other states or the rules of such authorities place any requirement or disability upon a person licensed under this chapter or on any person holding a diploma from the division of veterinary medicine of the college of agriculture and mechanic arts of this state which affects the rights of said persons to be licensed or to practice in said other states, then the same requirement or disability shall be placed upon any person licensed in said state or holding a diploma from any veterinary college situated therein, when applying for a license to practice in this state.

Sec. 170. Foreign licenses recognized. After reciprocal relations are entered into, the department may, in lieu of the examination herein provided for, issue a license to practice veterinary medicine, on the basis of a certificate of registration or license issued by the duly constituted and proper authorities of another state with which such reciprocal relations exist, provided such certificate of registration or license has been issued by such other state on requirements substantially equivalent to those required in this state at the time of the issuance of such certificate of registration or license.

Sec. 171. Termination of reciprocal agreements. When the requirements for a license in any state with which this state has a reciprocal agreement are changed by any law or rule of the authorities therein so that such requirements are no longer substantially as high as those existing in this state, then such agreement shall be deemed terminated and licenses issued in such state shall not be recognized as a basis for granting a license in this state until a new agreement has been negotiated. The fact of such change shall be determined by the examining board and certified to the department of agriculture for its guidance in enforcing the provisions of this section.

Sec. 172. Change of residence to another state. Any licensee who is desirous of changing his residence to another state or territory shall, upon application to the department of agriculture and payment of the legal fee, receive a certified statement that he is a duly licensed practitioner in this state.

Sec. 173. Grounds for revocation of license. A license to practice shall be revoked or suspended by the district court in the county in which the licensee resides when the licensee is found guilty of any of the following acts or offenses:

1. Fraud in procuring the license.
2. Incompetency in the practice of the profession.
3. Immoral, unprofessional, or dishonorable conduct.
4. Habitual intoxication or addiction to the use of drugs.
5. Conviction of an offense involving turpitude.
6. Fraud in representations as to skill or ability.
7. Use of untutful or improbable statements in advertisements.
8. Distribution of alcohol or drugs for any other than legitimate purposes.
9. Wilful or repeated violations of this title, the title on "Public Health", or the rules of the department of agriculture.

Sec. 174. Revocation proceedings. All the provisions of sections _____ to _____, inclusive, relative to the revocation of licenses to practice certain professions, in so far as applicable, shall govern all proceedings for the revocation of licenses issued under this chapter. (The code editor shall fill in the preceding blanks with the proper references when the permanent code is prepared for publication.)

Sec. 175. Secretary to direct bringing of action. The secretary of agriculture shall direct the attorney general to bring the necessary proceedings against any licensee for the revocation or suspension of his license upon his own motion or he may give such direction upon the sworn information of any resident of the state.

Sec. 176. Duty of attorney general and county attorney. The attorney general shall comply with such direction of the secretary of agriculture and prosecute such action on behalf of the state, but the county attorney, at the request of the attorney general, shall appear and prosecute such action when brought in his county.

Sec. 178. Forgeries in procuring licenses. Any person who shall file or attempt to file with the department of agriculture any false or forged diploma, or certificate or affidavit of identification or qualification, shall be guilty of forgery and punished accordingly.

Sec. 179. Fraud in procuring license - penalty. Any person who shall present to the department of agriculture a diploma or certificate of which he is not the rightful owner, for the purpose of procuring a license, or who shall falsely personate anyone to whom a license has been granted by said department, shall be punished as provided in the following section.

Sec. 180. Penalty. Any person who violates any provision of this chapter shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00), or imprisoned in the county jail for a period of not exceeding thirty (30) days for each offense.

Sec. 181. Enforcement. The department of agriculture shall enforce the provisions of this chapter and for that purpose shall make necessary investigations relative thereto. Every licensee and member of the examining board shall furnish said department such evidence as he may have relative to any alleged violation which is being investigated.

Sec. 182. Duty of county attorney. The county attorney of the county in which any violation of this chapter occurs shall conduct the necessary prosecution for such violation.

Approved March 5, 1924.

CHAPTER 47

HOTELS, RESTAURANTS, AND FOOD ESTABLISHMENTS

H. F. 69

AN ACT to amend, revise, and codify chapter thirteen (13) of title five (5), and chapters five (5) and six (6) of title seven (7) of the compiled code of Iowa, and chapter thirteen-a (13-a), of title five (5) of the supplement to the compiled code of Iowa, relating to hotels, restaurants, food establishments, and cold storage plants.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter thirteen (13) of title five (5), and chapters five (5) and six (6) of title seven (7) of the compiled Code of Iowa, and chapter thirteen-a (13-a), of title five (5) of the supplement to the compiled Code of Iowa, are amended, revised, and codified to read as follows:

CHAPTER 9

HOTELS, RESTAURANTS, AND FOOD ESTABLISHMENTS

Section 1. Definitions. For the purpose of this chapter:

1. "Hotel" shall mean any building or structure equipped, used, advertised as, or held out to the public to be an inn, hotel, or public lodging house or place where sleeping accommodations are furnished transient guests for hire, whether with or without meals.
2. "Guest room" shall mean office, parlor, dining room, kitchen, and sleeping apartment of a hotel, whether for transient or permanent guests.
3. "Sleeping apartment" shall mean bedroom or other sleeping quarters in a hotel.
4. "Restaurant" shall mean any building or structure equipped, used, advertised as, or held out to the public to be a restaurant, cafe, cafeteria, dining hall, lunch counter, lunch wagon, or other like place where food is served for pay, except hotels and such places as are used by churches, fraternal societies, and civic organizations which do not regularly engage in the serving of food as a business.
5. "Food" shall include any article used by man for food, drink, confectionary, or condiment, or which enters into the composition of the same, whether simple, blended, mixed, or compound.
6. "Food establishment" shall include any building, room, basement, or other place used as a bakery, confectionery, cannery, packinghouse, slaughterhouse, dairy, creamery, cheese factory, restaurant or hotel kitchen, retail grocery, meat market, or other place in which food is kept, produced, or distributed for commercial purposes.

7. "Slaughterhouse" shall mean a food establishment in which animals or poultry are killed or dressed for food.

LICENSES

Sec. 2. License required - expiration - transferable. No person shall maintain or conduct a hotel, restaurant, bakery, candy factory, ice cream factory, bottling works, canning factory, slaughterhouse, meat market, or place where fresh meats are sold at retail until he shall obtain a license from the department of agriculture. Each license shall expire one (1) year from the date of issuance except a hotel or restaurant license which shall expire on the last day of December following the date of issuance. A hotel license shall be transferable upon the payment of a fee of one dollar (\$1.00) to the department, but no other license shall be transferable.

Sec. 3. Application for license. Every application for a license under this chapter shall be made upon a blank furnished by the department and shall contain the items required by it as to ownership, management, location, buildings, equipment, rates, and other data concerning the business for which a license is desired. An application for a license to operate an existing business shall be made at least thirty (30) days before the expiration of the existing license.

Sec. 4. Operation without license. After application has been made for a license, accompanied by the legal fee, as provided in this chapter, the applicant may operate his business without a license until his application has been denied.

Sec. 5. License fees. The department shall collect the following fees for licenses:

1. For hotel containing fifteen (15) guest rooms or less, four dollars (\$4.00).
2. For a hotel containing more than fifteen (15) or less than thirty-one (31) guest rooms, six dollars (\$6.00).
3. For a hotel containing more than thirty (30) and less than seventy-six (76) guest rooms, eight dollars (\$8.00).
4. For a hotel containing more than seventy-five (75) and less than one hundred fifty (150) guest rooms, ten dollars (\$10.00).
5. For a Hotel containing one hundred fifty (150) or more guest rooms, fifteen dollars (\$15.00).
6. For a restaurant, candy factory, ice cream factory, bottling works, bakery, canning factory, slaughterhouse, meat market, or place where fresh meats are sold at retail, three dollars (\$3.00).

Sec. 6. Revocation of license. Any license issued under this chapter may be revoked by the department for violation by the licensee of any provision of this chapter or any rules of the department.

SANITARY CONSTRUCTION

Sec. 7. Plumbing in buildings connected with sewers. Every hotel, restaurant, or food establishment located in a city or town having a sewage system, shall be constructed and drained according to an approved sanitary system and maintained in a sanitary condition free from any gas or offensive odors arising from any sewer, drain, privy, or other source within the control of the owner or person in charge.

Sec. 8. Plumbing in buildings not connected with sewers. Every hotel, restaurant, or food establishment located in a city or town not having a sewage system shall be constructed and drained in the same manner and the drain shall be connected with an approved cesspool. Such cesspools shall be cleaned and disinfected as often as necessary to maintain them in an approved sanitary condition.

Sec. 9. Certain restaurants exempted. The two preceding sections shall not apply to restaurants temporary in character and location.

Sec. 10. Floors. The floors in every food establishment shall be made of some suitable nonabsorbent and impervious material, approved by the department, which can be flushed and washed clean with water. All new slaughterhouses shall be constructed with cement, vitrified brick, or tile, or other impervious material floors and killing beds.

Sec. 11. Interior finish. The side walls and ceilings of every bakery, confectionary, creamery, cheese factory, slaughterhouse, and restaurant or hotel kitchen, shall be made of some suitable material approved by the department, and shall be either oil painted so that they can be washed clean, or they shall be kept well lime-washed.

Sec. 12. Screens. The doors, windows, and other openings of every hotel, restaurant, and food establishment during the fly season shall be fitted with self-closing screen doors and wire window screens of not coarser than fourteen (14) mesh wire gauze.

Sec. 13. Certain places exempted. The preceding section shall not apply to sheds used for husking corn, nor to warehouses or storerooms used for the storage, or handling of the finished product when sealed in original packages.

Sec. 14. Toilet rooms. Food establishments shall have convenient toilet rooms and urinals separate from other rooms with floors as prescribed for such establishments, with separate ventilating flues discharging into soil pipes, or on the outside of the building.

Sec. 15. Lavatories. The lavatories in food establishments shall be adjacent to toilet rooms and shall be supplied with soap, running water, and clean towels, and shall be maintained in a sanitary condition.

SANITATION IN CONDUCTING BUSINESS

Sec. 16. Lighting and ventilation. Every food establishment shall be properly lighted, ventilated, and conducted with strict regard to the influence of such conditions upon the food handled therein.

Sec. 17. Sanitary regulations. The following sanitary regulations shall be complied with in every hotel, restaurant, and food establishment:

1. The floors, walls, ceilings, woodwork, utensils, machinery, and other equipment, and all vehicles and equipment used in the transportation of food shall be kept in a thoroughly clean condition.

2. Food shall be at all times adequately protected from flies, dirt, and contamination from any source.

3. Dirt, refuse, and waste products subject to decomposition or fermentation shall be removed daily.

4. The clothing of all persons employed shall be kept clean, and those who handle food shall keep themselves clean and wash their hands and arms before beginning work and after visiting the toilet.

Sec. 18. Additional requirements for slaughterhouses. In addition to the requirements of the preceding section the following regulations shall also be complied with in the operation of slaughterhouses:

1. The building and yard shall be properly drained so as to prevent accumulations of water or mud.

2. The dressing room shall be supplied with pure and wholesome water.

3. In case a slaughterhouse is not in continuous use the refuse and waste products shall be removed within twenty-four (24) hours after each using.

4. No blood pit, dung pit, offal pit, or privy well shall be maintained upon the premises, and refuse and waste products shall be burned or buried.

5. The premises shall be kept free from maggots and foul odors.

6. Swine shall not be kept or fed within fifty (50) feet of the slaughterhouse.

7. Dead animals shall not be used for feeding purposes without first being thoroughly cooked.

8. Carcasses shall be covered with clean, white cloths before being transported, and shall be kept only in sanitary refrigerators or storage rooms.

Sec. 19. Common towel - paper towels. No roller or common towel shall be kept or used in the toilet room or wash room of any hotel, restaurant, or food establishment, but individual sanitary paper towels may be provided for use in said places.

Sec. 20. Common drinking cup. No common drinking cup shall be kept or used in any place or room in any hotel, restaurant, or food establishment.

Sec. 21. Tableware. No soiled or insanitary tableware, tablecloths, napkins, or other table linen, shall be used in any hotel or restaurant.

Sec. 22. Expecterating - cuspidors. No person shall expectorate within any food establishment except in cuspidors which shall be provided when necessary. Said cuspidors shall be emptied and thoroughly washed daily with some disinfectant solution, five (5) ounces of which shall be left in each cuspidor while in use.

Sec. 23. Use as living room. No person shall be allowed to use as a dwelling, or sleep in, any workroom of any bakeshop, kitchen, or dining room where food for commercial purposes, confectionery, creamery, ice cream factory, cheese factory, cream station, meat market, or any other place where, in the opinion of the department, food will be contaminated thereby.

Sec. 24. Employment of diseased persons. No person infected with any communicable disease as defined in chapter four (4) of the title on "Public Health" shall work in any food establishment nor shall any employer permit any such person to work at any such establishment.

Sec. 25. Street display of food. No person shall make any sidewalk or street display of any meat products; but other food products may be so displayed if they are inclosed in a show case or similar device which shall protect the same from flies, dust, or other contamination, and in such display the bottom of the display case shall be at least two (2) feet above the surface of the sidewalk.

Sec. 26. Polishing fruit. No person shall polish fruit or any other food product by any insanitary or unclean process.

SPECIAL SANITATION PROVISIONS IN RE HOTELS

Sec. 27. Bedding. Every bed, bunk, cot, or other sleeping place in a hotel shall be supplied with white cotton or linen under sheets, top sheets, and pillow slips. The sheets shall be ninety-six (96) inches in length and of sufficient width to completely cover the mattress and springs. The pillow slips and sheets after being used by any guest shall be washed and ironed, and a clean set furnished each succeeding guest. The other bedding shall be thoroughly aired and kept clean at all times. All mattresses, quilts, blankets, pillows, sheets, comforts, and other bedding which have become worn or insanitary so as to be unfit for use shall be condemned by the inspector, and shall not be again used after such condemnation.

Sec. 28. Extermination of vermin. Every room or article in any hotel which has become infested with bedbugs or other vermin shall be renovated until the same are exterminated.

Sec. 29. Towels. Individual towels shall be provided for the use of each guest in a hotel, so that two (2) or more guests will not be required to use the same towel.

Sec. 30. Ventilation of sleeping apartments. Every hotel shall be properly ventilated and each sleeping apartment shall be provided with at least one (1) window or ventilating skylight equal in area to at least one-eighth ($1/8$) of the floor space of the room, and the same shall open onto the outside of the building or court. No room the floor of which is three (3) feet below the average level of the ground shall be used as a sleeping apartment. Where storm windows are used the same shall be constructed so that proper ventilation may be had by the guest and hung in such a manner that they may be readily opened to insure safe exit in case of fire.

Sec. 31. Ventilation of sleeping apartments in new hotels. Every hotel hereafter constructed and every building remodeled for the purpose of use as a hotel, in addition to the requirements of the preceding section, shall have sufficient ventilation in the door or doorway of each sleeping apartment, or some equivalent improvement.

Sec. 32. Free use of locked toilets. When a hotel is equipped with locked sanitary toilets accessible to guests, they shall be furnished with slugs for admittance to the same without expense.

Sec. 33. Outside water-closets. Outside water-closets for guests of a hotel shall be properly screened from flies and separated for the use of males and females and shall be cleaned and disinfected as often as necessary to maintain them in an approved condition.

Sec. 34. List of rooms and rates to be posted. A complete list of rooms by number, together with the number of the floor and the rate per diem per person for each room, shall be kept continuously and conspicuously posted on the wall near the office in the lobby of every hotel in such a way as to be accessible to the public without request to the management. The rate per diem per person for each room shall also be posted in the same manner in the respective rooms. No greater charge than the one thus posted shall be made.

Sec. 35. Increase of rates. The rate posted under the preceding section shall not be increased until sixty (60) days' notice of the proposed increase has been given to the department.

FIRE PROTECTION IN HOTELS

Sec. 36. New hotels to be constructed with halls. Every new hotel constructed of three (3) or more stories in height shall be provided with a hall on each floor above the ground floor, extending from one (1) outside wall to another, and such hall shall be equipped at the end with fire escapes, as provided by law. But in hotels of approved fireproof construction the provisions with reference to the hall extending from one (1) outside wall to another may be modified, with the approval of the labor commissioner, when such buildings are equipped with class A fire escapes.

Sec. 37. Construction of inside courts and light wells. Every hotel, except those which are of approved fireproof construction, in which the sleeping apartments have no outside opening except into an inside court or light well which does not extend to the ground, shall have such court or light well supplied with a suitable runway, platform, or balcony, connecting the bottom of the court or light well with some easy way of egress to the fire escapes. Doors or windows interposed between said runway, platform, or balcony and the fire escapes shall not be fastened against exit.

Sec. 38. Special construction required in certain cases. If the roof or covering at the bottom of the court or light well may be easily destroyed by fire, the runway, platform, or balcony shall be attached to the walls of the court or light well in the manner required by the department.

Sec. 39. Exits from ground courts. When a court or light well extends to the ground it shall be provided with some suitable means for exit to the outside in case of fire.

Sec. 40. Rope fire escapes. Every hotel of more than one (1) story, except hotels which are of approved fireproof construction, in addition to other fire escapes required by law, shall have in each sleeping apartment, a manila rope at least five-eighths ($5/8$) of an inch in diameter and of sufficient length to reach the ground with knots or loops not more than fifteen (15) inches apart, and the same shall have sufficient tensile strength to sustain a weight of at least five hundred (500) pounds. Said rope shall be securely fastened to the building as near an outside window as practicable and shall not be covered by curtains or other obstructions but shall be kept coiled in plain sight at all times. In lieu of such rope some other appliance approved by the department may be provided.

Sec. 41. Fire escape signs. In every hotel there shall be posted at the entrance to each hall, elevator shaft, or stairway, or in each sleeping apartment above the ground floor signs printed in black ink on white background with type not less than one (1) inch in height stating the directions for reaching the fire escapes. There shall also be posted in each sleeping apartment a notice printed in large bold-face type calling attention and giving directions for the use of the rope fire escape or other appliance with which the room is equipped.

Sec. 42. Fire extinguishers. Every hotel shall be provided with at least one (1) efficient fire extinguisher on each floor for every twenty-five hundred (2500) feet of floor space, placed and maintained in the hallway outside the sleeping apartments and kept in condition for immediate use. In lieu of such extinguisher a standpipe may be provided in the hall which shall not be less than one and one-fourth ($1\ 1/4$) inches in diameter with hose always attached of sufficient length and supplied with the proper pressure of water to reach any and all parts of the interior of the building.

Sec. 43. Elevator shafts. Every hotel, except those of approved fire-proof construction which is equipped with an elevator shaft extending below the level of the first floor shall have the shaft enclosed, as nearly air tight as practicable, with iron or steel sheeting, wire glass, or other fireproof material. In lieu of such construction, the elevator shaft may be provided with an automatic floor trap at the first floor, which shall be constructed in the most approved manner for preventing the spread of fire.

INSPECTION

Sec. 44. Annual inspection. The department shall cause to be inspected at least once each calendar year, every hotel, restaurant, and food establishment in the state, and any inspector of said department may enter any such places at any reasonable hour to make such inspection. The management shall afford free access to every part of the premises and render all aid and assistance necessary to enable the inspector to make a thorough and complete examination.

Sec. 45. Inspection upon complaint. Upon receipt of a verified complaint, signed by any patron of any hotel, restaurant, or food establishment, stating facts showing such place to be in an insanitary condition, or that the fire escapes and appliances are not kept in accordance with law, the department shall cause an examination to be made. If the complaint is found to be justifiable, the actual expenses necessarily incurred in making such inspection shall be charged and collected from the person conducting such place; but if such complaint is found to be without reasonable grounds, the actual expense necessarily incurred in making such inspection shall be collected from the person or persons making the complaint.

Sec. 46. Report of violation of fire protection laws. After each inspection the department shall report all infringements of the fire protection laws and regulations to the proper state and local authorities, who shall take the necessary action to compel compliance with the same.

ENFORCEMENT

Sec. 47. Penalty. Any person who shall violate any provision of this chapter shall be fined not exceeding one hundred dollars (\$100.00) or imprisoned in the county jail not exceeding thirty (30) days.

Sec. 48. Injunction. Any person conducting a hotel, restaurant, or food establishment, in violation of any provision of this chapter, may be restrained by injunction from operating such place of business. No injunction shall issue until after the defendant has had at least five (5) days' notice of the application therefor, and the time fixed for hearing thereon.

Sec. 49. Duty of county attorney. The county attorney in each county shall assist in the enforcement of the provisions of this chapter.

CHAPTER 10,

COLD STORAGE

Sec. 50. Definitions and rules of construction. For the purposes of this chapter:

1. "Food" shall include any article used by man for food, drink, confectionery, or condiment, or which enters into the composition of the same, whether simple, blended, mixed, or compound.

2. "Cold storage plant" shall mean a place artificially cooled to a temperature of forty degrees (40°) Fahrenheit or below, in which food is kept, but it shall not include a like place in a private home, hotel, or restaurant, or a refrigerator car.

3. "Cold stored" shall mean the keeping of articles of food in a cold storage plant or plants for a period exceeding thirty (30) days, and food which has been so kept shall be deemed to be cold storage food, but this paragraph shall not be construed as applying to meat or meat products in the process of manufacture.

Sec. 51. License required. Every person engaged in the business of operating a cold storage plant and who charges a fee for the service rendered shall obtain a license from the department for each establishment at which said business is conducted. Applications for such licenses shall be made upon blanks furnished by the department and shall conform to the prescribed rules of the department.

Sec. 52. Examination of plant. Before issuing a license to operate a cold storage plant the department shall make an examination of the proposed plant to ascertain if the proper sanitary conditions and equipment have been provided.

Sec. 53. License fee - expiration of license. The license fee shall be twenty-five dollars (\$25.00) per annum. and all licenses shall expire on December thirty-first following the date of issue.

Sec. 54. Receipt and withdrawal of food - records. Every licensee shall keep an accurate record of the receipt and the withdrawal of all food which is cold stored, and said record shall be open to inspection by the department at all reasonable times.

Sec. 55. Reports by licensee. Every licensee shall quarterly, or at such times as may be required by the department, report upon blanks furnished by the department in itemized particulars the quantity of food which is being cold stored in his plant. Quarterly reports shall be filed not later than the sixth day of January, April, July, and October of each year, and the reports so rendered shall show the conditions existing on the first day of the month in which the report is filed.

Sec. 56. Storing of impure food prohibited. No article of food shall be cold stored unless it is in a proper condition for storage and meets all the requirements of the pure food and food sanitation laws, and such rules as may be established by the department for the sanitary preparation of food products which are to be cold stored.

Sec. 57. Sanitary conditions - revocation of license. Every cold storage plant shall be maintained in a sanitary condition and conducted with strict regard to the influence of such condition upon the food handled therein. If any licensee under this chapter fails to comply with this section the department shall revoke his license.

Sec. 58. Marking food not intended for human consumption. Every article of food not intended for human consumption, before being placed in a cold storage plant shall be so marked by the owner in accordance with the rules established by the department.

Sec. 59. Date of deposit and withdrawal to be marked. Each article of food when deposited in a cold storage plant shall have marked upon the package, container, or article the date of deposit, and when removed said article shall be marked in like manner with the date of removal. Said markings shall be in accordance with the rules established by the department.

Sec. 60. Period for storage. No person shall keep in a cold storage plant any article of food for a longer period than twelve (12) calendar months, except with the consent of the department.

Sec. 61. Application for extension of period - order. Upon application the department shall grant permission to extend the period of storage beyond twelve (12) months for a particular consignment of goods, if the goods in question are found upon examination to be in proper condition for further storage at the end of twelve (12) months. The length of time for which further storage is allowed shall be specified in the order granting such permission.

Sec. 62. Report of extensions of storage period. A report on each case in which such extension of storage is permitted, including the reason for such action, the kind and the amount of goods for which the storage period was extended, and the length of time for which the continuance was granted, shall be included in the annual report of the department.

Sec. 63. Notice of sale of cold storage goods. No person shall represent or advertise as fresh goods articles of food which have ^{once} been cold stored, and every person who sells or offers or exposes for sale, uncooked articles of cold storage food shall display at all times in a conspicuous place a placard with only the words "Cold Storage Goods Sold Here" printed in black Roman letters not less than three (3) inches high and two (2) inches wide upon a white card, fifteen (15) by twenty-five (25) inches in dimensions.

Sec. 64. Return of goods to cold storage prohibited. No articles of food which has been cold stored and placed on the market for sale to consumers, shall again be placed in a cold storage plant but transfers of goods from one cold storage plant to another may be made if not for the purpose of evading the provisions of this chapter. The operator of a cold storage plant shall label all goods with the date when stored, which date shall not be removed when goods are removed, and in determining whether goods are "cold stored" the time same have been stored in different plants shall be added together and the aggregate shall be the time stored and shall be so marked when sold.

Sec. 65. Penalties. Any person violating any of the provisions of this chapter shall be punished for the first offense by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00), and for the second offense by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

Approved April 16, 1924.

CHAPTER 48

ESTRAYS AND TRESPASSING ANIMALS

H. F. 71

AN ACT to amend, revise, and codify chapter twenty-two (22) of title eight (8) and sections thirty-one hundred forty-two (3142) and thirty-one hundred forty-three (3143) of the compiled code of Iowa, and sections thirty-one hundred thirty-nine-a one (3139-a1) to thirty-one hundred thirty-nine-a three (3139-a3), inclusive, thirty-one hundred thirty-nine-a three-a (3139-a3a), thirty-one hundred thirty-nine-a four (3139-a4) to thirty-one hundred thirty-nine-a four-teen (3139-a14), inclusive, and thirty-one hundred forty (3140) of the supplement to said code, relating to neglected, disabled, and abandoned animals, animals running at large, estrays, dogs and the responsibility therefor, the licensing of dogs, the rights and duties resulting from such licensing or failure to license, and the payment of claims for damages done by dogs and wolves.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter twenty-two (22) of title eight (8) and sections thirty-one hundred forty-two (3142) and thirty-one hundred forty-three (3143) of the compiled Code of Iowa, and sections thirty-one hundred thirty-nine-a one (3139-a1) to thirty-one hundred thirty-nine-a three (3139-a3), inclusive, thirty-one hundred thirty-nine-a three-a (3139-a3a), thirty-one hundred thirty-nine-a four (3139-a4) to thirty-one hundred thirty-nine-a fourteen (3139-a14), inclusive, and thirty-one hundred forty (3140) of the supplement to said Code are amended, revised, and codified to read as follows:

CHAPTER ____.

ESTRAYS AND TRESPASSING ANIMALS

Section 1. Definition of terms. As used in this chapter:

1. "Owner" when used with reference to animals, means any person in possession or entitled to the present possession thereof, or having care or charge of them, or holding the legal title to them.
2. "Owner" when used with reference to lands, means the person having title thereto, or the lessee or occupant thereof.
3. "Animal" or "animals" when used in this chapter shall include and embrace horses, cattle, swine, sheep, goats, mules and asses.
4. "Estray" shall mean any animal unlawfully running at large, the ownership of which cannot, with reasonable inquiry in the neighborhood, be ascertained, or any animal which has been abandoned by its owner.
5. "Trespassing animals" means those unlawfully upon land, or running at large contrary to law or police regulations.

Sec. 2. Restraint of animals. - All animals shall be restrained by the owners thereof from running at large.

Sec. 3. Trespass on lawfully fenced land. Any animal trespassing upon land, fenced as provided by law, may be distrained by the owner of such land, and held for all damages done thereon by it, unless it escaped from adjoining land in consequence of the neglect of such land owner to maintain his part of a lawful partition fence.

Sec. 4. Neglect to maintain partition fence. The owner of the land from which such animal escaped shall also be liable for such damages if it escaped therefrom in consequence of his neglect to maintain his part of a lawful partition fence, or if the trespassing animal was not lawfully upon his land, and he had knowledge thereof.

Sec. 5. Trespass on unfenced land. If there be no lawful partition fence, and the line thereof has not been assigned either by the fence viewers or by agreement of the parties, any animal trespassing across such partition line shall not be distrained, nor shall there be any liability therefor.

Sec. 6. Trespass on highway. * Animals which are unlawfully running at large on the highway may be distrained by the owner of the adjoining land and held for damages done by them and for the costs provided in this chapter.

Sec. 7. Animals under control. No animal shall be considered as running at large so long as it is under the reasonable care and control of the owner upon the public road for driving or travel thereon.

Sec. 8. Action in lieu of distraint. Instead of distraining trespassing animals, the injured person may recover all damages caused thereby in an action against the owner thereof, and may join therein the owner of the land from which it escaped, if he is liable therefor, and all or any of the different owners of the animals who have not paid their proportion of the damages or costs.

Sec. 9. Action when stock is released or has escaped. If distrained animals escape or are released without the consent of the distraining party, he may recover his damages as above provided, with costs, and the costs of distraint made prior to such escape or release.

Sec. 10. Release on payment of ratable share. If there is more than one (1) owner of distrained animals, each may pay his ratable share of the damages and costs, and release his animals.

Sec. 11. Procedure on distraint. The person distraining animals shall, within twenty-four (24) hours after such distraint, Sunday not included, notify the owner of the animals of such distraint and of the actual amount of damages and costs caused by such animals. If the said owner fails to satisfy such damages and costs within twenty-four (24) hours after such notification, the person distraining shall immediately notify the township trustees and demand that they appear upon the premises where the damages occurred and assess the damages. The trustees shall immediately fix a time for the assessment of such damages and notify the owner of the animal accordingly.

Sec. 14. Appointee in lieu of trustee. If for any reason one (1) or more trustees shall be unable to act, the trustees present shall appoint one (1) or more disinterested citizens in place of such trustees.

Sec. 15. Tender of damages and costs. The owner of the animals may tender to the person suffering damage an amount less than that demanded by claimant, as damages and costs, and if such tender be refused, and the final assessment of damages be no more than such tender, then all costs, and compensation for keeping the animals accruing after such tender, shall be paid by the person distraining the animals.

Sec. 16. Assessment of damages. The trustee, or a majority thereof, shall meet on the premises where the damages occurred at the time fixed and assess the damages and costs and file their written report with the township clerk, who shall record the same. Said assessment shall be final unless appealed from.

Sec. 17. Failure to pay damages - notice of sale. If the owner of the distrained animals neglects for two (2) days after such assessment to pay the amount thereof, the township clerk shall at once post up in three (3) conspicuous places in the township a notice of the time and place at which he will sell said animals, describing them. The place of sale shall be at the place of distraint. The sale shall be between the hours of one (1) and three (3) o'clock p.m. and on a day of not less than five (5) nor more than ten (10) days after the posting.

Sec. 18. Sale. The clerk shall, at the time and place named in said notice, sell the animals at public sale to the highest bidder for cash, but only such number of animals shall be sold as is necessary to satisfy the damages and costs. Animals unsold shall be at once returned to the owner, and also the surplus remaining, if any, out of any sold.

Should the owner of the surplus be unknown the same shall be paid to the county treasurer, who shall give duplicate receipts therefor, one of which shall be filed with the county auditor. The owner of said animal, on filing a claim therefor within twelve (12) months after payment to the treasurer, shall be entitled to receive said surplus from the county.

Sec. 19. Appeal - time - bond - amount. Any person aggrieved by the assessment made by the trustees may appeal to the district court by filing with the township clerk, within four (4) days after the report of the trustees is filed with such clerk, an appeal bond with sureties to be approved by said clerk and conditioned to pay all damages and costs.

Sec. 20. Appeal bonds - amount. Appeal bonds shall be in the following amounts:

1. When the appeal is taken by the person distraining the animals, twice the value of the animals, as fixed by the clerk.
2. When the appeal is taken by the owner of the distrained animals, twice the value of the animals, so fixed, or twice the amount of damages and costs in those cases where the value of the animals exceeds the amount of the damages claimed.

Sec. 21. Appeal by claimant.- effect - avoidance. When an appeal is thus taken by the person distraining such animals the animals shall be held for the satisfaction of such judgment as may be rendered on appeal, except as provided in the next section.

Sec. 22. Release pending appeal. The owner of said animals may secure the release of the same at any time before judgment by filing with the township clerk before the appeal is certified, or with the clerk of the district court thereafter, a bond with sufficient sureties to be approved by the clerk with whom filed, conditioned to pay all damages and costs recovered in said cause on appeal. The clerk receiving such bond shall file the same, and forthwith certify the fact to the person having charge of the distrained animals, who shall thereupon release the same to the owner.

Sec. 23. Appeal by owner - effect. Where the owner appeals and files a bond, as herein provided, it shall operate as a supersedeas, and the distrained animals shall be released to him.

Sec. 24. Transcript - clerk to file. Within five (5) days after the taking of the appeal, the township clerk shall make out a certified transcript of the record of the finding of the trustees, and file the same, together with the notice of appeal, if in writing, and the bond, with the clerk of the district court.

Sec. 25. Escape or release - recapture. If any distrained animal escape, or is unlawfully released, the injured person may recapture the same. If the recapture is effected before the day of sale as already fixed in the notice, the sale shall proceed under such notice. If the recapture is effected after the day of sale has passed, the township clerk shall issue new notices of sale and proceed anew.

Sec. 26. Unlawful release. Any person who releases any animal, distrained as provided in this chapter, without the consent of the person distraining the same, shall be guilty of a misdemeanor.

Sec. 28. Taking up estray. Any resident of a county may take up an estray when the same is on his premises. He may also take up an estray which is upon the premises of any other person when such other person had knowledge that such estray was on his premises and fails for five (5) days to take up such estray.

Sec. 29. Procedure on taking up estray. A person taking up an estray shall, within five (5) days thereafter, post up, for ten (10) days, a written notice in three (3) of the most public places in the township, which notice shall be signed by him and shall embrace:

1. A full description of said animal.
2. The time and place of taking up such estray.

Sec. 30. Proof of service. Immediately after the expiration of said ten (10) days of posting, the person taking up the estray shall, unless such estray has been previously claimed by the owner, file with a justice of the peace in the township in which the estray was taken up, or, in case there is no justice in the township, then with the next nearest justice in the county, his affidavit which shall show:

1. The time and place of taking up such estray.
2. The time and places of posting said notice, together with a copy of said notice.
3. That said animal remains unclaimed.
4. Whether the marks or brands of said animal have been altered to his knowledge, either before or after the same was taken up.

Sec. 31. Justice to record return. The justice shall record such return in his docket and at once forward the same to the county auditor, together with the fees due to such auditor to enable him to perform his duty.

Sec. 32. Record and posting by county auditor. The county auditor shall record the affidavit in the estray book in his office and cause a copy thereof to be posted at the door of the courthouse.

Sec. 33. Publication. The auditor shall cause the affidavit to be published once each week for three (3) weeks in some newspaper in the county.

Sec. 34. Fees and expenses. The person taking up an estray shall pay to the justice of the peace, with whom the affidavit is filed, the legal fees due the said justice, and the legal fees due to the county auditor for entering said affidavit in the estray book, and posting and publishing the same, which amounts, together with the compensation provided by law, shall be refunded to the person taking up such estray by the owner thereof in case the animal is restored to the owner.

Sec. 35. Two or more estrays - procedure. If two (2) or more estrays are taken up at the same time by the same person, they shall be included in one (1) notice and affidavit and but one (1) fee shall be paid therefor, and if fewer than the whole number of animals thus included are restored to the owner, a proportionate amount of such fees and expenses shall be refunded.

Sec. 36. Property vests when. If the estray be not claimed by the owner within six (6) months from the time it is taken up, the property therein shall vest in the taker-up, if he has complied with the provisions of this chapter.

Sec. 37. Recovery by owner. At any time before the property in the estray vests in the person who has taken it up, the owner shall be entitled to recover possession of it on paying to the person who has taken it up:

1. The compensation to which he is entitled by law.
2. The fees and expenses which the taker-up has paid in advance.
3. Any reward which has been offered by the owner.
4. A reasonable allowance for the expenses of keeping such estray, taking into account the use which the person taking up has had of it, which latter allowance shall be made by the court before whom a proceeding to recover the animal shall be brought in the event the owner and the taker-up cannot agree with reference thereto.

Sec. 38. Former owner - rights after vesting of title. At any time within six (6) months after the property in an estray has vested in the taker-up, the former owner shall be entitled to receive from the taker-up, on demand, the value of the estray, not including any increased value which has accrued since it was taken up, after deducting therefrom the compensation, reward, fees, and expenses referred to in the preceding section; or the taker-up may, at his option, elect to surrender the estray, if still in his possession, in which case the owner must pay such compensation, reward, fees, and expenses.

Sec. 39. Lawful use of estray. Any person legally taking up an estray may use or work it, if he does so with care and moderation, and does not abuse or injure it. Estrays adapted thereto may be milked by the taker-up.

Sec. 40. Unlawful use of estray. Any person who unlawfully takes up any estray, or takes up any estray and fails to comply with any of the provisions of this chapter, or uses or works it in any manner contrary to this chapter, or works it before having it appraised, or keeps it out of the county for more than five (5) days at any one (1) time before he acquires a title to it, shall be liable to the owner of the estray for double the amount of any injury to the estray.

Sec. 41. Escape or death of estray - nonliability of taker-up. If any estray, legally taken up, escape from the finder or die without any fault on his part, he shall not be liable for the loss.

Sec. 42. Penalty against finder. If any person shall sell, trade, or take out of the state any estray before the legal title shall have vested in him, he shall forfeit to the owner double its value, and shall also be guilty of a misdemeanor.

Sec. 43. Transfer of estrays. The personal representatives of a taker-up shall succeed to all the rights of such taker-up. The county auditor may authorize the taker-up or his personal representative to transfer an estray to another person who shall take the place of his predecessor.

Sec. 44. Sale of estrays. When an estray has damaged property and is taken up by the owner of such property, such owner, instead of proceeding against said animal as an estray as hereinbefore provided, may proceed against it as provided for the distraint and sale of animals, the ownership of which is known.

Sec. 45. Notice. In cases contemplated by the last preceding section, a notice of the taking up and the amount of the claim for damages shall be served on the unknown owner by two (2) publications of a notice in at least two (2) of the official newspapers of the county, which notice shall:

1. Be signed by the taker-up, with his postoffice address.
2. Be addressed to the unknown owner.
3. Contain a full description of the animal, including all marks or brands thereon.
4. Specify the time and place of the taking up, and the amount of damages and costs claimed.
5. Notify the unknown owner that unless he appears within six (6) months and pays said damages and all legal costs, said taker-up will apply to the township clerk for an assessment of damages caused by said animal and costs, and will take proceedings for the sale of such animal for the payment thereof.

Sec. 46. Assessment of damages and costs. At any time after six (6) months from the date of the last publication, or at any time after the owner appears and fails to pay said damages and costs, the taker-up may apply to the township clerk for an assessment of his damages and costs, and all subsequent proceedings shall be as provided in case of distraint of animals, the ownership of which is known. The legal fees for publishing said notice shall be included in the assessment of costs.

Sec. 47. Owner discovered. Should the taker-up mentioned in the preceding section discover the owner of said animal prior to the expiration of said six (6) months, he shall immediately serve written notice upon such owner of the taking up of said animal and of the amount of his said claim, and unless the owner discharges said claim within twenty-four (24) hours such taker-up shall proceed in the same manner as provided in case of the distraint of animals the ownership of which is known.

Sec. 48. Penalty against officer. Any officer who fails to perform the duties enjoined upon him in this chapter in relation to estrays, shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00).

Sec. 49. Bond to release. Before any property held under this chapter is sold under distraint, or before the title to an stray vests in the taker-up, it may be released at once upon the owner giving to the distrainer or taker-up a bond, with sureties, to be approved by the township clerk, justice of the peace or county auditor, before whom the matter is then pending, conditioned to pay to the holder of the property, within twenty (20) days after such approval, all costs, damages and compensation to which he is entitled. In case the obligee in said bond is compelled to begin action on such bond, the court may tax a reasonable attorney's fee in favor of such obligee.

Sec. 50. Compensation and fees. The compensation for services under this chapter shall be as follows:

1. For distraining all animals except as otherwise provided, fifty cents (50c) for each head not exceeding two (2), and twenty-five cents (25c) for each additional head taken on one (1) distraint.
2. For distraining each stallion, jack, bull, boar or buck, one dollar (\$1.00).
4. For keeping, horses, cattle, mules and asses, fifty cents (50c) a day, from the time the same is taken up.
5. For keeping any other animals, twenty-five cents (25c) a day from the time the same is taken up.
6. For posting notices and selling animals, the same fees as are allowed constables for like services upon execution.
7. For taking up as an stray one (1) head, fifty cents (50c), and twenty-five cents (25c) for each additional head at one (1) time.
8. To the justice of the peace, for all services in each case of taking up estrays, fifty cents (50c).
10. To the county auditor, for all services in each case of estrays, including posting and publishing notice, but not including the fee of the printer, fifty cents (50c).
11. To the township clerk, for posting notices, twenty-five cents (25c), and services not otherwise provided for, the same fees as are allowed in assessing damages done by trespassing animals, with ten cents (10c) mileage each way.
12. To the township clerk, ten cents (10c) per each hundred (100) words entered of record, the same fees for a copy thereof, and in addition twenty-five cents (25c) for his certificate thereto, and fifty cents (50c) for filing and approving any bond.

Sec. 51. Neglected animals. Any person may take charge of any animal when the owner fails to properly take care and provide for it, and may furnish the same with proper care, either on his own premises or on the premises of the owner, and shall have a lien on the animal for the same, and the reasonable value of such care may be collected by him from the said owner.

Sec. 52. Disabled animals killed. The sheriff, constable, police officer, officer of any society for the prevention of cruelty to animals, or any magistrate shall destroy any stray animal disabled and unfit for further use.

CHAPTER
DOGS AND LICENSING THEREOF

Sec. 53. Annual license for dogs. The owners of all dogs three (3) months old or over, except dogs kept in kennels and not allowed to run at large, shall annually obtain license therefor, as herein provided.

Sec. 54. "Owner" defined. The term "owner" shall, in addition to its ordinary meaning, include any person who keeps or harbors a dog.

Sec. 55. Application by owner. The owner of a dog for which a license is required shall, on or before the fifteenth day of January of each year, apply to the auditor of the county in which he resides for a license for each dog owned by him.

Sec. 56. Subsequent application. Such application for license may be made after January fifteenth (15) and at any time for a dog which has come into the possession or ownership of the applicant, or which has reached the age of three (3) months after said date.

Sec. 57. Form of application. Such application shall be in writing on blanks provided by the county auditor and shall state the breed, sex, age, color, markings, and name, if any, of the dog, and address of the owner and be signed by him.

Sec. 58. License fee. The annual license fee shall be one dollar (\$1.00) for each male, and three dollars (3.00) for each female dog. Should it appear that said fees will not produce sufficient funds to pay the claims on the domestic animal fund, the board of supervisors shall have power, except as to dogs owned in cities and towns which exact a license fee on dogs, to increase the said fees to a sum not exceeding three dollars (\$3.00) for each male, and not exceeding five dollars (\$5.00) for each female dog. A spayed female dog shall be deemed a male. Said fee shall be sent with the application.

Sec. 60. License tag. The county auditor shall, upon receipt of said application, deliver or mail to the applicant a license which shall be in the form of a metal tag stamped as follows:

1. The year in which issued.
2. Name of county issuing it.
3. Serial number as shown by the record book in the office of the county auditor.

Sec. 61. Use of tag. Said tag shall be attached by the owner to a substantial collar and, during the term of the license, shall be at all times kept on the dog for which the license is issued. Upon the expiration of the license the owner shall remove said tag from the dog.

Sec. 62. Duration of license. All licenses shall expire on January fifteenth (15th) of the year following the date of issuance.

Sec. 63. Transfer on change of ownership. When the permanent ownership of a dog is transferred, the license may be transferred by the auditor by notation on the license record, giving the name and address of the new owner.

Sec. 64. Transfer on change of residence. When a dog licensed in one county is permanently transferred to another county, the owner shall surrender the original license tag to the auditor of the county to which the dog is removed. The auditor shall preserve the surrendered tag, and, without license fee, issue a new license tag. The auditor shall note on the license record the fact that the newly issued license tag is issued to effect a transfer of, and is in lieu of, such surrendered license tag.

Sec. 65. Fee on transfer. The auditor, on making any transfer, shall collect a fee of twenty-five (25) cents.

Sec. 66. Tag not transferable. A license tag issued for one dog shall not be transferable to another dog.

Sec. 67. Duplicate license tag. Upon the filing of an affidavit that the license tag has been lost or destroyed, the owner may obtain another tag on the payment of twenty-five (25) cents. The auditor shall enter in the license record the new number assigned.

Sec. 68. Assessors to list dogs. Each assessor shall, at the time of listing property for assessment, list and return to the county auditor the names of all persons who own or harbor dogs, and indicate on such list whether the dogs be male, female, or spayed, and the number thereof. For such service the assessor shall receive, from the domestic animal fund, and in addition to any and all other fees or compensation allowed to him by law, the sum of ten (10) cents for each dog reported, which fee shall be paid in full when return is made.

Sec. 69. Delinquency. All license fees shall become delinquent on the first day of June of the year in which they are due and payable and a penalty of one dollar (\$1.00) shall be added to each unpaid license on and after said date.

Sec. 70. Publication. The county auditor shall, between the first and the twentieth day of May, cause to be published, once in each of the official papers of the county, a list of the names of all owners of unlicensed dogs as shown by a comparison of his license record and the assessors' returns, or as otherwise known by him.

Said publication shall notify each owner that he may appear before the auditor on or before May thirty-first (31) following, and, by affidavit show cause why the license fee, penalty, and costs should not be assessed against him as a tax, and no exemption from such taxation shall be granted by the auditor except on the affidavit of such owner, filed and preserved by the auditor.

Sec. 71. Cost of publication. The cost of publishing the list of delinquent owners shall be paid in full from the domestic animal fund, upon the filing of proper proofs.

Sec. 72. Penalties and costs. If the license is paid upon any dog after publication and before June first (1) there shall be collected in addition to the license fee the costs of publication. If such license is collected on or after June first (1), in addition to the license fee the auditor or treasurer shall collect a penalty of one dollar (\$1.00) and costs of publication.

Sec. 73. Certification of list. Immediately following said May thirty-first (31st), the auditor shall, except as to persons to whom he has granted exemption, certify to the county treasurer:

1. The name of the owner of each unlicensed dog.
2. The number of dogs so owned by said person and the sex thereof.
3. The amount of the unpaid license fee, plus a penalty of one dollar (\$1.00) for each dog, and a prorata part of the cost of publication.

Sec. 74. Entry of tax. On receipt of said certificate, the treasurer shall at once enter, as a tax, against each person the amount therein indicated as owing by him, and said tax shall be attended with the same consequences, and be collected in the same manner, as ordinary taxes.

Sec. 75. Penalties. The violation of any of the foregoing provisions of this chapter, or the removal of a license tag from a dog prior to the expiration of the license, by any person who is not the owner thereof or the agent of such owner, shall be punished by a fine of not exceeding fifty dollars (\$50.00), or by imprisonment not exceeding thirty (30) days.

Sec. 76. Duty to account. The auditor shall make prompt payment to the county treasurer of all funds received hereunder. The treasurer shall keep said funds, together with all tax collections as herein provided, as the domestic animal fund.

Sec. 77. Record book. The county auditor shall keep a book to be known as the record of license which shall show:

1. The serial number and date of each application for a license.
2. The description of dog as specified in the application, together with the name of the owner of said dog.
3. The date when each license tag is issued and the serial number of such tag.
4. The amount of all fees, licenses, penalties, and costs paid to him.
5. Such other data as the law may require.

Sec. 78. Forms. All forms for blanks and tags, including proper columns in the assessor's books in which to note the ownership of dogs, shall be prepared by the auditor. All such blanks and tags shall be furnished by the county.

Sec. 79. Taxation of dogs - municipal license. Dogs kept in kennels and not allowed to run at large shall be taxed as personal property. Dogs licensed as herein provided shall not be so taxed. Cities and towns may license dogs in addition to the license herein required.

Sec. 80. Dog as property. All dogs under three (3) months of age, and all dogs over said age and wearing a collar with a valid license tag attached thereto, shall be deemed property. Dogs not so provided with license tag shall not be deemed property.

Sec. 81. Right and duty to kill unlicensed dog. It shall be lawful for any person, and the duty of all peace officers within their respective jurisdictions, to kill any dog for which a license is required, when such dog is not wearing a collar with license tag attached as herein provided.

Sec. 82. Right to kill licensed dog. It shall be lawful for any person to kill a dog, licensed and wearing a collar with license tag attached, when such dog is caught in the act of worrying, chasing, mauling, or killing any domestic animal or fowl, or when such dog is attacking or attempting to bite a person.

Sec. 83. Liability for damages. The owner of any dog, whether licensed or unlicensed, shall be liable to the party injured for all damages done by said dog, except when the party damaged is doing an unlawful act, directly contributing to said injury. This section shall not apply to any damage done by a dog affected with hydrophobia unless the owner of such dog had reasonable grounds to know that such dog was afflicted with such malady, and by reasonable effort might have prevented the injury.

Sec. 84. Construction clause. A holding that one or more sections hereof are unconstitutional shall not be held to invalidate the remaining sections.

CHAPTER _____

DOMESTIC ANIMAL FUND

Sec. 85. Claims. Any person damaged by the killing or injury of any domestic animal or fowl by wolves, or by dogs not owned by said person, may, within ten (10) days from the time he or his agent has knowledge of such killing or injury, file, with the county auditor of the county in which such killing or injury occurred, a claim for such damage.

Sec. 86. Forms of claims. Claims aforesaid shall state the amount of damages, a detailed statement of the facts attending the killing or injury and be verified by affidavit of at least two (2) disinterested persons not related to claimant.

Sec. 87. Allowance of claims. The board shall act on such claims within a reasonable time, and allow such part thereof as it may deem just. When a claim is allowed, the value of each animal or fowl killed or injured shall be entered of record.

Sec. 88. Warrants and payment. Warrants for allowed claims shall be payable January first (1st) following their issuance and only from the domestic animal fund.

Sec. 89. Certified list of warrants. The auditor shall, on January first (1st) of each year, certify to the treasurer an itemized list of all warrants issued during the preceding year on the domestic animal fund, except warrants issued to pay fees of assessors and to defray costs of publication. If said fund be sufficient, the treasurer shall pay said warrants on presentation. If said fund be not sufficient, said warrants shall be paid pro rata.

Sec. 90. Transfer of funds. When the balance in the said fund, after paying the warrants aforesaid, exceeds five hundred dollars (\$500.00), the board of supervisors may order the excess transferred to the general fund of the county. If within five (5) years following such transfer, the amount in the domestic animal fund proves insufficient in any one (1) year to pay all duly allowed claims thereon, the board shall transfer from said general fund to the domestic animal fund an amount, not exceeding the amount originally transferred, sufficient to pay the unpaid part of said warrants.

Approved March 15, 1924.

CHAPTER 49

CONTESTING ELECTIONS

H. F. 72

AN ACT to amend, revise, and codify section five hundred ninety-one (591) of the compiled code of Iowa, relating to the testimony of witnesses in cases of contested elections.

Be It Enacted by the General Assembly of the State of Iowa:

That section five hundred ninety-one (591) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Voters required to testify. The court may require any person called as a witness, who voted at such election, to answer touching his qualifications as a voter, and, if he was not a qualified voter in the county where he voted, then to answer for whom he voted.

Approved March 19, 1924.

CHAPTER 60

LIMITED PARTNERSHIP

H. F. 74

AN ACT to amend, revise, and codify chapter nine (9) of title twenty-one (21) of the compiled code of Iowa, relating to limited partnership.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter nine (9) of title twenty-one (21) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Limited partnership defined. A limited partnership is a partnership formed by two (2) or more persons under the provisions of this chapter, having as members one (1) or more general partners and one (1) or more limited partners. The limited partners as such shall not be bound by the obligations of the partnership.

Sec. 2. Formation. Two (2) or more persons desiring to form a limited partnership shall sign and acknowledge a certificate and file the same for record in the office of the county recorder of the county in which the principal place of business is located. The same shall be recorded in the miscellaneous records and indexed in the names of all the signers, both as grantors and grantees. Said certificate shall state:

1. The name of the partnership.
2. The character of the business.
3. The location of the principal place of business.
4. The name and place of residence of each member; general and limited partners being respectively designated.
5. The term for which the partnership is to exist.
6. The amount of cash and a description of and the agreed value of the other property contributed by each limited partner.
7. The additional contributions, if any, agreed to be made by each limited partner and the times at which or events on the happening of which they shall be made.
8. The time, if agreed upon, when the contribution of each limited partner is to be returned.
9. The share of the profits or the other compensation by way of income which each limited partner shall receive by reason of his contribution.
10. The right, if given, of a limited partner to substitute an assignee as contributor in his place, and the terms and conditions of the substitution.

11. The right, if given, of the partners to admit additional limited partners.

12. The right, if given, of one (1) or more of the limited partners to priority over other limited partners, as to contributions or as to compensation by way of income, and the nature of such priority.

13. The right, if given, of the remaining general partner or partners to continue the business on the death, retirement, or insanity of a general partner.

14. The right, if given, of a limited partner to demand and receive property other than cash in return for his contribution.

Sec. 3. Sufficiency of certificate. A limited partnership is formed if there has been substantial compliance in good faith with the requirements of the last preceding section.

Sec. 4. Business which may be carried on. A limited partnership may carry on any business which a partnership without limited partners may carry on, except banking.

Sec. 5. Nature of contribution. The contributions of a limited partner may be cash or other property, but not services.

Sec. 6. Partnership name. The surname of a limited partner shall not appear in the partnership name:

1. Unless it is also the surname of a general partner, or
2. Unless, prior to the time when the limited partner became such, the business had been carried on under a name in which his surname appeared.

Sec. 7. Violation - effect. A limited partner whose name appears in a partnership name contrary to the provisions of the last preceding section is liable as a general partner to partnership creditors who extend credit to the partnership without actual knowledge that he is not a general partner.

Sec. 8. Liability for false statements. If the certificate contains a false statement, one who suffers loss by reliance on such statement may hold liable any party to the certificate who knew the statement to be false:

1. At the time he signed the certificate, or
2. Subsequently, but within a sufficient time before the statement was relied upon to enable him to cancel or amend the certificate, or to file a petition for its cancellation or amendment as hereinafter provided.

Sec. 9. Limited partner not liable to creditors. A limited partner shall not be come liable as a general partner unless, in addition to the exercise of his rights and powers as a limited partner, he takes part in the control of the business.

Sec. 10. Additional limited partners. After the formation of a limited partnership, additional limited partners may be admitted upon filing an amendment to the original certificate in accordance with the requirements of sections forty-six (46) to fifty-one (51), inclusive.

Sec. 11. Rights, powers, and liabilities of general partners. A general partner shall have all the rights and powers and be subject to all the restrictions and liabilities of a partner in a partnership without limited partners, except that without the written consent or ratification of the specific act by all the limited partners, a general partner or all of the general partners have no authority:

1. To do any act in contravention of the certificate.
2. To do any act which would make it impossible to carry on the ordinary business of the partnership.

3. To confess a judgment against the partnership.
4. To possess partnership property, or assign their rights in specific partnership property, for other than a partnership purpose.
5. To admit a person as a general partner.
6. To admit a person as a limited partner, unless the right so to do is given in the certificate.
7. To continue the business with partnership property on the death, retirement or insanity of a general partner, unless the right so to do is given in the certificate.

Sec. 12. Rights of limited partners. A limited partner shall have the same rights as a general partner:

1. To have the partnership books kept at the principal place of business of the partnership, and at all times to inspect and copy any of them.
2. To have on demand true and full information of all things affecting the partnership, and a formal account of partnership affairs whenever circumstances render it just and reasonable.
3. To have dissolution and winding up by decree of court.

Sec. 13. Right to receive profits and income. A limited partner shall have the right to receive a share of the profits or other compensation by way of income, and to the return of his contribution as hereinafter provided.

Sec. 14. Mistake - effect. A person who has contributed to the capital of a business conducted by a person or partnership erroneously believing that he has become a limited partner in a limited partnership, is not, by reason of his exercise of the rights of a limited partner, a general partner with the person or in the partnership carrying on the business, or bound by the obligations of such person or partnership; provided that on ascertaining the mistake he promptly renounces his interest in the profits of the business, or other compensation by way of income.

Sec. 15. One person both general and limited partner. A person may be a general partner and a limited partner in the same partnership at the same time.

Sec. 16. Partner holding dual relation. A person who is a general, and also at the same time a limited partner, shall have all the rights and powers and be subject to all the restrictions of a general partner; except that, in respect to his contribution, he shall have the rights against the other members which he would have had if he were not also a general partner.

Sec. 17. Transactions with limited partner. A limited partner may loan money to and transact other business with the partnership, and, unless he is also a general partner, receive on account of resulting claims against the partnership, with general creditors, a pro rata share of the assets. No limited partner, in respect to any such claim, shall:

1. Receive or hold as collateral security and partnership property.
2. Receive from a general partner or the partnership any payment, conveyance, or release from liability, if at the time the assets of the partnership are not sufficient to discharge partnership liabilities to persons not claiming as general or limited partners.

Sec. 18. Violation - effect. The receiving of collateral security, or a payment, conveyance, or release in violation of the provisions of the last preceding section is a fraud on the creditors of the partnership.

Sec. 19. Relation of limited partners inter se. Where there are several limited partners the members may agree that one (1) or more of the limited partners shall have a priority over other limited partners as to the return of their contributions, as to their compensation by way of income, or as to any other matter. If such an agreement is made it shall be stated in the certificate, and in the absence of such statement all the limited partners shall stand upon equal footing.

Sec. 20. Compensation of limited partner. A limited partner may receive from the partnership the share of the profits or the compensation by way of income stipulated for in the certificate; provided, that after such payment is made, whether from the property of the partnership or that of a general partner, the partnership assets are in excess of all liabilities of the partnership except liabilities to limited partners on account of their contributions and to general partners.

Sec. 21. Withdrawal or reduction of limited partner's contribution. A limited partner shall not receive from a general partner or out of partnership property any part of his contribution:

1. Until all liabilities of the partnership, except liabilities to general partners and to limited partners on account of their contributions, have been paid or there remains property of the partnership sufficient to pay them.
2. Until the consent of all members is had, unless the return of the contribution may be rightfully demanded under the provisions of the next section.
3. Until the certificate is canceled or so amended as to set forth the withdrawal or reduction.

Sec. 22. Return of contribution. Subject to the provisions of the last preceding section a limited partner may rightfully demand the return of his contribution:

1. On the dissolution of a partnership.
2. When the date specified in the certificate for its return has arrived.
3. After he has given six (6) months' notice in writing to all other members, if no time is specified in the certificate either for the return of the contribution or for the dissolution of the partnership.

Sec. 23. Contribution payable in cash. In the absence of any statement in the certificate to the contrary or the consent of all members, a limited partner, irrespective of the nature of his contribution, has only the right to demand and receive cash in return for his contribution.

Sec. 24. Dissolution. A limited partner may have the partnership dissolved and its affairs wound up:

1. When he rightfully but unsuccessfully demands the return of his contribution, or
2. When the other liabilities of the partnership have not been paid, or the partnership property is insufficient for their payment as required by subsection one (1) of section twenty-one (21) and the limited partner would otherwise be entitled to the return of his contribution.

Sec. 25. Liability of limited partner to partnership. A limited partner is liable to the partnership:

1. For the difference between his contribution as actually made and that stated in the certificate as having been made.

2. For any unpaid contribution which he agreed in the certificate to make in the future at the time and on the conditions stated in the certificate.

Sec. 26. Limited partner held as trustee. A limited partner holds as trustee for the partnership:

1. Specific property stated in the certificate as contributed by him, but which was not contributed or which has been wrongfully returned.

2. Money or other property wrongfully paid or conveyed to him on account of his contribution.

Sec. 27. Continuing liability of limited partner. When a contributor has rightfully received the return in whole or in part of the capital of his contribution, he is nevertheless liable to the partnership for any sum, not in excess of such return with interest, necessary to discharge its liabilities to all creditors who extended credit or whose claims arose before such return.

Sec. 28. Liability of limited partner - waiver. The liabilities of a limited partner as set forth in the three (3) preceding sections can be waived or compromised only by the consent of all members; but a waiver or compromise shall not affect the right of a creditor of a partnership, who extended credit or whose claim arose after the filing and before a cancellation or amendment of the certificate, to enforce such liabilities.

Sec. 29. Limited partner's interest in partnership. A limited partner's interest in the partnership is personal property, and is assignable.

Sec. 30. Substituted limited partner. A substituted limited partner is a person admitted to all the rights of a limited partner who has died or has assigned his interest in a partnership:

Sec. 31. Rights of assignee. An assignee, who does not become a substituted limited partner, has no right to require any information or account of the partnership transactions or to inspect the partnership books; he is only entitled to receive the share of the profits or other compensation by way of income, or the return of his contribution, to which his assignor would otherwise be entitled.

Sec. 32. Assignee's right to become substituted limited partner. An assignee shall have the right to become a substituted limited partner if all the members (except the assignor) consent thereto, or if the assignor, being thereunto empowered by the certificate, gives the assignee that right.

Sec. 33. When assignee becomes substituted limited partner. An assignee becomes a substituted limited partner when the certificate is appropriately amended as hereinafter provided.

Sec. 34. Right of substituted limited partner. The substituted limited partner has all the rights and powers, and is subject to all the restrictions and liabilities of his assignor, except those liabilities of which he was ignorant at the time he became a limited partner and which could not be ascertained from the certificate.

Sec. 35. Liability of assignor. The substitution of the assignee as a limited partner does not release the assignor from liability to the partnership under sections eight (8), and twenty-five (25) to twenty-eight (28), inclusive.

Sec. 36. Effect of retirement, death or insanity of a general partner. The retirement, death or insanity of a general partner dissolves the partnership, unless the business is continued by the remaining general partners:

1. Under a right so to do stated in the certificate, or
2. With the consent of all members.

Sec. 37. Death of limited partner. On the death of a limited partner his executor or administrator shall have all the rights of a limited partner for the purpose of settling his estate, and such power as the deceased had to constitute his assignee a substituted limited partner.

Sec. 38. Liability of estate of limited partner. The estate of a deceased limited partner shall be liable for all his liabilities as a limited partner.

Sec. 39. Rights of creditors of limited partner. On due application to a court of competent jurisdiction by any judgment creditor of a limited partner, the court may charge the interest of the indebted limited partner with payment of the unsatisfied amount of the judgment debt; and may appoint a receiver, and make all other orders, directions, and inquiries which the circumstances of the case may require. The remedies conferred by this section shall not be deemed exclusive of others which may exist.

Sec. 40; Redemption. The interest may be redeemed with the separate property of any general partner, but may not be redeemed with partnership property.

Sec. 41. Exemptions. Nothing in this chapter shall be held to deprive a limited partner of his statutory exemption.

Sec. 42. Distribution of assets. In settling accounts after dissolution the liabilities of the partnership shall be entitled to payment in the following order:

1. Those to creditors, in the order of priority as provided by law, except those to limited partners on account of their contributions, and to general partners.
2. Those to limited partners in respect to their share of the profits and other compensation by way of income on their contributions.
3. Those to limited partners in respect to the capital of their contributions.
4. Those to general partners other than for capital and profits.
5. Those to general partners in respect to profits.
6. Those to general partners in respect to capital.

Sec. 43. Share in partnership assets. Subject to any statement in the certificate or to subsequent agreement, limited partners share in the partnership assets in respect to their claims for capital, and in respect to their claims for profits or for compensation by way of income on their contributions, respectively, in proportion to the respective amounts of such claims.

Sec. 44. Cancellation of certificate. The certificate shall be cancelled when the partnership is dissolved or all limited partners cease to be such.

Sec. 45. Amendment of certificate. A certificate shall be amended:

1. When there is a change in the name of the partnership or in the amount or character of the contribution of any limited partner.
2. When a person is substituted as a limited partner.
3. When an additional limited partner is admitted.
4. When a person is admitted as a general partner.
5. When a general partner retires, dies, or becomes insane, and the business is continued under section thirty-six (36).

6. When there is a change in the character of the business of the partnership.

7. When there is a false or erroneous statement in the certificate.

8. When there is a change in the time as stated in the certificate for the dissolution of the partnership or for the return of a contribution.

9. When a time is fixed for the dissolution of the partnership, or the return of a contribution, no time having been specified in the certificate.

10. When the members desire to make a change in any other statement in the certificate in order that it shall accurately represent the agreement between them.

Sec. 46. Requirements for amendment of certificate. The writing to amend a certificate shall:

1. Conform to the requirements of the second section of this chapter as far as necessary to set forth clearly the change in the certificate which it is desired to make.

2. Be signed and sworn to by all members, and an amendment substituting a limited partner or adding a limited or general partner shall be signed also by the member to be substituted or added, and when a limited partner is to be substituted, the amendment shall also be signed by the assigning limited partner.

Sec. 47. Requirement for cancellation of certificate. The writing to cancel a certificate shall be signed by all members.

Sec. 48. Petition for cancellation or amendment. A person desiring the cancellation or amendment of a certificate may petition the district court to direct a cancellation or amendment in those cases where any person designated in the two (2) preceding sections as a person who must execute the writing, refuses to do so.

Sec. 49. Order of court. If the court finds that the petitioner has a right to have the writing executed by a person who refuses to do so, it shall order the county recorder in the office where the certificate is recorded to record the cancellation or amendment of the certificate; and where the certificate is to be amended, the court shall also cause to be filed for record in said office a certified copy of its decree setting forth the amendment.

Sec. 50. Consumation of cancellation or amendment. A certificate is amended or cancelled when there is filed for record in the office of the county recorder:

1. A writing in accordance with the provisions of sections forty-six (46) or forty-seven (47), or

2. A certified copy of the order of court in accordance with the provisions of section forty-nine (49).

Sec. 51. Amended certificate. After the certificate is duly amended in accordance with sections forty-six (46) to fifty (50), inclusive, the amended certificate shall thereafter be for all purposes the certificate provided for by this statute.

Sec. 52. Parties to actions. A contributor, unless he is a general partner, is not a proper party to proceedings by or against a partnership, except where the object is to enforce a limited partner's right against or liability to the partnership.

Sec. 53. Name of law. This law may be cited as the uniform limited partnership act.

Sec. 54. Rules of construction. This law shall be so interpreted and construed as to effect its general purpose to make uniform the law of those states which enact it.

Sec. 55. Impairment of contracts. This law shall not be so construed as to impair the obligations of any contract existing when said law goes into effect, nor to affect any action or proceedings begun or right accrued before it takes effect.

Sec. 56. Rules for cases not provided for. In any case not provided for in this statute the rules of law and equity shall govern.

Sec. 57. Provisions for existing limited partnerships. A limited partnership formed under any statute of this state prior to the adoption of this chapter, may become a limited partnership hereunder by complying with the provisions of section two (2) and three (3) of this chapter; provided the certificate sets forth:

1. The amount of the original contribution of each limited partner, and the time when the contribution was made.

2. That the property of the partnership exceeds the amount sufficient to discharge its liabilities to persons not claiming as general or limited partners by an amount greater than the sum of the contributions of its limited partners.

Sec. 58. Existing limited partnership. A limited partnership formed under any statute of this state prior to the adoption of this chapter, until or unless it becomes a limited partnership hereunder, shall continue to be governed by the provisions of such statute except that such partnership shall not be renewed unless so provided in the original agreement.

Approved January 16, 1924.

CHAPTER 51

CHATTEL MORTGAGES AND CONDITIONAL SALES

S. F. 75

AN ACT to amend, revise, and codify sections sixty-three hundred seventeen (6317) to sixty-three hundred thirty-two (6332), inclusive, of the compiled code of Iowa and section sixty-three hundred twenty-seven-a one (6327-al) of the supplement to said code, relating to chattel mortgages, real estate mortgages creating liens on personal property, and conditional sales of personal property.

Be It Enacted by the General Assembly of the State of Iowa:

That sections sixty-three hundred seventeen (6317) to sixty-three hundred thirty-two (6332), inclusive, of the compiled Code of Iowa, and section sixty-three hundred twenty-seven-a one (6327-al) of the supplement to said Code are amended, revised, and codified to read as follows:

CHAPTER _____

CHATTEL MORTGAGES AND CONDITIONAL SALES OF PERSONAL PROPERTY

Section 1. Mortgage of exempt property. No incumbrance of personal property which may be held exempt from execution by the head of a family, if a resident of this state, shall be of any validity as to such exempt property only, unless the same be by written instrument, and unless the husband and wife, if both be living, concur in and sign the same joint instrument. Incumbrances on the property sold, given to secure the purchase price, need only be signed and acknowledged by the purchaser.

Sec. 2. Mortgagee entitled to possession - title in mortgagor. In the absence of stipulations in the mortgage, the mortgagee of personal property is entitled to the possession thereof, but the title shall remain in the mortgagor until divested by sale as provided by law.

Sec. 3. Sales or mortgages - recording. No sale or mortgage of personal property, where the vendor or mortgagor retains actual possession thereof, is valid against existing creditors or subsequent purchasers, without notice, unless a written instrument conveying the same is executed, acknowledged like conveyances of real estate, and such instrument, or a duplicate thereof, is duly recorded, or filed and deposited with the recorder of the county where the property shall then be situated, or if the mortgagor be a resident of this state, then of the county where the holder of the property resides.

Sec. 4. Conditional sales. No sale, contract, or lease, wherein the transfer of title or ownership of personal property is made to depend upon any condition, shall be valid against any creditor or purchaser of the vendee or lessee in actual possession obtained in pursuance thereof, without notice, unless the same be in writing, executed by the vendor and vendee, or by the lessor and lessee, acknowledged by the vendor or vendee, or by the lessor or lessee, and recorded or filed and deposited the same as chattel mortgages.

Sec. 5. Filing equivalent of recording. Upon receipt of any instrument affecting the title to personal property, the recorder shall indorse thereon the time of receiving it, and shall file the same in his office for the inspection of all persons, and such filing shall have the same force and effect as if recorded at length; upon request of person presenting instrument for filing, the county recorder shall issue a receipt therefor, and such receipt shall describe the instrument as to grantor, grantees, date, consideration, and date filed.

Sec. 6. Recording at the mortgagee's request. The recorder shall, if requested, as soon as practicable, record such instrument or any assignment or release thereof, and enter in his index book in its proper place the page and book where the record may be found, and deliver the instrument to the owner upon request.

Sec. 7. Time of filing noted. When any written instrument of the character above contemplated is filed, the recorder shall note there the day and exact time of filing the same, and forthwith enter in his index book the first seven (7) requirements specified in the next section; and from the time of said entry the sale or mortgage shall be deemed complete as to third persons, and have the same effect as though it had been accompanied by the actual delivery of the property sold or mortgaged.

Sec. 8. Recorder to keep index book. The county recorder shall keep an index book in which shall be entered a list of instruments affecting title to or incumbrance of personal property, which may be filed under this chapter. Such book shall be ruled into separate columns with appropriate heads, and shall set out:

1. Time of reception.
2. Name of each mortgagor or vendor.
3. Name of each mortgagee or vendee.
4. Date of instrument.
5. A general description of the kind or nature of the property.
6. Where located.
7. Amount secured.
8. When due.
9. Page and book where the record is to be found.
10. Extension.
11. When released.
12. Remarks and assignments.

Sec. 9. Transfers by person acting in representative capacity. In indexing transfers of personal property made by an administrator, executor, guardian, referee, receiver, sheriff, commissioner, or other person acting in a representative capacity, the recorder shall enter upon such index book the name and representative capacity of each person executing such instrument, and the owner of the property, if disclosed therein.

Sec. 10. Void after five years - extension. Every mortgage so filed shall be void as against the creditors of the person making the same, or as against subsequent purchasers or mortgagees in good faith, after the expiration of five (5) years after the maturity of the debt thereby secured, unless an extension agreement, duly executed by the mortgagor shall be filed with the instrument to which it relates, and such extension agreement shall operate to continue the lien in the same manner as the original instrument.

Sec. 11. Assignments - how made. A chattel mortgage filed or recorded may be assigned of record by the mortgagee or the record holder thereof, by the execution of an appropriate written instrument, duly acknowledged, and filed in the same office where the mortgage is filed or recorded. If the mortgage is recorded, an assignment thereof may be made by the mortgagee or the record holder of the mortgage executing an assignment on the margin of the record of such mortgage, or, if the mortgage be filed but not recorded, such assignment may be indorsed upon the original instrument, but where the assignment is on the margin of the record or indorsed upon the instrument, the assignor shall be identified and his signature to such assignment witnessed and attested by the recorder or his deputy.

Sec. 12. Copy furnished on request - certified. A duplicate or copy of such mortgage, bill of sale, or other instrument filed under the provision of this chapter, shall be supplied by the county recorder upon request of any party in interest, and the payment of fees therefor. Such duplicate or copy shall be duly certified by the county recorder and may be filed in other counties of the state in the same manner as herein provided.

Sec. 13. Copy receivable in evidence. A copy of such original instrument, duly certified by the county recorder in whose office the same shall have been filed, shall be received in evidence in all suits to which it may be applicable; and if in any suit or action, the due execution of such instrument or its genuineness be questioned in such manner as to render the production of the original instrument desirable or necessary, then the same may be produced by the recorder of the county in obedience to a proper judicial process or court order.

Sec. 14. How released. Any mortgage or pledge of personal property may be released of record, by filing with the original instrument, a duly executed satisfaction piece or release of mortgage; or by the mortgagee or his authorized agent indorsing a satisfaction of said mortgage on the index book under the head of "remarks" in the same manner as mortgages are now released by marginal satisfaction, and when so released on index book, the recorder shall enter a memorandum thereof on the original instrument or on the record thereof, if recorded.

Sec. 15. Original returned to maker when satisfied. When any unrecorded chattel mortgage or other instrument of writing or indebtedness, which may have been filed as herein provided, shall have been satisfied, it shall be the duty of the recorder, after making a proper entry of such satisfaction in the index book or record where the original instrument is recorded, to return the original instrument, with any extension, assignment or release, thereto attached, to the mortgagor or person executing the same, upon request therefor.

Sec. 15-a1. Negotiable warehouse receipt, duplicate filed recorder's office. When a negotiable warehouse certificate is issued, the sealer shall issue and deliver to the owner a duplicate certificate marked "no value". When the owner negotiates the original certificate, he shall at the same time deliver to the assignee the duplicate or the county recorder's receipt for the same. Such assignee may file the duplicate in the office of the county recorder of the county in which the grain is located, which duplicate shall remain in the custody of the recorder, except as hereinafter provided.

Sec. 15-a2. Indexing by recorder. When a duplicate is filed in the office of the recorder, he shall index the same in the chattel mortgage index or other suitable index book showing date of the certificate, the number thereof, to whom issued, kind, quantity, and location of the grain. He shall collect twenty-five cents (25¢) for each certificate indexed.

Sec. 15-a3. Record of assignment. When the owner or holder of a certificate makes a written assignment thereof, the recorder shall on request of the assignee enter a copy of such assignment upon the duplicate in his office, and enter upon his index book the date of the assignment, the names of the assignor and the assignee. In case of reassignment of the certificate to the person to whom issued, the recorder shall copy such assignment on the duplicate and deliver the same to the original owner and enter upon the index book "reassigned to the original owner".

Sec. 15-a4. Notice imparted. The filing and indexing of such certificate shall impart the same notice as the filing and indexing of a chattel mortgage.

Sec. 16. Originals destroyed after five years. In case such unrecorded instrument, with the extension or release thereof, if any, be not returned as hereinbefore provided, after the expiration of five (5) years from the maturity thereof, or the maturity of any extension thereof, the recorder shall destroy such chattel mortgages with the extension or releases thereto attached, or other instruments or writing relating thereto, by burning the same in the presence of the board of county supervisors, or a committee appointed by the board of supervisors from their own number, to superintend the same, and when so destroyed the date of such destruction shall be entered on the index record under "remarks."

Sec. 17. Fees. The fees to be collected by the county recorder under this chapter shall be as follows:

1. For filing any instrument affecting the title to or incumbrance of personal property, twenty-five cents (25c) each.
2. For recording or making certified copies of such instruments, fifty cents (50c) for the first four hundred (400) words and ten cents (10c) for each

each one hundred (100) additional words or fraction thereof.

Sec. 16. Real Estate - chattel mortgages. Real estate mortgages which create an incumbrance on personal property or which provide for a receivership, shall, after being recorded at length, be indexed, if requested by the holder, in the chattel mortgage index book. Said indexing shall show the book and page where said mortgage is recorded and such record and index shall have the same effect as though said mortgage was retained by the recorder as a chattel mortgage, or as though the same had been recorded at length in the chattel mortgage records and indexed accordingly. When such mortgage is released of record, the recorder shall make entry thereof on said chattel mortgage index book.

Approved April 10, 1924.

CHAPTER 52

CONVEYANCES

H. F. 77

AN ACT to amend, revise, and codify sections sixty-three hundred fifty-five (6355) to sixty-three hundred ninety-seven (6397), inclusive, and sixty-four hundred (6400) to sixty-four hundred five (6405), inclusive, of the compiled code of Iowa, relating to conveyances.

Be It Enacted by the General Assembly of the State of Iowa:

That section sixty-three hundred fifty-five (6355) to sixty-three hundred ninety-seven (6397), inclusive, and sixty-four hundred (6400) to sixty-four hundred five (6405), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

CHAPTER 2

CONVEYANCES

Section 1. Power of attorney - recording - revocation. All instruments containing a power to convey, or in any manner relating to real estate, shall be held to be instruments affecting the same; and no such instrument, when certified and recorded as in this chapter prescribed, can be revoked as to third parties by any act of the parties by whom it was executed, until the instrument containing such revocation is acknowledged and filed for record in the same office in which the instrument containing such power is recorded.

Sec. 2. Corporate seals - execution - release. In the execution of any written instrument conveying, incumbering, or affecting real estate by a corporation that has adopted a corporate seal, the seal of such corporation shall be attached or affixed to such written instrument. If the corporation has not adopted a corporate seal, such fact shall be stated in such written instrument, except that it shall not hereafter be necessary to attach or affix the corporate seal to any release or satisfaction of any mortgage, judgment, or other lien, that is made or entered by any corporation on the page of the official record where any such lien appears, but the officer executing such release or satisfaction shall therein certify that same is executed with authority of the board of directors of such corporation, and the county recorder or deputy shall attach thereto a statement showing the relation such officer then bears to the corporation.

Sec. 3. Contract or bond - when deemed abandoned. When the record shows that a contract or bond for a deed has been given prior to January first, nineteen hundred (1900), and the record discloses no performance of the same and that more than ten (10) years have elapsed since the contract by its terms was to be performed, such contract shall be deemed abandoned and of no effect and the land freed from any lien or defect on account of such contract.

Sec. 4. Christian names - variation - effect. When there is a difference between the Christian names or initials in which title is taken, and the Christian names or initials of the grantor in a succeeding conveyance, and the surnames in both instances are written the same or sound the same, such conveyance or the record thereof shall be conclusive evidence that the surname in the several conveyances and instruments refers to the same person. This section shall only apply to conveyances executed prior to January first, nineteen hundred (1900).

Sec. 5. Assignment of certificate of entry without deed. When the record shows:

1. That the original entry, certificate of entry, receipt, or duplicate thereof has been assigned, and

2. That prior or subsequent to such assignment, the United States or state issued a patent or conveyance to the assignor, and

3. That no deed of conveyance appears on record from the original entryman or assignor to the assignee, and

4. That the present record owner holds title under such assignment, Such assignment shall have the same force and effect as a deed of conveyance and shall be conclusively presumed to carry all right, title, and interest of the patentee of said real estate, the same as though a deed of conveyance had been subsequently executed by the patentee or assignor to a subsequent grantor.

Sec. 6. Explanatory affidavit filed by owner - effect. Affidavits explaining any defect in the chain of title to any real estate may be recorded as instruments affecting the same, but no one except the owner in possession of such real estate shall have the right to file such affidavit. Such affidavit or the record thereof, including all such affidavits now of record, shall raise a presumption from the date of recording that the purported facts stated therein are true; after the lapse of three (3) years from the date of such recording, such presumption shall be conclusive.

Sec. 7. Recording land grants. Every railroad company which owns or claims real estate in this state, granted by the government of the United States or this state to aid in the construction of its railroad, where it has not already done so, shall place on file and cause to be recorded, in each county wherein the real estate granted is situated, evidence of its title, or claim of title, whether the same consists of patents from the United States, certificates from the secretary of interior, or governor of this state, or the proper land office of the United States or this state. Where no patent was issued, reference shall be made in said certificate to the acts of congress, and the acts of the legislature of this state, granting such lands, giving the date thereof, and date of their approval under which claim of title is made.

Sec. 8. Patents covering land in different counties. Where the certificate of the secretary of the interior or the patents cover real estate situated in more than one county, the secretary of state shall, upon the application of any railroad company or its grantee, prepare and furnish, to be recorded, a list of all the real estate situated in any one (1) county so granted, patented or certified; and all such evidences of title shall be entered by the auditor upon the index, transfer, and plat books.

Sec. 9. Record - constructive notice. The evidence of title shall be filed with the recorder of deeds of the county in which the real estate is situated, who shall record the same, and place an abstract thereof upon the index of deeds. The recording thereof shall be constructive notice to all persons, as provided in other cases of entries upon said index, and the recorder shall receive the same fees therefor as for recording other instruments.

Sec. 10. Transcript of instruments. Any person interested therein may procure from any recorder in this state a transcript of any instrument affecting real estate which is of record in his office. Such transcript shall be certified by the recorder, and the clerk of the district court shall certify under the seal of his office to the signature of such recorder and his official character.

Sec. 11. Transcript recorded same as original. A transcript of the record of any instrument affecting real estate, certified as provided in the preceding section, shall be entitled to record in the office of the recorder of any other county in which is situated any of the real estate affected by such instrument. The effect of the recording of such transcript shall be the same as the recording of the original instrument.

Sec. 12. Conveyances by heirs or spouse - when conclusive. All conveyances or the record title thereof of real estate executed prior to January first, nineteen hundred (1900), wherein the grantor or grantors described herself, himself, or themselves as the surviving spouse, heir at law, heirs at law, surviving spouse and heir at law, or surviving spouse and heirs at law, of some person deceased in whom the record title or ownership of said real estate previously vested, shall be conclusive evidence of the facts so recited as far as they relate to the right of the grantor or grantors to convey, as fully as if the record title of said grantor or grantors had been established by due probate proceedings in the county wherein the real estate is situated.

Sec. 13. Notarial seals of nonresidents. Any notarial seal purporting to have been affixed to any instrument in writing, by any notary public residing elsewhere than in this state, shall be prima facie evidence that the words thereon engraved conform to the requirements of the law of the place where such certificate purports to have been made.

Sec. 14. Records transcribed. The board of supervisors of any county may have copied, indexed, and arranged any deed, probate, mortgage, court or county record, or government survey belonging or relating to said county, and have a complete index thereof made; and may cause any index of deeds, mortgages, or other records to be correctly copied.

Sec. 15. Compensation. The board of supervisors may employ any suitable person to perform the labor contemplated in the preceding section, the amount of compensation therefor to be previously fixed by them, not exceeding six cents (6c) for each one hundred (100) words of the records proper, and twelve and one-half cents (12 1/2) for each one hundred (100) words of indexing.

Sec. 16. Effect. When any such records are copied, the officer to whose office the original records belong shall compare the copy so made with the original, and when found correct, shall attach his certificate in each volume or book of such copied records, to the effect that he has compared such copies with the original and they are true and correct, and such copied records shall thereupon have the same force and effect in all respects as the original records.

Sec. 17. Forms of conveyance. The following or other equivalent forms of conveyance varied to suit circumstances, are sufficient for the purposes herein contemplated:

1. FOR A QUITCLAIM DEED

For the consideration of _____ dollars, I hereby quitclaim to _____ all my interest in the following tract of real estate (describing it).

2. FOR A DEED IN FEE SIMPLE WITHOUT WARRANTY.

For the consideration of _____ dollars, I hereby convey to _____ the following tract of real estate (describing it).

3. FOR A DEED IN FEE WITH WARRANTY.

The same as the last preceding form, adding the words: "And I warrant the title against all persons whomsoever" (or other words of warranty, as the party may desire).

4. FOR A MORTGAGE.

The same as deed of conveyance, adding the following: "To be void upon condition that I pay", etc.

Sec. 18. Acknowledgement of conveyances or incumbrances. The acknowledgment of any deed, conveyance or other instrument in writing by which real estate in this state is conveyed or incumbered, if made within this state, must be before some court having a seal, or some judge or clerk thereof, or some county auditor, or justice of the peace within the county, or notary public within the county of his appointment or in an adjoining county in which he has filed with the clerk of the district court a certified copy of his certificate of appointment. Each of the officers above named is authorized to take and certify acknowledgements of all written instruments, authorized or required by law to be acknowledged.

Sec. 19. Out of state - what officers may take. When made out of the state but within the United States, it shall be before a judge of court of record, or officer holding the seal thereof, or a commissioner appointed by the governor of this state to take the acknowledgment of deeds, or some notary public or justice of the peace.

Sec. 20. Signatures - authenticated. When made out of the state but within the United States and before a judge, or justice of the peace, a certificate, under the official seal of the clerk or other proper certifying officer of a court of record of the county or district, or of the secretary of state of the state or territory *within* which such acknowledgment was taken, under the seal of his office, of the official character of said judge, or justice, and of the genuineness of his signature, shall accompany said certificate of acknowledgment.

Sec. 21. Execution out of state. The proof or acknowledgment of any deed or other written instrument required to be proved or acknowledged in order to entitle the same to be recorded or read in evidence, when made by any person without this state and within any other state, territory or district of the United States, may also be made before any officer of such state, territory or district authorized by the laws thereof to take the proof and acknowledgment of deeds, and when so taken and certified as provided in the next section, may be recorded in this state, and read in evidence in the same manner and with like effect as proofs and acknowledgments taken before any of the officers named in the second preceding section.

Sec. 22. Certificate of authority - genuineness of signature. To entitle any conveyance or written instrument, acknowledged or proved under the preceding section, to be read in evidence or recorded in this state, there shall be subjoined or attached to the certificate of proof or acknowledgment signed by such officer a certificate of the secretary of state of the state or territory in which such officer resides, under the seal of such state or territory, or a certificate of the clerk of a court of record of such state, territory or district in the county in which said officer resides or in which he took such proof or acknowledgment, under the seal of such court. Such certificate shall comply substantially with the next section.

Sec. 23. Form. The following form of authentication of the proof or acknowledgment of a deed or other written instrument, when taken without this state and within any other state, territory, or district of the United States, or any form substantially in compliance with the foregoing provisions of this chapter, shall be used:

(Begin with a caption specifying the state, territory or district, and county or place where the authentication is made.)

"I, _____, clerk of the _____ court in and for said county, which court is a court of record, having a seal (or I, _____, secretary of state of such state or territory), do hereby certify that _____, by and before whom the foregoing acknowledgment or proof was taken, was at the time of taking the same _____ residing or authorized to act in said

(Name of office held)

county, and was duly authorized by the laws of said state, territory, or district to take and certify acknowledgments or proofs of deeds of land in said state, territory, or district, and that said conveyance and the acknowledgment thereof are in due form of law; and, further, that I am well acquainted with the handwriting of said _____, and that I verily believe that the signature to said certificate of acknowledgment or proof is genuine. In testimony whereof, I have hereunto set my hand and affixed the seal of the said court or state this _____ day of _____, A.D. 19 _____."

Sec. 24. When out of the United States. When the acknowledgment is made without the United States, it may be before any ambassador, minister, secretary of legation, consul, vice consul, charge d'affaires, consular agent, or any other officer of the United States in a foreign country who is authorized to issue certificates under the seal of the United States.

Sec. 25. Authentication required. Said instruments may also be acknowledged or proven without the United States before any officer of a foreign country who is authorized by the laws thereof to certify to the acknowledgments of written documents; but the certificate of acknowledgment by a foreign officer must be authenticated by one of the above named officers of the United States, whose official written statement that full faith and credit is due to the certificate of such foreign officer shall be deemed sufficient evidence of the qualification of said officer to take acknowledgments and certify thereto, and of the genuineness of his signature, and seal if he have any.

Sec. 26. Certificate of acknowledgment. The court or officer taking the acknowledgment must indorse upon the deed or instrument a certificate setting forth the following particulars:

1. The title of the court or person before whom the acknowledgment was made.
2. That the person making the acknowledgment was known to the officer taking the acknowledgment to be the identical person whose name is affixed to the deed as grantor, or that such identity was proved by at least one (1) credible, ^{WITNESS} naming him.

2. That such person acknowledged the execution of the instrument to be his voluntary act and deed.

Sec. 27. Proof of execution and delivery. Proof of the due and voluntary execution and delivery of a deed or other instrument may be made before any officer authorized to take acknowledgments, by one (1) competent person other than the vendee or other person to whom the instrument is executed, in the following cases:

1. If the grantor dies before making the acknowledgment.
2. If his attendance can not be procured.
3. If, having appeared, he refuses to acknowledge the execution of the instrument.

Sec. 28. Certificate - must state what. The certificate indorsed by the officer upon a deed or other instrument thus proved must state:

1. The title of the officer taking the proof.
2. That it was satisfactorily proved that the grantor was dead, or that for some other reason his attendance could not be procured in order to make the acknowledgment, or that, having appeared, he refused to acknowledge the same.
3. The name of the witness by whom proof was made, and that it was proved by him that the instrument was executed and delivered by the person whose name is thereunto subscribed as a party.

Sec. 29. Subpoenas. An officer having power to take the proof hereinbefore contemplated may issue the necessary subpoenas, and compel the attendance of witnesses residing within the county, in the manner provided for the taking of depositions.

Sec. 30. Form. The certificate of proof or acknowledgment may be given under seal or otherwise, according to the mode by which the officer making the same usually authenticates his formal acts.

Sec. 31. By married women. The acknowledgment of a married woman, when required by law, may be taken in the same form as if she were sole, and without any examination separate and apart from her husband.

Sec. 32. Attorney in fact. The execution of any deed, mortgage, or other instrument in writing, executed by any attorney in fact, may be acknowledged by the attorney executing the same.

Sec. 33. Certificate. The person taking the acknowledgment must indorse upon such instrument a certificate, setting forth the following particulars:

1. The title of the person before whom the acknowledgment was taken.
2. That the person making the acknowledgment was known to the officer taking the acknowledgment to be the identical person whose name is subscribed to the instruments as attorney for the grantor therein named, or that such identity was proved to him by at least one (1) credible witness, to him personally known and therein named.
3. That such person acknowledged said instrument to be the act and deed of the grantor therein named, by him, as such attorney thereunto appointed, voluntarily done and executed.

Sec. 34. By officers of corporation. If the acknowledgment is made by the officers of a corporation, the certificate shall show that such persons as such officers, naming the office of each person, acknowledged the execution of the instrument as the voluntary act and deed of such corporation, by each of them voluntarily executed.

Sac. 35. Forms of acknowledgment. The following forms of acknowledgment shall be sufficient in the cases to which they are respectively applicable. In each case where one (1) of these forms is used, the name of the state and county where the acknowledgment is taken shall precede the certificate, and the signature and official title of the officer shall follow it as indicated in the first form, and the seal of the officer shall be attached when necessary under the provision of this chapter.

1. In the case of natural persons acting in their own right:

State of _____
County of _____ ss.

On this _____ day of _____, A.D. 19____, before me

_____, personally appeared _____
(Insert title of acknowledging officer)
_____, to me known to be the person _____ named in
and who executed the foregoing instrument, and acknowledged that _____
executed the same as _____ voluntary act and deed.

Notary public in and for said county.

2. In the case of natural persons acting by attorney:

On this _____ day of _____, A.D. 19____, before me _____

_____, personally appeared _____
(Insert title of acknowledging officer)
_____ to me known to be the person who executed the fore-
going instrument in behalf of _____, and
acknowledged that he executed the same as the voluntary act and deed of said _____

3. In the case of corporations or joint stock associations:

On this _____ day of _____, A.D. 19____, before me, a _____

(Insert title
of acknowledging officer) _____, in and for said county, personally appeared _____
_____, to me personally known, who being by me
duly (sworn or) did say that he is _____
(affirmed) (Insert title of executing officer)

of said (corporation), that (the seal affixed to said instrument is the seal of said)
(association) (no seal has been procured by the said)

(corporation) and that said instrument was signed and sealed on behalf of the said
(association)

(corporation) by authority of its board of (directors) and the said _____
(association) (trustees)

_____ acknowledged the execution of said instrument to be the
voluntary act and deed of said (corporation) by it voluntarily executed.
(association)

(In all cases add signature and title of the officer taking the acknowledgment, and strike from between the parentheses the word or clause not used as the case may be.)

Sec. 36. Liability of officer. Any officer, who knowingly misstates a material fact in either of the certificates mentioned in this chapter, shall be liable for all damages caused thereby, and shall be guilty of a misdemeanor, and fined any sum not exceeding the value of the property conveyed or otherwise affected by the instrument on which such certificate is indorsed.

Sec. 37. Recording. No instrument affecting real estate is of any validity against subsequent purchasers for a valuable consideration, without notice, unless filed in the office of the recorder of the county in which the same lies, as hereinafter provided.

Sec. 38. Acknowledgment. It shall not be deemed lawfully recorded, unless it has been previously acknowledged or proved in the manner prescribed in this chapter, except that affidavits need not be thus acknowledged.

Sec. 39. Assignment by separate instrument or on margin of record. Recorded mortgages upon real estate may be assigned of record by the mortgagee or the record holder thereof, by the execution of an appropriate written instrument duly acknowledged and recorded in the county in which such real estate is situated. If such mortgage is recorded, an assignment thereof may be made by the mortgagee or the record holder of such mortgage executing an assignment on the margin of the record of such mortgage, and the assignor shall be identified and his signature to such assignment witnessed and attested by the recorder or his deputy.

Sec. 40. Index books. The recorder must keep index books, the pages of which are so divided as to show in parallel columns:

1. Each grantor.
2. Each grantee.
3. The time when the instrument was filed.
4. The date of the instrument.
5. The nature of the instrument.
6. The book and page where the record thereof may be found.
7. The description of the real estate conveyed.

Sec. 41. Index for affidavits. In case of affidavits each and every affidavit filed for record shall be indexed in appropriately ruled columns as follows:

Affidavit: of	Concerning Whom	Lot:	Blk.:	Addi: tion:	Town:	Sec.:	Twp.:	Rng.:	Remarks

Affiant.	Date of filing.			Date of Instrument.			Where Recorded.	
	Month	Day	Year	Month	Day	Year	Book	Page
			A.M.P.M.					

Sec. 42. Separate indexes required. Separate index books shall be kept for mortgages and satisfactions or releases of same, one (1) for those containing descriptions of lots, and one (1) for those containing lands; and separate books for other conveyances of real estate, one (1) for lots, and one (1) for lands; and an index book shall be kept for powers of attorney and affidavits; all of above indexes to be arranged alphabetically as provided in the next section.

Sec. 43. Names arranged alphabetically. The entries in such book shall show the names of the respective grantors and grantees, arranged in alphabetical order. When such instrument is executed by an administrator, executor, guardian, referee, commissioner, receiver, sheriff, or other person acting in a representative capacity, the recorder shall enter upon the index book the name and representative capacity of each person executing the instrument and the owner of the property if disclosed therein.

Sec. 44. Town lot deeds and mortgages in separate record. The recorder shall index and record all deeds, mortgages, and other instruments affecting lots in cities, towns, or villages, the plats whereof are recorded, in separate books from those in which other conveyances of real estate are recorded.

Sec. 45. Deeds covering both lands and lots - indexing. Where any instrument contains a description of land or lots in cities, towns, or villages, the plats whereof are recorded, and other land, he shall record such instrument in but one (1) record and charge but one (1) fee, but shall index in both land and town lot indexes.

Sec. 46. Filing - constructive notice. The recorder must indorse upon every instrument properly filed for record in his office, the day, hour and minute of such filing, and forthwith enter in the index book the entries required to be made therein, except the book and page where the complete record will appear, and such filing and indexing shall constitute constructive notice to all persons of the rights of the grantees conferred by such instruments.

Sec. 47. Deeds - transferred before recorded. The recorder shall not record any deed or other instrument unconditionally conveying real estate until the proper entries have been made upon the transfer books in the auditor's office, and indorsement made upon the deed or other instrument properly dated and officially signed, in substantially the following form:

Entered upon transfer books and for taxation this _____ day of _____

_____, 19____. My fee 25c paid by recorder.

Auditor.

Sec. 48. Recorder to collect fee and deliver to auditor. At the time of filing any deed or other instrument mentioned in the preceding section, the recorder shall collect from the person filing the same the recording fee provided by law, also the auditor's transfer fee, and forthwith deliver the deed and the transfer fee to the county auditor, after indorsing upon said instrument the following:

Filed for record, indexed and delivered to county auditor this _____ day of _____, 19____, at _____ o'clock _____ M.
Recorder's and auditor's fee \$ _____ paid.

Recorder.

Sec. 49. Final record. Every such instrument shall be recorded, as soon as practicable, in a suitable book to be kept by the recorder for that purpose, after which he shall complete the entries aforesaid, so as to show the book and page where the record is to be found.

Sec. 51. Transfer and index books. The county auditor shall keep in his office books for the transfer of real estate, which shall consist of a transfer book, index book, and plat book.

Sec. 52. Form of transfer book. Said transfer book shall be ruled and headed substantially after the following form; and entries therein shall be in numerical order, beginning with section one (1):
Section No. _____, Township _____, Range _____

GRANTEE.	GRANTOR.	DATE OF INSTRUMENT.	DESCRIPTION.	PAGE OF PLATS.

Sec. 53. Form of index book. Said index book shall be ruled and headed substantially after the following form:

NAMES OF GRANTEEES.	PAGES OF TRANSFER BOOK.

Sec. 54. Book of plats - how kept. The auditor shall keep the book of plats so as to show the number of lot and block, or township and range, divided into sections and subdivisions as occasion may require, and shall designate thereon each piece of real estate, and mark in pencil the name of the owner thereon, in a legible manner; which plats shall be lettered or numbered so that they may be conveniently referred to by the memoranda of the transfer book, and shall be drawn on the scale of not less than four (4) inches to the mile.

Sec. 55. Entries of transfers. When a deed of unconditional conveyance of real estate or transcript of decree in a partition proceeding is presented, the auditor shall enter in the index book, in alphabetical order, the name of the grantee, and opposite thereto the number of the page of the transfer book on which such transfer is made; and upon the transfer book he shall enter in the

proper columns the name of the grantee, the grantor, date, and character of the instrument, the description of the real estate, and the number or letter of the plat on which the same is marked.

Sec. 56. Council's approval of plats - required before transfer. No conveyances or plats of additions to any city or town or subdivision of any lands lying within or adjacent to any city or town in which streets and alleys and other public grounds are sought to be dedicated to public use, or other conveyances in which streets and alleys are sought to be conveyed to such city or town, shall be so entered, unless such conveyances, plats or other instruments have indorsed thereon the approval of the council of such city or town, the certificates of such approval to be made by the city clerk.

Sec. 57. Judgments fixing title certified. Upon receipt of a certificate from the clerk of the district or supreme court, that the title to real estate has been finally established in any named person by judgment or decree of said court, or by will, the auditor shall enter the same upon the transfer books, upon payment of a fee of twenty-five cents (25c), which fee shall be taxed as costs in the cause, collected by the clerk, and paid to the auditor at the time of filing such certificate.

Sec. 58. Corrections of books, and instruments. The auditor from time to time shall correct any error appearing in the transfer books, and shall notify the grantee of any error in description discovered in any instrument filed for transfer, and permit the same to be corrected by the parties before completing such transfer.

Approved April 1, 1924.

CHAPTER 53

OCCUPYING CLAIMANTS

H. F. 78

AN ACT to amend, revise, and codify chapter three (3) of title twenty-three (23) of the compiled code of Iowa, relating to occupying claimants.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter three (3) of title twenty-three (23) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

CHAPTER 3

OCCUPYING CLAIMANTS

Section 1. Occupying claimants - right to improvements. Where an occupant of real estate has color of title thereto and has in good faith made valuable improvements thereon, and is thereafter adjudged not to be the owner, no execution shall issue to put the owner of the land in possession of the same, after the filing of a petition as hereinafter provided, until the provisions of this chapter have been complied with.

Sec. 2. Color of title - defined. Persons of each of the classes hereinafter enumerated shall be deemed to have color of title within the meaning of this chapter, but nothing contained herein shall be construed as giving a tenant color of title against his landlord:

1. A purchaser in good faith at any judicial or tax sale made by the proper officer, whether said officer had sufficient authority to make said sale or not, unless want of authority in such officer was known to the purchaser at the time of the sale.

2. A person who has by himself or together with those under whom he claims, occupied the premises for a period of five (5) years continuously.

3. A person whose occupancy of the premises has been for a shorter period than five (5) years, if during such occupancy the occupant or those under whom he claims have with the knowledge or consent of the real owner, express or implied, made any valuable improvements thereon.

4. A person whose occupancy of the premises has been for a shorter period than five (5) years, if such occupant or those under whom he claims have at any time during such occupancy paid the ordinary county taxes thereon for any one (1) year, and two (2) years have elapsed without a repayment or offer of repayment of the same by the owner thereof, and such occupancy has continued to the time the action is brought by which the recovery of the real estate is obtained.

5. A person who has settled upon any real estate and occupied the same for three (3) years under or by virtue of any law, or contract with the proper officers of the state or of the United States for the purchase thereof and shall have made valuable improvements thereon.

Sec. 3. Petition - trial - appraisalment. The petition of the occupant must set forth the grounds upon which he seeks relief, and state as accurately as practicable the value of the real estate, exclusive of the improvements made thereon by the claimant or his grantors, and the value of such improvements. The issue joined thereon must be tried as in ordinary actions and the value of the real estate and of such improvements separately ascertained.

Sec. 4. Rights of parties to property. The owner of the land may thereupon pay to the clerk of the court, for the benefit of the occupying claimant, the appraised value of the improvements and take the property and an execution may issue for the purpose of putting the owner of the land in possession thereof, but should he fail to make such payment within such reasonable time as the court may fix, the occupying claimant may pay to the clerk of the court, within such time as the court may fix, for the use of the owner of the land, the value of the property exclusive of the improvements and take and retain the property together with the improvements.

Sec. 5. Plaintiff and defendant - tenants in common. Should the owner of the land fail to pay for the improvements and the occupying claimant fail to pay for the land within the time fixed by the court as provided in the preceding section, the parties shall be held to be tenants in common of all the real estate including the instruments, each holding an undivided interest proportionate to the values ascertained on the trial.

Sec. 6. Waste by claimant. If the occupying claimant has committed any injury to the real estate by cutting timber or otherwise, the owner may set the same off against any claim for improvements made by such claimant.

Sec. 7. Option to remove improvements. Any person having improvements on any real estate granted to the state in aid of any work of internal improvement, whose title thereto is questioned by another, may remove such improvements without injury to such real estate at any time before he is evicted therefrom, or he may have the benefit of this chapter by proceeding as herein directed.

Approved February 15, 1924.

CEMETERY FUNDS

H. F. 82

AN ACT to amend, revise, and codify chapter twelve (12) of title twenty-three (23) of the compiled code of Iowa, and of the supplement to said code, relating to trustees to manage cemetery funds.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter twelve (12) of title twenty-three (23) of the compiled Code of Iowa, and of the supplement to said Code, is amended, revised, and codified to read as follows:

CHAPTER 12

TRUSTEES TO MANAGE CEMETERY FUNDS

Section 1. Trustee - appointment - trust funds. The owners of, or any party interested in, any cemetery may, by petition presented to the district court of the county where the cemetery is situated, have a trustee appointed with authority to receive any and all moneys or property that may be donated for and on account of said cemetery and to invest, manage, and control same under the direction of the court; but he shall not be authorized to receive any gift, except with the understanding that the principal sum is to be a permanent fund, and only the net proceeds therefrom to be used in carrying out the purpose of the trust created, and all such funds shall be exempt from taxation.

Sec. 2. Requisites of petition. Such petition may state the amount proposed to be placed in such trust fund, the manner of investment thereof, the provisions made for the disposition of any surplus income not required for the care and upkeep of the property described in such petition. Such provisions shall all be subject to the approval of the court and when so approved the trust fund and the trustee thereof shall, at all times, be subject to the orders and control of the court and such surplus arising from said fund shall not be used except for charitable, eleemosynary, or public purposes under the direction of the court.

Sec. 3. Receipt attested by clerk - cemetery record. Every such trustee shall execute and deliver to the donor a receipt showing the amount of money or other property received, and the use to be made of the net proceeds from same, duly attested by the clerk of the court granting letters of trusteeship, and a copy thereof, signed by the trustee and so attested, shall be filed with and recorded by the clerk in a book to be known as the cemetery record, in which shall be recorded all reports and other papers, including orders made by the court or judge relative to cemetery matters.

Sec. 4. Loans - security. Any such trustee shall loan all moneys received by him, under the direction and with the approval of the court, but only as same may be secured by first mortgage upon Iowa real estate, and no loan shall be made or approved, unless it be made to appear upon oath of three (3) disinterested citizens that such real estate is worth at least double the amount of the loan applied for, and that the applicant for the loan has good title thereto. Said trustee may invest said fund in government bonds of the United States, federal farm loan bonds, bonds issued by authority of law by cities, towns, counties, school or drainage districts at their marketable value.

Sec. 5. Bond - approval - oath. Every such trustee before entering upon the discharge of his duties or at any time thereafter when required by the court or judge, must give bond in such penalty as may be required by the court, approved by the clerk, conditioned for the faithful discharge of his duties, and take and subscribe an oath the same in substance as the condition of the bond, which bond and oath must be filed with the clerk

Sec. 6. Clerk-duty of-additional bond. It shall be the duty of the clerk at the time of filing each such receipt, to at once advise the court or judge as to the amount of the principal fund in the hands of such trustee, the amount of bond filed, and whether it is good and sufficient for the amount given.

Sec. 7. Compensation - expenses. Such trustee shall serve without compensation, but may, out of the income received, pay all proper items of expense incurred in the performance of his duties, including cost of bond, if any.

Sec. 8. Annual report. Such trustee shall make full report of his doings in the month of January following his appointment and in January of each successive year. In each of said reports he shall apportion the net proceeds received from the sum total of the permanent fund and make proper credit to each of the separate funds assigned to him in trust.

Sec. 9. Removal - vacancy filled. Any such trustee may be removed by the court or judge thereof at any time for cause, and in the event of removal or death, the court or judge must appoint a new trustee and require his predecessor or his personal representative to make full accounting.

Sec. 10. County auditor to act as trustee. In case no trustee is appointed, or if so appointed does not qualify, then such funds, or any funds donated by any person or estate to improvement of cemeteries, unless otherwise provided by law, shall be placed in the hands of the county auditor, who shall receipt for, loan, and make annual reports of such funds in such manner as provided in this chapter.

Sec. 11. Auditor to turn over interest annually. The said auditor shall annually turn over the accrued interest in his hands to the cemetery association or other person having control of the cemetery entitled thereto, who shall use the same in carrying out the provisions of said trust, and who shall file a written report annually with the county auditor.

Sec. 12. Municipal corporation as trustee. Cities, irrespective of their form of government, incorporated towns, and civil townships wholly outside of any city or incorporated town, shall be and they are hereby created trustees in perpetuity, and are required to accept, receive, and expend all moneys and property donated or left to them by bequest, to be used in caring for the property of the donor in any cemetery, or in accordance with the terms of such donation or bequest, and the money or property thus received shall be used for no other purpose.

Sec. 13. Authority to invest funds. The mayor and council and trustees as the case may be, shall have authority to receive and invest all moneys and property, so donated or bequeathed, in bonds of the United States, federal farm loan bonds, bonds issued by authority of law by cities, towns, counties, school or drainage districts. Such money must be invested at the market value of such securities, and they shall use the income from such investment in caring for the property of the donor in any cemetery, or as shall be provided in the terms of such gift or donations.

Sec. 14. Resolution of acceptance required. Before any part of the principal may be so invested or used, the said city, incorporated town, or civil township shall, by resolution, in accordance with the law as now provided, accept said donation or bequest, and shall, by said resolution, duly provide for the payment of interest thereon at the rate of not less than two percent (2%) per annum, payable annually, to the cemetery fund or to the cemetery association, or to the person having charge of said cemetery, to be used in caring for or maintaining the individual property of the donor in said cemetery, all to be in accordance with the terms of the donation or bequest.

PENAL INSTITUTIONS

H. F. 84

AN ACT to amend, revise, and codify title nine (9), and chapters fifteen (15) and sixteen (16) of title ten (10) of the compiled code and of the supplement to said code, relating to charitable, correctional, and penal institutions, and the juvenile court.

Be It Enacted by the General Assembly of the State of Iowa:

That title nine (9), and chapters fifteen (15) and sixteen (16) of title ten (10) of the compiled Code and of the supplement to said Code are amended, revised, and codified to read as follows:

CHAPTER 1

BOARD OF CONTROL OF STATE INSTITUTIONS

Section 1. Board of control. The board of control of state institutions shall be composed of three (3) electors of the state, not more than two (2) of whom shall belong to the same political party, and no two (2) of whom shall, at the time of appointment, reside in the same congressional district. Each member shall devote his entire time to the duties of his office, and hold office for a period of six (6) years, commencing on July first of the year of appointment. The term of office of one (1) member shall expire in each odd-numbered year.

Sec. 2. Nomination and appointment. The governor shall, within sixty (60) days following the organization of each regular session of the general assembly, appoint, with the approval of two-thirds (2/3) of the members of the senate in executive session, a successor to the member on said board whose term of office will expire on July first following. No appointment shall be considered by the senate until the same shall have been referred to a committee of five (5), not more than three (3) of whom shall belong to the same political party, to be appointed by the president of the senate, which committee shall report to the senate in executive session. The consideration of appointments by the senate shall not be had on the same legislative day the nominations are referred.

Sec. 3. Vacancies. Vacancies on said board that may occur while the general assembly is not in session shall be filled by appointment by the governor, which appointment shall expire at the end of thirty (30) days from the time the general assembly next convenes. Prior to the expiration of said thirty (30) days the governor shall transmit to the senate for its confirmation an appointment for the unexpired portion of the regular term. Vacancies occurring during a session of the general assembly shall be filled as regular appointments are made and before the end of said session, and for the unexpired portion of the regular term.

Sec. 4. Removal. The governor may, with the approval of the senate, during a session of the general assembly, remove any member of the board for malfeasance or nonfeasance in office, or for any cause that renders him ineligible to appointment, or incapable or unfit to discharge the duties of his office, and his removal when so made shall be final.

Sec. 5. Political activity - removal. No member, officer, or employee of the board, or of any of the institutions under the control of the board, shall, directly or indirectly, exert his influence to induce other officers or employees of the state to adopt his political views, or to favor any particular candidate for office, nor shall such member, officer, or employee contribute in any manner, money or other thing of value to any person for election purposes. Any person violating this section shall be removed from his office or position.

Sec. 6. Disqualification. No member of the board shall be eligible to any other lucrative office, elective, or appointive, in the state during his term of service, or for one (1) year thereafter.

Sec. 7. Organization. The member whose term first expires shall be the chairman of the board for each biennial period. The board shall employ a competent secretary and such other assistants as may be necessary. In the absence or disability of the secretary, the board may, by order entered of record, appoint a member of the board as acting secretary during such absence or disability, who shall at such time have the powers of the secretary of the board. No additional compensation shall be paid because of the service of such acting secretary.

Sec. 8. Official seal. The board shall have an official seal, and every commission, order, or other paper executed by the board may, under its direction, be attested with its seal.

Sec. 9. Expenses. The members of said board, its secretary, and employees shall, in addition to salary, receive their necessary traveling expenses by the nearest traveled and practicable route, when engaged in the state in the performance of official business.

Sec. 10. Trips to other states. No authority shall be granted to any person to make a trip to another state at the expense of the state, except by resolution, which shall state the purpose of the trip and why the same is necessary, adopted by the board, entered of record, and approved in writing by the Governor prior to the making of such trip.

Sec. 11. Biennial report. The board shall, in each even-numbered year, at the time provided by law, make a report to the governor and general assembly, and cover therein the biennial period ending with June thirtieth preceding, which report shall embrace:

1. An itemized statement, of its expenditures concerning each institution under its control.
2. A detailed statement of the management of all said institutions.
3. A statement of all visits made to said institutions and when and by whom made.
4. The observations and conclusions of the board relative to said institutions.
5. Such recommendations as to changes in the laws relative to such institutions as the board may deem advisable.
6. The name and salary of every officer or employee of said board, and of the various institutions controlled by the board.
7. The annual reports made to the board by the executive officers of the several institutions.
8. Such other matters as the governor may direct.

Sec. 12. Books of accounts. The board shall keep at its office a complete system of books and accounts with each institution under its control. Said books shall show every expenditure authorized and made at said institution and shall exhibit an account of each extraordinary or special appropriation made by the legislature, with every item of expenditure thereof.

Sec. 13. Appropriation. There is hereby appropriated until July 1, 1925, from any funds in the state treasury not otherwise appropriated sufficient thereof to pay the expenditures authorized in this chapter

CHAPTER 2

GOVERNMENT OF INSTITUTIONS

Sec. 14. Institutions controlled. The board of control shall have full power to contract for, manage, control, and govern, subject only to the limitations imposed by law, the following institutions:

1. Soldiers' Home.
2. Soldiers' Orphans' Home.
3. Institution for Feeble-minded Children.
4. State Sanatorium.
5. Hospital for Epileptics and School for Feeble minded.
6. Cherokee State Hospital.
7. Clarinda State Hospital.
8. Independence State Hospital.
9. Mount Pleasant State Hospital.
10. Training School for Boys.
11. Training School for Girls.
12. Juvenile Home.
13. Women's Reformatory.
14. Men's Reformatory.
15. State Penitentiary.

Sec. 15. Power of governor. Nothing contained in the foregoing section shall limit the general supervisory or examining powers vested in the governor by the laws or constitution of the state, or legally vested by him in any committee appointed by him.

Sec. 16. Report of abuses to governor. The board shall report, in writing, to the governor any abuses found to exist in any of the said institutions.

Sec. 17. Rules - fire - additional duties of employees. The board shall prescribe such rules, not inconsistent with law, as it may deem necessary for the discharge of its duties, the management of each of said institutions, the admission of inmates thereto, and the treatment, care, custody, education, and discharge of inmates. It is made the particular duty of the board to establish rules by which danger to life and property from fire will be minimized. In the discharge of its duties and in the enforcement of its rules it may require any of its appointees to perform duties in addition to those required by statute.

Sec. 18. Uniform accounts. Said board shall prescribe and install in all of said institutions the most modern, complete, and uniform system of accounts, records, and reports possible, which system, among other matters, shall show the detailed facts relative to the handling and use of all purchases.

Sec. 19. Executive officers - tenure - removal. The board shall appoint a superintendent, warden, or other chief executive officer of each institution under its control who shall have the immediate custody and control, subject to the orders of the board, of all property used in connection with the institution. The tenure of office of said officers shall be four (4) years from the date of their appointment but they may be removed for inability or refusal to properly perform the duties of the office, but such removal shall be had only after an opportunity is given such person to be heard before such board upon preferred written charges. Such removal, when made, shall be final.

Sec. 20. Appointment of subordinate officers and employees. The board shall determine the number and compensation of subordinate officers and employees for each institution. Such officers and employees shall be appointed and discharged by the chief executive officer. Such officer shall keep, in the record of each subordinate officer and employee, the date of employment, the compensation, and the date of each discharge, and the reasons therefor.

Sec. 21. Influence in appointments. Any member of the board, and any officer thereof, who, by solicitation or otherwise, exerts any influence on the chief executive officer of any institution under the control of said board in the selection of any employee for such institution, shall be guilty of a misdemeanor.

Sec. 22. Bonds. The board shall require its secretary and each officer and employee of said board, and of every institution under its control who may be charged with the custody or control of any money or property belonging to the state, to give an official bond, properly conditioned, and signed by sufficient sureties, in a sum to be fixed by the board, which bond shall be approved by the board, and filed in the office of the secretary of state. It may require bonds of other officers and employees not enumerated above.

Sec. 23. Salaries. The board shall, annually, with the written approval of the governor, fix the annual or monthly salaries of all officers and employees for the year beginning July first of said year, except such salaries as are fixed by the general assembly. The board shall classify the officers and employees into grades and the salary and wages to be paid in each grade shall be uniform in similar institutions.

Sec. 24. Dwelling house and provisions. The board shall furnish the executive head of each of said institutions, in addition to salary, with a dwelling house or with appropriate quarters in lieu thereof, and, from supplies purchased for the institution, the necessary household provisions for himself, wife, and minor children.

Sec. 25. Salaries - how paid. The salaries and wages shall be included in the monthly pay rolls and paid in the same manner as other expenses of the several institutions.

Sec. 26. Vacations with full pay. Each officer and employee of each of said institutions shall be granted an annual vacation, on full pay, as follows:

1. Seven (7) days to those who have been in the service of the state one (1) continuous year.
2. Ten (10) days to those who have been in such service two (2) continuous years.
3. Fourteen (14) days to those who have been such service three (3) or more continuous years.

Sec. 27. Authority for vacation. Such vacations shall only be taken at such times as the executive officer may direct, and only after written authorization by him, and for the number of days specified therein. A copy of such permit shall be attached to the pay roll of the institution for the month during which the vacation was taken, and the pay roll shall show the number of days the person was absent under the permit.

Sec. 28. Record of employees and inmates. The board shall require the proper officer of each institution to keep in a book prepared for the purpose, a record, to be made each day, of the number of hours of service of each employee. The monthly pay roll shall be made from such time book, and shall be in accord therewith. When an appropriation is based on the number of inmates in or persons at an institution, the board shall require a daily record to be kept of the persons actually residing at and domiciled in such institution.

Sec. 29. Districts. The board shall, from time to time, divide the state into districts from which the several institutions may receive inmates. It shall promptly notify the proper county or judicial officers of all changes in such districts.

Sec. 30. Place of commitments - transfers. Commitments, unless otherwise permitted by the board, shall be to the institution located in the district embracing the county from which the commitment is issued. The board may, at the expense of the state, transfer an inmate of one institution to another like institution.

Sec. 31. Record of inmates. The board shall, as to every person committed to any of said institutions, keep the following records: Name, residence, sex, age, nativity, occupation, civil condition, date of entrance or commitment, date of discharge, whether a discharge was final, condition of the person when discharged, the name of the institutions from which and to which such person has been transferred, and, if dead, the date, and cause of death.

Sec. 32. Record privileged. Except with the consent of the board, or on an order of a judge, or court of record, the record provided in the foregoing section shall be accessible only to the members, secretary, and proper clerks of the board.

Sec. 33. Reports to board. The managing officer of each institution shall, within ten (10) days after the commitment or entrance of a person to the institution, cause a true copy of his entrance record to be made and forwarded to the board. When a patient or inmate leaves, or is discharged, or transferred, or dies in any institution, the superintendent or person in charge shall within ten (10) days thereafter, send such information to the office of the board on forms which the board may prescribe.

Sec. 34. Questionable commitment. All superintendents are required to immediately notify the board if there is any question as to the propriety of the commitment or detention of any person received at such institution, and said board, upon such notification, shall inquire into the matter presented, and take such action as may be deemed proper in the premises.

Sec. 35. Religious beliefs. The chief executive officer, receiving a person committed to any of said institutions, shall inquire of such person as to his religious preference and enter the same in the book kept for the purpose, and cause said person to sign the same.

Sec. 36. Religious worship. Any such inmate, during the time of his detention, shall be allowed, for at least one (1) hour on each Sunday and in times of extreme sickness, and at such other suitable and reasonable times as is consistent with proper discipline in said institution, to receive spiritual advice, instruction, and ministrations from any recognized clergyman of the church or denomination which represents his religious belief.

Sec. 37. Religious belief of minors. In case such inmate is a minor and has formed no choice, his preference may, at any time, be expressed by himself with the approval of parents or guardian, if he has any such.

Sec. 38. Investigation. The board, or a committee thereof, shall visit, and minutely examine, at least once in six (6) months, and oftener if necessary or required by law, the institutions named, and the financial condition and management thereof.

Sec. 39. Scope of investigation. The board shall, during such investigation and as far as possible, see every inmate of each institution, especially those admitted since the preceding visit, and shall give such inmates as may require it, suitable opportunity to converse with them apart from the officers and attendants.

Sec. 40. Investigation of county or private institutions. Said board, or any member thereof, may investigate charges of abuse, neglect, or mismanagement on the part of any officer or employee of any county home in which insane persons are kept, and of any private institution which is subject to the supervision of said board.

Sec. 41. Witnesses. In aid of any investigation the board shall have the power to summon and compel the attendance of witnesses; to examine the same under oath, which any member thereof shall have power to administer; to have access to all books, papers, and property material to such investigation, and to order the production of any other books or papers material thereto. Witnesses other than those in the employ of the state shall be entitled to the same fees as in civil cases in the district court.

Sec. 42. Contempt. Any person failing or refusing to obey the orders of the board issued under the preceding section, or to give or produce evidence when required, shall be reported by the board to the district court in the county where the offense occurs or any judge thereof, and shall be dealt with by the court or judge as for contempt of court.

Sec. 43. Transcript of testimony. The board shall cause the testimony taken at such investigation to be transcribed and filed in its office at the seat of government within ten (10) days after the same is taken, or as soon thereafter as practicable, and when so filed the same shall be open for the inspection of any person.

Sec. 44. State agents - appointment - supplies. The board may appoint, and discharge at their pleasure, such number of persons as may be authorized by law to act as state agents for the soldiers' orphans' home, the two (2) training schools, the juvenile home, and the women's reformatory.

Sec. 45. Rooms and supplies. The board shall furnish such agents office rooms and all necessary supplies in the same manner supplies are furnished other officers of the board. Such agents, while stopping at any of said institutions, may be furnished with rooms, board, and facilities therein, free of cost.

Sec. 46. Duties of agents. Said agents shall:

1. Perform such duties as may be required by law or by said board.
2. Find suitable homes and employment for inmates of said institutions who are to be or who have been released.
3. Inspect such homes.
4. Exercise supervision over such discharged or released persons and examine into their conduct and environment.
5. Return to the institution from which released, all inmates who have been conditionally released and whose conduct has been bad, or in violation of their release.
6. Obtain new homes or new employment for released inmates when their environment is bad.
7. Keep records of their acts as agents and make all reports called for by the board.

Sec. 47. Advancing expense fund. The board of control may cause to be advanced to each agent, from time to time, from the funds appropriated for such purpose, sums to be used in defraying the official expenses of such agent. The aggregate amount of money so advanced and not expended at any time shall not exceed the sum of two hundred fifty dollars (\$250.00). The agent shall give security, to be approved by the board, for the proper use and accounting each month of all money so advanced.

Sec. 48. Salary and expenses. Said agent shall receive their actual and necessary expenses incurred in the discharge of their duties.

Sec. 49. Duty of receiving officers. The stewards of the hospital for the insane, the clerks of the prisons, and the proper officers, who shall be designated by the board, of the other institutions, shall each:

1. Have charge of and be accountable for all supplies and stores of such institution and be chargeable therewith, at their invoice value.
2. Issue stores and supplies upon requisition approved by the superintendent or other officer designated by the board, which requisition shall be his voucher therefor.
3. Present, monthly, to the board an abstract of all expenditures, together with the accounts and pay rolls for the preceding month.
4. Examine and register all goods delivered, as to their amount and quality, and certify to the correctness of the bills therefor, if the goods correspond to the samples, are in good order, and correct in prices.
5. Take an invoice, quarterly, of the subsistence supplies and stock in his possession and control, and transmit a copy thereof, duly verified by him, to the board.
6. Make to the board, at the close of the biennial period, a consolidated report of all purchases and transactions of his department.
7. Pay into the state treasury, from time to time, such amount as the board may determine is necessary to reimburse the state for his negligent loss of such stores or supplies, and shall so do within sixty (60) days of such determination by the board. If default be made in such payment, he shall be discharged and suit shall be brought on his bond.

Sec. 50. Services required. Inmates of said institution subject to the provisions hereinafter provided, may be required to render any proper and reasonable service either in the institution proper or in the industries established in connection therewith.

Sec. 51. Custody and escape. When an inmate of an institution is so working outside the institution proper he shall be deemed at all times in the actual custody of the head of the institution.

Sec. 52. Wages of inmates. When an inmate performs services for the state at an institution, the board of control may, when it deems such course practicable, pay such inmate such wage as it deems proper in view of the circumstances, and in view of the cost attending the maintenance of such inmate. In no case shall such wage exceed the amount paid to free labor for a like service or its equivalent.

Sec. 53. Deduction from wage to pay court costs. If such wage be paid, the board may deduct therefrom an amount sufficient to pay all or a part of the costs taxed to such inmate by reason of his commitment to said institution. In such case the amount so deducted shall be forwarded to the clerk of the district court or proper official.

Sec. 54. Wages paid to dependent.- deposits. If such wage be paid, the board may pay all or any part of the same directly to any dependent or such inmate, or may deposit such wage to the account of such inmate, or may so deposit part thereof and allow the inmate a portion for his own personal use. All deposits shall be on the best attainable terms.

Sec. 55. Executive heads - semiannual conferences. Quarterly conferences of the chief executive officers of said institutions shall be held with the board at Des Moines, for the consideration of all matters relative to the management of said institutions. Full minutes of such meetings shall be preserved in the records of the board.

Sec. 56. Papers read at conference - appropriation. The board may cause papers to be prepared and read, at such conferences, on appropriate subjects. The sum of two hundred fifty dollars (\$250.00) is annually appropriated until July 1, 1925, for the purpose of paying the actual and necessary traveling and hotel expenses of the parties who prepare and read such papers.

Sec. 57. Executive heads - scientific investigation. The board shall encourage the scientific investigation, on the part of the executive heads and medical staffs of the various institutions, as to the most successful methods of managing such institutions and treating the persons committed thereto, shall procure and furnish to such heads and staffs information relative to such management and treatment, and, from time to time, publish bulletins and reports of scientific and clinical work done in said institutions.

Sec. 58. Monthly report of executive heads. The chief executive officer of each institution shall, on the first day of each month, account to the board for all state funds received during the preceding month, and, at said time, remit the same to the treasurer of state.

Sec. 59. Annual reports of executive heads. The executive head of each institution shall make an annual report to the board and embrace therein a minute and accurate inventory of the stock and supplies on hand, and the amount and value thereof, under the following heads: Live stock, farm produce on hand, vehicles, agricultural implements, machinery, mechanical fixtures, real estate, furniture, and bedding in inmates' department, state property in superintendent's department, clothing, dry goods, provisions and groceries, drugs and medicines, fuel, library, and all other state property under appropriate heads to be determined by the board.

Sec. 60. Contingent fund. The board may permit the executive head of each institution to retain a stated amount of funds in his possession as a contingent fund for the payment of freight, postage, commodities purchases on authority of the board on a cash basis. salaries, and bills granting discounts for cash.

Sec. 61. Requisition for contingent fund. If necessary, the board shall make proper requisition upon the auditor of state for a warrant on the state treasurer to secure the said contingent fund for each institution.

Sec. 62. Monthly reports of contingent fund. A full, minute, and itemized statement of every expenditure made during the month from such contingent fund, shall be submitted by the proper officer of said institution to the board under such rules as said board may establish.

Sec. 63. Supplies - competition - Iowa dealers. The board shall, in the purchase of supplies, afford all reasonable opportunity for competition, and shall give preference to local dealers and Iowa producers when such can be done without loss to the state.

Sec. 64. Dealers may file addresses. Jobbers or others desirous of selling supplies shall, by filing with the board a memorandum showing their address and business, be afforded an opportunity to compete for the furnishing of supplies, under such rules as the board may prescribe.

Sec. 65. Samples preserved. When purchases are made by sample, the same shall be properly marked and retained for six (6) months after the delivery of such purchase.

Sec. 66. Purchase from institutions. The board may purchase supplies of any institution under its control, for the use in any other such institution, and reasonable payment therefor shall be made as in case of other purchases.

Sec. 67. Purchase of supplies. The board shall, from time to time, adopt and make of record, rules and regulations governing the purchase of all articles and supplies needed at the various institutions, and the form, verification, and audit of vouchers for such purchases.

Sec. 68. Certified abstracts. When vouchers for expenditures other than salaries have been duly audited, the secretary of the board shall prepare, in duplicate, an abstract showing the name, residence, and amount due each claimant and the institution and fund thereof on account of which the payment is made. The correctness of said abstracts shall, under the seal of the board, be certified by said secretary and by at least one member of the board. The original abstract shall be delivered to the auditor of state. The duplicate shall be retained in the office of the board.

Sec. 68-a1. Warrants. Upon such certificate the auditor of state shall, if the institution named has sufficient funds, issue his warrants upon the treasurer of state for the amounts and to the claimants indicated thereon. The auditor of state shall deliver the warrants thus issued to the board, who will cause same to be transmitted to the payees thereof.

Sec. 68-a2. Monthly pay rolls. At the close of each month, the chief executive officer of each institution shall prepare and forward to the board a monthly pay roll which shall show: the name of each officer and employee, when first employed, the monthly pay, time paid for, the amount of pay, and any deductions for the careless loss or destruction of property. In no event shall a substitute be permitted to receive compensation in the name of the employee for whom he is acting.

Sec. 68-a3. Payment. After said pay roll has been audited by the board, abstracts thereof shall be prepared, certified to, and filed with the auditor of state and in the records of the board and warrants issued thereon as provided in case of disbursements other than salaries, except that the auditor of state shall draw one warrant in favor of the executive head of the institution in question for the sum total of said pay roll.

Sec. 68-a6. Combining appropriations. The auditor of state is authorized to combine the balances carried in all specific appropriations into a special account for each institution under the control of the board of control, except that the support fund for each institution shall be carried as a separate account.

Sec. 69. State architect. Said board may employ a competent architect, and such draftsmen as may be authorized by law. Said architect shall, in addition to salary, be reimbursed for his actual and necessary expenses within the state while engaged in official business. In cases of sufficient magnitude the board

may secure the advice of a consulting architect, or may secure plans and specifications from other architects, at a cost not exceeding one thousand five hundred dollars (\$1,500.00) in any year.

Sec. 70. Plans and specifications. Said board shall cause plans and specifications to be prepared for all improvements authorized and costing over one thousand dollars (\$1,000.00). No appropriation for any improvement shall be expended until the adoption of suitable plans and specifications, prepared by a competent architect, and accompanied by a detailed statement of the amount, quality, and description of all material and labor required for the completion of such improvement. No plans shall be adopted, and no improvement shall be constructed, which contemplates an expenditure of money in excess of the appropriation.

Sec. 71. Letting of contracts. The board shall, in writing, let all contracts for authorized improvements costing in excess of three hundred dollars (\$300.00) to the lowest responsible bidder, after such advertisement for bids as the board may deem proper in order to secure full competition. The board may reject all bids and readvertise.

Sec. 72. Preliminary deposit. A preliminary deposit of money, or certified check upon a solvent bank in such amount as the board may prescribe, shall be required as an evidence of good faith, upon all proposals for the construction of said improvements, which deposit or certified check shall be held under the direction of the board.

Sec. 73. Improvements by day labor. Authorized improvements costing three hundred dollars (\$300.00) or less may, under authorization of the board, be made by the executive head of any institution by day labor.

Sec. 74. Improvements at institutions. The requirements that contracts in excess of three hundred dollars (\$300.00) shall be let under contract shall not be mandatory as to improvements at any institution where the labor of inmates may be utilized on the particular work to be done, to the advantage of the inmates or of the state.

Sec. 75. Payment for improvements. No payment shall be authorized for construction purposes until satisfactory proof has been furnished to the board of control, by the proper officer or supervising architect, that the contract has been complied with by the parties; and all payments shall be made in a manner similar to that in which the current expenses of the several institutions are paid.

Sec. 76. Property of deceased inmate. The chief executive office of each institution shall, upon the death of any inmate or patient, immediately take possession of all property of the deceased left at said institution, and deliver the same to the duly appointed and qualified representative of the deceased.

Sec. 77. Property of small value. If administration be not granted within one (1) year from the date of the death of the decedent, and the value of the estate of decedent is so small as to make the granting of administration inadvisable, then delivery of the money and other property left by the decedent may be made to the surviving spouse and heirs of the decedent.

Sec. 78. Disposal when no administration granted. If administration be not granted within one (1) year from the death of decedent, and no surviving spouse or heir is known, said executive officer may convert all said property into money and in so doing he shall have the powers possessed by a general administrator.

Sec. 79. Money deposited with treasurer of state. Said money shall be transmitted to the treasurer of state as soon after one (1) year after the death of the intestate as practicable, and be credited to the support fund of the institution of which the intestate was an inmate.

Sec. 80. Permanent record kept. A complete permanent record of the money so sent, showing by whom and with whom it was left, its amount, the date of the death of the owner, his reputed place of residence before he became an inmate of the institution, the date on which it was sent to the state treasurer and any other facts which may tend to identify the intestate and explain the case shall be kept by the chief executive officer of the institution and a transcript thereof shall be sent to, and kept by, the treasurer of state.

Sec. 81. Payment to party entitled. Said money shall be paid, at any time within ten (10) years from the death of the intestate, to any person who is shown to be entitled thereto. Payment shall be made from the state treasury out of the support fund of such institution in the manner provided for the payment of other claims from that fund.

Sec. 82. Special policemen. The board may, by order entered of record, commission one (1) or more of the employees at each of said institutions as special police. Such police shall, on the premises of the institution of which they are employees, and in taking an inmate into custody, have and exercise the powers of regular peace officers. No additional salary shall be granted by reason of such appointment.

Sec. 83. Temporary quarters in case of emergency. In case the buildings at any institution under the management of the board of control are destroyed or rendered unfit for habitation by reason of fire, storms, or other like causes, to such an extent that the inmates can not be there confined and cared for, said board shall make temporary provision for the confinement and care of the inmates at some other place in the state. Like provisions may be made in case any pestilence breaks out among the inmates. The reasonable cost of the change, including transfer of inmates, shall be paid from any money in the state treasury not otherwise appropriated.

Sec. 84. Industries may be established. The board may establish such industries as it may deem advisable at or in connection with any of said institutions.

Sec. 85. Sterilization of patients. The operation of sterilization may be performed on any inmate of any of the institutions under the control and management of the board of control when such patient is afflicted with insanity, idiocy, imbecility, feeble mindedness, or syphilis, but only after all the following conditions have been complied with:

1. The superintendent of the hospital must determine, and a majority of his medical staff must concur therein, that the performance of such operation is for the best interests of the patient and society.

2. The performance of such operation must be approved by a majority of the members of the board of control.

3. The husband or wife of the patient if known and living in this state, must consent in writing to such operation; if the patient is unmarried the parent, guardian, or next of kin, if known and living in this state, must so consent.

Sec. 86. Operation defined. The operation to be performed upon a male person shall be what is known as vasectomy, and upon a female patient what is known as section of the fallopian tubes with implantation in the uterine muscles.

Sec. 87. Performance of operation. The operation shall be performed by some capable physician or surgeon to be selected by the superintendent of the hospital.

Sec. 88. Unlawful operation. Every person who shall, except as authorized in the last three (3) preceding sections, perform on any person either of the operations named, for the purpose of destroying the power of procreation, unless the performance of such operation is a medical necessity, shall be guilty of a misdemeanor.

Sec. 89. Biennial report. The board of control shall include in its regular biennial report, all proceedings under the preceding sections relating to sterilization, with such observations and statistics as may be deemed advisable.

Sec. 89-a1. Aiding escapes - bringing liquor or drugs to inmates. Any person not authorized by law, who shall bring or pass or cause to be brought into the institution for feeble-minded children, or the hospital for epileptics and school for feeble minded, or any state hospital for the insane, or the training school for boys, or the training school for girls, or the juvenile home, or the women's reformatory, or the men's reformatory, or the state penitentiary, or onto the grounds thereof, or into any inclosure, building, camp, quarry, farm, garden, or other place used in connection with any such institution in which prisoners, patients or inmates are required or permitted to be, any opium, morphine, cocaine, or other narcotics, or any intoxicating liquor, or any firearm, weapon or explosive of any kind, or any rope, ladder or other instrument or device for use in making or attempting an escape, or shall in any manner aid in such an escape, or who shall knowingly conceal such inmate after escape, shall be punished by imprisonment in the penitentiary or reformatory for a term not exceeding five (5) years.

CHAPTER 3

SOLDIERS' HOME

Sec. 90. Right to admission. The following named persons are entitled to admission into the Iowa soldiers' home if they do not have sufficient means or ability to support themselves:

1. A person who has been commissioned, enlisted, or inducted into the military or naval service of the United States and who served in Iowa military organizations, or who was accredited to Iowa, or who was a resident of Iowa when he was so commissioned, enlisted, or inducted, members of the northern border brigade, and the lawful wife, if any, of such person at time of his original admission, without regard to residence in this state at the time original application is made.

2. A person who has been so commissioned, enlisted, or inducted, and who served in military organizations of other states, or was accredited to another state, and the lawful wife, if any, of such person for admission into said home, if they have been residents of Iowa for three (3) years next preceding the date of application.

5. A woman who, prior to nineteen hundred ten (1910), married any man within the above classes, and who, at the time of application for admission to the home, is his widow, or who, at said time, has been divorced without fault on her part. A subsequent marriage shall not deprive such women of the right to admission to said home, nor, in case of divorce, shall such right to admission depend upon the presence of the former husband in the home as a member, but if said woman was the wife of a person of the class named in paragraph two (2) hereof, she shall not be admitted except on proof of a residence which would have entitled the husband to admission.

Sec. 91. Eligibility of applicants. The board of control shall determine the eligibility of all applicants for admission to the home.

Sec. 92. Husband and wife. Husbands and wives may be permitted to occupy, together, cottages or other quarters on the grounds of the home.

Sec. 93. Certificate as to place of residence - records. Before admission, such person, if a resident of this state, shall file with the commandant an affidavit, signed by the board of supervisors of the county in which such person resides, that such person, to the best of their knowledge and belief, is a resident of such county. If such person is not a resident of this state, he shall file proof, by affidavit, showing his place of residence. Such affidavit shall be conclusive evidence of the residence of such person in all matters affecting the liability of the county with respect to any expenses of such person for which the county may be liable. All records of admission shall show the residence of the applicant.

Sec. 94. Residence of members. The residence of a member who is discharged or who voluntarily leaves the home shall be that of the county of which he was a resident at the time of his admission.

Sec. 95. Admission of nondependents. The board may, if there is room for all dependent applicants and members, admit and allow to remain in the home, persons who have sufficient means for their own support but are otherwise eligible to become members of the home, on payment of the cost of their support, which cost shall be fixed from time to time by the board of control.

Sec. 96. Funds received from nondependents. All money paid under the provisions of the preceding section shall be received by the commandant and remitted each month to the treasurer of state and placed to the credit of the general fund of the state.

Sec. 97. Salary. The commandant shall be the chief executive officer and receive an annual salary of twenty-eight hundred dollars (\$2,800.00).

Sec. 98. Qualifications of commandant. The commandant shall possess an honorable discharge from the United States army or navy, except that when such person is not available for the office any other suitable person may be appointed.

Sec. 99. Subordinate officers - qualifications. Among the subordinate officers of said home there shall be an adjutant, a quartermaster, and a chief surgeon, each of whom shall possess the same qualifications as the commandant, provided such a person is obtainable.

Sec. 100. Home and supplies for subordinate appointees. The adjutant, quartermaster, chief surgeon, and chaplain shall be furnished, without charge, the use of the houses erected by the state and now occupied by such officers, together with lights, heat, fuel, ice, and water.

Sec. 101. Pension money not liable for support. Pension money received from the federal government shall not be applied to the support, in said home, of any member, nor shall such member be deprived of any part of such pension money except as hereinafter provided.

Sec. 102. Pension money - effect of convictions. Any person who, while a member of the home, is twice convicted of an offense against the statutes of the state, or twice convicted by the commandant or a court martial of intoxication or other infraction of the rules of the home, shall be required to deposit all his pension money with the commandant immediately upon receipt of his pension warrant. In lieu of a trial by the commandant, the member may demand a court martial.

Sec. 103. Pension money paid to dependents. When said money is so deposited, the commandant shall pay one-half (1/2) thereof to the pensioner's wife, child, or parent who is dependent on him for support. If there be two (2) or more such dependent relatives, the commandant shall pay said one-half (1/2) to those dependents who are most needy.

Sec. 104. Pension money deposited. The remaining one-half (1/2) of such pension money, and all of said money in case of the pensioner has no such dependents, shall, in case of such conviction, be deposited by the commandant for and on behalf of such pensioner, and the commandant shall, under such rules as the board of control may provide, pay the same out, with the consent of the pensioner, in such manner and for such purposes as the board may approve.

Sec. 105. Return of deposit to pensioner. If, after such deposit is made, the pensioner abstains from all violations of the law for a period of ten (10) months after such conviction, he shall be entitled to receive, from said deposit, two dollars (\$2.00) for the eleventh month, and four dollars (\$4.00) for the twelfth month. If, during said two (2) months, the pensioner shall conduct himself in an orderly and sober manner, said deposit shall be returned to him.

Sec. 106. Deposit returned in case of discharge. If the depositor be discharged from the said home, any balance of such deposit, after his railroad ticket has been purchased, shall be paid to such pensioner within thirty (30) days after his discharge.

Sec. 107. Assignment of deposit. No assignment of pension money deposited with the commandant nor any claim therefor shall be valid.

Sec. 108. Pension money in case of dependents. Each member of the home who receives a pension, and who has a dependent wife or minor children, shall deposit with the commandant forthwith on receipt of his pension check one-half (1/2) of the amount thereof, which shall be sent at once to the wife if she be dependent upon her own labor or others for support, or, if there be no wife, to the guardian of the minor children if dependent upon others for support. The commandant, if satisfied that the wife has deserted her husband, or is of bad character, or is not dependent upon others for support, may pay the money deposited as aforesaid to the guardian of the dependent minor children.

Sec. 109. Annual appropriation. For the general support of said home, there is hereby appropriated until July 1, 1925, the sum of twenty-eight dollars (\$28.00) per month for each member, and fifteen dollars (\$15.00) per month for each officer and employee not a member of the home, or so much thereof as may be necessary. The commandant, on the first day of each month, shall certify to the board the average number of members supported by the state in the home for the preceding month. Upon receipt of such certificate the board shall certify to the auditor and treasurer of state the total amount payable by the state for the support of the home for the preceding month, and the auditor and treasurer of state shall credit the home with said amount. The amount so credited shall be drawn from the state treasury in the manner provided in chapter two (2) of this title.

Sec. 110. Minimum monthly appropriation. If the average number of members shall be less than seven hundred fifty (750) in any month, the auditor and treasurer of state shall credit the home with the sum of twenty-one thousand dollars (\$21,000.00) for that month, which sum, or so much thereof as may be needed, is appropriated until July 1, 1925, out of any unappropriated money in the treasury, together with the monthly allowance for each officer and employee provided in the preceding section, and the sum so credited shall be drawn from the state treasury in the same manner and for the same purpose as the regular monthly per capita allowance is drawn.

CHAPTER 3 - A

IOWA SOLDIERS' ORPHANS' HOME

Sec. 110-a1. Objects. The Iowa soldiers' orphans' home shall be maintained for the purpose of providing for children therein a common school education and such useful and regular employment and training as will enable them to be self-sustaining. The board of control and superintendent of the home shall assist all discharged children in securing suitable homes and proper employment.

Sec. 110-a2. Salary of superintendent. The salary of the superintendent of said home shall be twenty-four hundred dollars (\$2,400.00) per year.

Sec. 110-a3. Admissions. Admission to said home shall be granted to resident children of the state under eighteen (18) years of age, as follows, giving preference in the order named:

1. Destitute children, and orphans unable to care for themselves, of soldiers, sailors, or marines.
2. Neglected or dependant children committed thereto by the juvenile court.
3. Other destitute children.

Sec. 110-a4. Procedure for admission. The procedure for commitment to said home shall be the same as provided by chapter fifteen (15) of title nine (9), but admission may be granted on voluntary applications signed by the legal custodian of the child and approved by a judge of a court of record, or by the board of supervisors, of the county of the child's residence. Such applications shall be subject to the approval of the board of control and shall be in such form as it may prescribe.

Sec. 110-a5. Transfer to and from the home. The board of control may transfer to the home minor wards of the state from any institution under its charge; but no person shall be so transferred who is not mentally normal, or who is incorrigible, or has any vicious habits, or whose presence in the home would be inimical to the normal or physical welfare of normal children therein, and any such child in the home may be transferred to the proper state institution.

Sec. 110-a6. Profits and earnings of child. Any profits arising from labor at the home shall be placed at interest in some savings bank, and each child paid, when discharged, in proportion as his labor contributed to the fund. The earnings of a child who is placed with others under contract shall be used, held, or otherwise applied for the exclusive benefit of said child.

Sec. 110-a7. Regulations. All children admitted or committed to the home shall be wards of the state and subject to the rules of the home. Subject to the approval of the board, any child received under voluntary application may be expelled by the superintendent for disobedience and refusal to submit to proper discipline. Children shall be discharged upon arriving at the age of eighteen (18) years, or sooner if possessed of sufficient means to provide for themselves.

Sec. 110-a8. Enumeration of soldiers' orphans. The assessor in each odd-numbered year shall take an enumeration of the children of deceased soldiers who were in the military service of the government, naming the company or organization to which the soldiers belonged, with the age and sex of the children. The auditors of the several counties shall furnish the assessors with the proper blanks for taking such lists. The lists so returned shall be revised from time to time, as may be necessary, by the board of supervisors, and a record made of such action.

Sec. 110-a9. Adoption of children. Any child in said home who is an orphan, or who has been abandoned by his parents, or whose parents or surviving parent consent in writing, may be adopted by any citizen of this state, upon the recommendation of the superintendent, and with the approval of the board.

Sec. 110-a10. Articles of adoption. The adoption shall be by written instrument, signed by the superintendent and by the person adopting, subject to the written approval of the board. Except as herein otherwise provided, such instrument shall be signed and recorded as provided by the general adoption statutes of the state, and the adoption shall create the rights and liabilities provided by said statutes.

Sec. 110-a11. Placing child under contract. Any child received in said home, unless adopted, may, under written contract approved by the board, be placed by the superintendent in the custody and care of any proper person or family. Such contract shall provide for the custody, care, education, maintenance, and earnings of the child for a fixed time which shall not extend beyond the age of majority. Such contract shall be signed by the superintendent and by the person taking the child.

Sec. 110-a12. Recovery of possession of child. In case of a violation of the terms of such articles of adoption, or contract, the board may cause the child to be taken from the person or persons with whom placed, and may make such other disposition of him as shall seem to be for his best interests.

Sec. 110-a13. Recovery of child - duty of county attorney. In case legal proceedings are necessary to recover the possession of such child, they may be instituted and carried on in the name of the superintendent, and the county attorney of the county in which the child is placed shall, if requested by the superintendent, act as his attorney in the proceedings.

Sec. 110-a14. Interference with child. It shall be unlawful for any parent or other person not a party to the placing of a child by adoption or for a term of years, to interfere in any manner with or to assume or exercise any control over such child or his earnings while such adoption or contract is in force.

Sec. 110-a15. Counties liable. Each county shall be liable for sums paid by the home in support of all its children, other than the children of soldiers, to the extent of a sum equal to one-half ($1/2$) the amount appropriated by the state for the support for each child, and when the average number of children shall be less than five hundred (500) in any month, each county shall be liable for its just proportion for each child of the amount credited to the home for that month. The sums for which each county is so liable shall be charged to the county and collected as a part of the taxes due the state, and paid by the county at the same time state taxes are paid.

Sec. 110-a16. Maximum appropriation. For the support of the home there is appropriated out of any money in the state treasury not otherwise appropriated the sum of twenty-four dollars (\$24.00) per month, or so much thereof as may be necessary for each child actually supported, and, in addition, the expense of his transmission to the home. The superintendent on the first day of each month shall certify to the board of control the average number of children supported by the state in the home for the preceding month, and the expense of transmitting children to the home during said month. Upon receipt of such certificate the said board shall certify to the auditor and treasurer of state the total amount payable by the state for the support of the home for the preceding month, and the expense of transmitting children to the home for said month, and the auditor and treasurer of state shall credit the home with said amount. The amount so credited shall be drawn from the state treasury in the manner provided for the drawing of support funds for the other institutions under the management of the state board of control.

Sec. 110-a17. Minimum appropriation. If the average number of children shall be less than five hundred (500) in any month, the auditor and treasurer of state shall, upon the presentation of the proper certificate by the board, credit the home with the sum of twelve thousand dollars (\$12,000.00) for that month, and the sum so credited shall be drawn from the state treasury in the same manner and for the same purposes as the regular monthly per capita allowance is drawn.

CHAPTER 4 STATE SANATORIUM

Sec. 111. State sanatorium. The state sanatorium for the treatment of tuberculosis shall hereafter be known as the state sanatorium.

Sec. 112. State sanatorium - object and purpose. The state sanatorium shall be devoted solely to the care and treatment of pulmonary tuberculosis, both in its incipient and advanced stages, of residents of this state.

Sec. 113. Qualifications of superintendent. The superintendent shall be a well educated physician of at least five (5) years' experience in the practice of medicine. He shall reside at the sanatorium.

Sec. 114. Salaries. The annual salary of the superintendent shall be fixed by the board of control at an amount not exceeding twenty-five hundred dollars (\$2500.00).

Sec. 115. Duties of superintendent. Said superintendent shall:

1. Perform such duties as may be provided by law or by said board.
2. Oversee and secure the individual treatment and professional care of each patient.
3. Prescribe rules, subject to the approval of said board, for the application, examination, reception, discharge, and government of patients.
4. Keep a full record of the condition of each patient.
5. Encourage and assist in the establishment of hospitals throughout the state, especially in cities, for the treatment of tuberculosis.
6. Furnish to each applicant for admission proper blanks on which to make the application.

Sec. 116. Admission - examination. All applicants for admission to the sanatorium shall first secure a thorough examination of his condition by a physician licensed to practice medicine in this state for the purpose of determining whether said applicant is afflicted with pulmonary tuberculosis. Said

examining physician shall, as accurately as possible, fill out the blanks furnished for that purpose, and at once mail the same to the superintendent.

Sec. 117. Additional showing. The superintendent, in addition to the record of said examination, may demand of the applicant further showing as to his eligibility for admission. In case of doubt, the superintendent shall personally examine said applicant in case the applicant presents himself at the institution. If the applicant appears to be a bona fide resident of this state and is otherwise eligible for admission, he shall be received at the institution, provided there is room for him.

Sec. 118. Waiting list. If, at the time admission is granted, the applicant can not, for any reason, be then received, his name shall be regularly entered on a waiting list and applicants shall be admitted in that order.

Sec. 119. Separate department for advanced stages. The superintendent shall create a separate department for persons afflicted with pulmonary tuberculosis in advanced stages. If it be impossible to receive all such patients, preference shall be given to those most in need of treatment, and those whose condition is most dangerous to the public.

Sec. 120. Transfer of patients. Patients may be transferred from the department for incipient cases to the department for advanced cases and vice versa.

Sec. 121. Indigent patients - expenses. The state shall, on certificate of the superintendent approved by the board of control, pay, out of any money in the state treasury not otherwise appropriated, the actual and necessary expense attending the transportation of an accepted applicant for admission, to and from the sanatorium, and the expense of treating said applicant at said institution, if said applicant is unable to pay the same and such fact is certified to by the board of health of the city, town, or township, as the case may be, depending on the residence of said applicant.

Sec. 122. Advancing transportation expense. In cases contemplated by the preceding section, the superintendent shall certify an itemized estimate of the expense attending such transportation, which certificate when approved by the board of control shall be filed with the state auditor who shall thereupon issue his warrant to the superintendent for said amount. Within thirty (30) days thereafter the superintendent shall file with said auditor an itemized and verified statement, approved by the board of the actual and necessary expense attending said transportation, together with the receipt of the state treasurer for any part of said warrant not expended. If said warrant prove insufficient, said certificate shall show the amount of such deficiency, and the auditor shall at once issue his warrant therefor.

Sec. 123. Per capita allowance. The board of control shall, from time to time, fix the per capita allowance which may be charged by the said institution for the care, treatment, and maintenance of each patient, which shall not exceed the sum of sixty-five dollars (\$65.00) per capita per month, and there is appropriated until July 1, 1925, out of any unappropriated money in the state treasury, or so much thereof as may be needed, such allowance monthly for each inmate supported by the state, counting the actual time such person is an inmate and so supported.

Sec. 124. Certificates as to number of inmates. The superintendent, on the first day of each month, shall certify to the board the average number of inmates supported by the state in said institution for the preceding month.

Sec. 125. Certificate of monthly allowances. Upon receipt of such certificate, the board shall, on the basis of the per capita allowance as fixed by it, certify to the auditor and treasurer of state the total amount payable for the care, treatment, and maintenance of the patients supported by the state for the preceding month, and the auditor and treasurer of state shall credit said institution with said amount. The amount so credited shall be drawn from the state treasury in the manner provided in chapter two (2) of this title.

Sec. 126. Minimum allowance. If the aggregate per capita allowance for the patients shall not equal the sum of four thousand dollars (\$4,000.00) for any month, said amount is appropriated until July 1, 1925, from any unappropriated money in the state treasury, or so much thereof as may be needed, and upon receipt of the proper certificate from the board, the auditor and treasurer of state shall credit the institution with said sum for that month, and the same shall be drawn from the state treasury in the same manner and for the same purposes as the regular monthly per capita allowance is drawn.

Sec. 127. Liability of county. Each county shall be liable to the state for the support of all patients from that county in the state sanatorium. The amounts due shall be certified by the superintendent to the auditor of state, who shall collect the same from the counties liable, at the times and in the manner required for the certification and collection of money from counties for the support of insane patients.

Sec. 128. Liability of patients and others. Patients in the sanatorium and persons legally bound for their support shall be liable for the maintenance of patients in the sanatorium.

Sec. 129. Patients and others liable to counties. The provisions of law for the collection by boards of supervisors of amounts paid by their respective counties from the estates of insane patients and from persons legally bound for their support, shall apply in cases of patients cared for in the sanatorium.

Sec. 130. Appropriation to disseminate information. There is hereby appropriated until July 1, 1925, out of any unappropriated funds in the state treasury the sum of five thousand dollars (\$5,000.00) annually, or so much thereof as may be necessary, to be used by the board of control, in such manner as it may determine, for the collection and dissemination of information regarding tuberculosis. To this end it may employ one (1) or more lecturers on said subject.

CHAPTER 5

INSTITUTION FOR FEEBLE MINDED

Sec. 131. Institution for feeble minded. The institution for the feeble minded at Glenwood shall be maintained for the training, instruction, care, and support of feeble-minded residents of the state.

Sec. 132. Salary of executive officer. The superintendent shall receive a salary of three thousand dollars (\$3,000.00) per year.

Sec. 133. Separate departments. The board of control shall, as far as possible, create separate departments for separate classes of inmates.

Sec. 134. Admission and discharge. Admission to said institution may be either voluntary, by parents, guardian, or county attorney, under such rules as the board may prescribe, or by commitment under the following chapter of this title. The board may at any time return any inmate to its parent or guardian.

Sec. 135. Clothing - costs certified to county. The superintendent shall supply all inmates with clothing when not otherwise supplied. The actual cost thereof, together with the cost of transporting said inmate, shall be certified by the superintendent to the auditor of the county of the inmate's residence, and the board of supervisors shall allow the same and cause the amount to be remitted to the treasurer of state. Said certificate shall be presumed to be correct.

Sec. 136. Certificate to auditor of state. A duplicate of said certificate shall be forwarded to the auditor of state who shall charge the county accordingly, and the treasurer and auditor of state shall credit the home with the same amount.

Sec. 137. Duplicate receipts. The treasurer of state, on receipt of payment from the county, shall forward duplicate receipts to the county auditor who shall in return forward one (1) of said receipts to the auditor of state.

Sec. 138. Liability of inmate. Said inmate and those legally liable for his support shall be liable to the county for all clothing aforesaid and for all costs of transporting said inmate.

Sec. 139. Supervisors may release from liability. The board of supervisors, on proper showing of the financial condition of the parties named in the preceding section, may release any of said parties from said liability.

Sec. 140. Support. For the support of the institution for the feeble minded, there is appropriated until July 1, 1926, out of any unappropriated money in the state treasury, or so much thereof as may be needed, the sum of twenty-one dollars (\$21.00) monthly for each inmate supported by the state, counting the actual time such person is an inmate and so supported. The superintendent on the first day of each month shall certify to the board of control the average number of inmates supported by the state in the institution for the preceding month. Upon receipt of such certificate the board shall certify to the auditor and treasurer of state the total amount payable by the state for the support of the institution for the preceding month, and the auditor and treasurer of state shall credit the institution with said amount. The amount so credited shall be drawn from the state treasury in the manner provided in chapter two (2) of this title.

CHAPTER 6

GUARDIANSHIP AND CUSTODY OF FEEBLE MIMDED

Sec. 141. Feeble minded defined. The words "feeble-minded person" in this chapter shall be construed to mean any person afflicted with mental defectiveness from birth or from an early age, so pronounced that he is incapable of controlling himself and his affairs, and requires supervision, control, and care for his own welfare, or for the welfare of others, or for the welfare of the community, and who is not classifiable as an "insane person" within the meaning of the provisions of the chapters of this title relating to the insane.

Sec. 142. Duty of county attorney. The county attorney shall, if requested, appear on behalf of any petitioner for the appointment of a guardian or commitment of an alleged feeble-minded person, under this chapter, and on behalf of all public officials and superintendents in all matters pertaining to the duties herein imposed upon them.

Sec. 143. Petition to adjudicate feeble mindedness. A petition for the adjudication of the feeble mindedness of a person within the meaning of this chapter may, with the permission of the court, or judge, be filed, without fee, against such person, with the clerk of the district, superior, or municipal court of the county or city in which such alleged feeble-minded person resides or is found, by any relative of such person, or by his or her guardian, or by any reputable citizen of the county of such residence or of such place of finding.

Sec. 144. Sufficiency of petition. Said petition shall be verified by affidavit, may be on information or belief, and shall state:

1. That such person is feeble minded within the meaning of this chapter.
2. That it is dangerous to the welfare of the community for such person to be at large without care or control and the facts tending to show such danger.
3. The name and residence of all persons, so far as known, supervising, caring for, or supporting such person, or assuming, or under obligations, to do so.
4. The name and residence, if known, of the parents of such person, and of all other persons, legally chargeable with the supervision, care, or support of such person.
5. Whether such person has been examined by a qualified physician with a view of determining his mental condition.

Sec. 145. Names of witnesses indorsed. There shall be indorsed on the petition the names of all obtainable witnesses known to petitioner by which the allegations of the petition may be established.

Sec. 146. Additional parties. The following persons, in addition to the alleged feeble-minded person, shall be made party defendants if they reside in this state and their names and residences are known:

1. The parent or parents of said principal defendant.
2. The person with whom said principal defendant is living.
3. The person or persons assuming to give the principal defendant care and attention.
4. The guardian, if there be such, of the person or property of the principal defendant.

Sec. 147. Notice. Notice of the pendency of said petition and of the time and place of hearing thereon shall be served upon all defendants who are residents of the county in which the petition is filed, in the manner in which original notices are served. The court or judge shall, by written order, direct the manner and time of service on all other parties. No notice need be served on those who are personally before the court. Said notice shall require the defendants to bring said alleged feeble-minded person into court at the time and place named.

Sec. 148. Time of appearance. The time of appearance shall not be less than five (5) days after completed service, unless the court or judge orders otherwise.

Sec. 149. Hearing - default. The hearing may be had in term time or in vacation. The petition shall be taken as confessed by all defendants, except the principal defendant, who are duly served and who do not appear at the time required by the notice.

Sec. 150. Custody pending hearing. Pending final hearing, the court may, at any time after the filing of the petition, and on satisfactory showing that it is for the best interest of the alleged feeble-minded person and of the community that such person be at once taken into custody, or that service of notice will be ineffectual if he is not taken into custody, issue a warrant for the immediate production of such person before the court. In such case the court or judge may make any proper order for the custody or confinement of such person as will protect the defendant and the community and insure the presence of such person at the hearing. Such person shall not be confined with those accused or convicted of crime.

Sec. 151. Interrogatories propounded to petitioner. The court may require the petitioner to answer under oath such interrogatories as may be propounded by the board of control on forms provided by said board.

Sec. 152. Hearings - trial. Answers need not be, but may be, filed. The hearing on the allegations of the petitioner shall be as in equitable proceedings.

Sec. 153. Trial - how held. Trials shall be public, unless otherwise requested by the parent, guardian, or other person having the custody of the feeble-minded person.

Sec. 154. Commission to examine principal defendant. The court shall, at or prior to the final hearing, appoint a commission of two (2) qualified physicians, or of one (1) qualified physician and one (1) qualified psychologist, each of whom shall be residents of the county, who shall make a personal examination of the alleged feeble-minded person for the purpose of determining his mental condition.

Sec. 155. Report of commission. Said commission shall report in writing to the court the facts attending the mental condition of said person and its conclusion based thereon and its recommendations concerning such person. It shall also report to the court sworn answers to such questions as may be required on forms to be prepared and furnished by the board of control. Such reports shall be filed with the clerk of the court.

Sec. 156. Ruling on report. No objections or exceptions need be made to said report. The court may set the report aside, and may order a new examination by the same or by a new commission, or may make such findings of fact in lieu of said report as may be justified by the evidence before the court.

Sec. 157. When commission may be omitted. No commission need be appointed in those cases where the feeble mindedness of the person is manifest to the court or judge.

Sec. 158. Guardianship or commitment. If it be found that said person is feeble-minded, and that it will be conducive to the welfare of such person and to the community to place such person under guardianship, or to commit such person to some proper institution for treatment, the court or judge shall, by proper order:

1. Appoint a guardian of the person of such person, provided no such guardian has already been appointed.

2. Commit such person to any state institution for the feeble minded.
3. Commit such person to a private institution of this state, duly incorporated for the care of such persons, and approved by the board of control, provided such institution is willing to receive such person.

Sec. 159. Jurisdiction over commitment. The person committed to any private institution shall remain under the jurisdiction of the court and the order of commitment may at any time be set aside or modified by changing the place of or terminating the commitment, and appointing a guardian in lieu thereof; but this section shall not deprive the board of power to transfer committed patients from one institution to another.

Sec. 160. Powers of guardian. A guardian appointed hereunder shall have the same power over the person of his ward as possessed by a parent over a minor child, but shall be subordinate to any duly appointed guardian of the property of such ward.

Sec. 161. Jurisdiction over guardianship. Guardianship proceedings shall remain under the jurisdiction of the court. The court or judge may at any time, on application of any reputable person, terminate such guardianship, or remove the guardian and appoint a new guardian, or may order that such feeble-minded person be removed from the custody of the guardian and committed to an institution of the class heretofore specified.

Sec. 162. Notice of modification of order. No order shall be made discharging or varying a prior order placing the feeble-minded person under guardianship without giving one (1) or more of the relatives or a friend of the feeble-minded person, his guardian, or the board of control, notice and an opportunity to be heard.

Sec. 163. Inability to receive patient. If the state institution is unable forthwith to receive such person, the superintendent shall notify the court or judge of the time when such person will be received and in the meantime the said person shall be restrained and cared for under such order as the court may enter.

Sec. 164. Warrant of commitment. Upon the entry of an order of commitment, the clerk shall deliver to any suitable person designated by the court or judge, a warrant of commitment, and a duplicate thereof, commanding such person forthwith to deliver the committed person to the institution designated by the court.

Sec. 165. Assistants. The judge may, for the purpose of committing said person, direct the clerk to authorize the employment of one (1) or more assistants. No feeble-minded female shall be taken to the institution by any male person not her husband, father, brother, or son, without the attendance of some woman of good character and mature age.

Sec. 166. Receipt for patient. The superintendent shall, on the warrant of commitment, receipt for said person. The duplicate warrant shall be left with the superintendent and shall be his sufficient authority to restrain and care for said committed person.

Sec. 167. Return on warrant. The person executing said warrant shall make due return thereon of his doings and forthwith file the same with the clerk.

Sec. 168. Discharge - habeas corpus. No person committed hereunder shall be discharged from the institution except as herein provided, except that nothing herein shall abridge the right of petition for a writ of habeas corpus.

Sec. 169. Petition for discharge. A petition for the discharge of a person who has been committed to an institution under this chapter, or to vary such order of commitment, may at any time after six (6) months from the date of such commitment be filed by the person committed or by any reputable person. If the commitment be to a private institution, the petition shall be filed with the court or judge ordering such commitment. If the commitment be to a state institution, the petition shall be filed in the proper court of the county where the institution is situated.

Sec. 170. Grounds for discharge - modifications of orders. Discharges and modifications of orders may be made on any of the following grounds:

1. That the person adjudged to be feeble minded is not feeble minded.
2. That said person has so far improved as to be capable of caring for himself.
3. That the relatives or friends of the feeble-minded person are able and willing to support and care for him and request his discharge, and in the judgment of the superintendent and of the institution having the person in charge, no evil consequences are likely to follow such discharge.
4. That, for any other cause, said discharge should be made or such modification should be entered.

Sec. 171. Notice of application for discharge. Notice of the hearing shall be served on the superintendent of the institution and on such parties as the court or judge may find from the record are interested.

Sec. 172. Discharge or modification of order of commitment. On the hearing, the court may discharge the feeble-minded person from all supervision, control and care, or may place him under guardianship, or may transfer him from a public institution to a private institution, or vice versa, as the court thinks fit under all the circumstances.

Sec. 173. Denial of petition - adjudication. The denial of one (1) petition for discharge or modification shall be no bar to another on the same or different grounds within a reasonable time thereafter, such reasonable time to be determined by the court.

Sec. 174. Superintendent to examine patient. When a person is committed to an institution, the superintendent, under regulations of the board of control, shall cause the person to be examined, touching his mental condition, and if, on such examination, it is found that the person is not feeble minded, it shall be the duty of the superintendent to petition the court immediately for his discharge or a modification of the order sending such person to the institution.

Sec. 175. Communications. Persons admitted to any such institution shall have all reasonable opportunity and facility for communication with their friends. They shall be permitted to write and send letters, provided they contain nothing of an offensive character. Letters written by any inmate to any member of the board of control, or to any state or county official, shall be forwarded unopened.

Sec. 176. Leave of absence. No leave of absence from any such institution shall be granted to any inmate except for good cause to be determined and approved by the board of control, who shall take appropriate measures to secure for the feeble-minded person proper supervision, control, and care during such leave of absence.

Sec. 177. Inquest by coroner. In the event of a sudden or mysterious death of an inmate of any public or private institution for the feeble minded, a coroner's inquest shall be held. Notice of the death of such person, and the cause thereof, shall in all cases be sent to the judge of the court having jurisdiction over such person, and the fact of the death, with the time, place, and alleged cause shall be entered upon the docket.

Sec. 178. Penalties. Any person who shall seek to have any person adjudged feeble minded, knowing that such person is not feeble minded, shall be fined not exceeding one thousand dollars (\$1,000.00), or imprisoned not exceeding one (1) year in the county jail.

Sec. 179. Witness fees. The fees for attendance of witnesses and execution of legal process shall be the same as are allowed by law for similar service in other cases. For service as commissioner, the sum of five dollars (\$5.00) per day and the actual and necessary traveling expenses shall be allowed, to each person.

Sec. 180. Costs. The costs of proceedings shall be defrayed from the county treasury, unless otherwise ordered by the court. When the person alleged to be feeble minded is found not to be feeble minded, the court may render judgment against the person filing the petition, except when the petition is filed by order of court.

Sec. 181. When foreign county liable. When the proceedings are instituted in a county in which the alleged feeble-minded person was found, but of which he is not a resident, and the costs are not taxed to the petitioner, the county of which such feeble-minded person is a resident shall, on presentation of a properly itemized bill for such costs, repay the same to the former county.

Sec. 182. Persons liable for costs and maintenance. Costs incident to guardianship and to the trial and commitment of a feeble-minded person to such institution, including the cost of maintenance therein, may be collected of such feeble-minded person and of all persons legally chargeable with the support of such feeble-minded person.

Sec. 183. Proceeding in juvenile court against delinquent child. When in proceedings against an alleged delinquent or dependent child, the court or judge is satisfied from any evidence that such child is probably feeble minded, the court or judge may order a continuance of such proceedings, and may direct an officer of court or other proper person to file a petition against said child under this chapter, and, pending hearing, may, by order, provide proper custody for such child.

Sec. 184. Suspending criminal proceeding on appearance of feeble mindedness. If, on conviction in the district, superior, or municipal court of any person for a crime, or for any violation of any municipal ordinance, or if, on the conviction in said courts of a child for dependency of delinquency, it appears to the court or judge before sentence, from any evidence, that such convicted person is probably feeble minded within the meaning of this chapter, the court or judge may suspend sentence or order, and may order any officer of the court or other proper person to file a petition under this chapter against said person and pending hearing thereon shall provide for the custody of said person as directed in the preceding section.

Sec. 185. Passing sentence. Should it be found, under the two (2) preceding sections, that said person is not feeble minded, the court shall proceed with the original proceedings as though no petition had been filed.

Sec. 186. Transfers from home for feeble minded. The board of control may at any time transfer any patient from the institution for the feeble minded to the hospitals for the insane, and vice versa.

Sec. 187. Wards committed to hospitals for insane. If it appears at any time that a person has been, under the provisions of this chapter, placed under guardianship or committed to a private institution and ought to be committed to a hospital for the insane, he may be proceeded against under the chapters relating to the insane.

Sec. 188. Inmates in private asylums for insane. When the mental condition of a person in a private institution for the insane is found to be such that such patient ought to be transferred to an institution for the feeble minded, or placed under guardianship, such person may be proceeded against under this chapter.

Sec. 189. Clothing and money on discharge. All persons discharged from a state institution for the feeble minded shall, unless otherwise supplied, be furnished at state expense with suitable clothing and money, not exceeding twenty dollars (\$20.00), sufficient to defray his expenses home. Said expense shall be charged to the county of the person's residence and collected as in case of clothing furnished to inmates while in the custody of the institution.

Sec. 190. Escape. If any feeble-minded person shall escape from an institution for the feeble minded, or is removed therefrom without the written order of the board of control, it shall be the duty of the superintendent of the institution and his assistants, and all peace officers of any county in which such inmate may be found, to take and detain him without a warrant and at once report such detention to the superintendent who shall immediately provide for the return of said inmate to the institution.

Sec. 190-a1. Aiding escape. Whoever aids or assists an inmate to escape from any institution for the feeble minded, or knowingly conceals an inmate after such escape, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or imprisoned in the penitentiary not exceeding five (5) years.

Sec. 191. Expense of recapture. All actual and necessary expenses incurred in the capture, restraint, and return of the inmates to the hospital shall be paid on itemized vouchers, sworn to by the claimants and approved by the superintendent and the board of control, from any money in the state treasury not otherwise appropriated.

Sec. 192. Separate docket. Each court having jurisdiction under this chapter shall keep a separate docket of proceedings in which shall be made such entries as will, together with the papers filed, preserve a complete and perfect record of each case. The original petitions, writs, and returns made thereto and the reports of commissions shall be filed with the clerk of the court.

Sec. 193. Record by board of control. The board of control shall keep a record of all persons adjudged to be feeble minded, and of the orders respecting them by the courts throughout the state, copies of which orders shall be furnished by the clerk of the court without the board's application therefor.

Sec. 194. Admission of voluntary patients. Nothing in this chapter shall be construed to prevent the reception at the institution for the feeble minded, or at the hospital for epileptics and school for feeble minded, of voluntary patients under such rules as the board of control may prescribe.

CHAPTER 7

HOSPITAL FOR EPILEPTICS AND SCHOOL FOR FEEBLE MINDED

Sec. 195. Hospital for epileptics and school for feeble minded. The hospital for epileptics and school for feeble minded, hereinafter in this chapter referred to as "hospital", shall be maintained for the purposes of securing humane, curative, and scientific care and treatment of epileptics, and for the training, instruction, care, and support of feeble-minded residents of this state.

Sec. 196. Qualifications of superintendent - salary. The superintendent shall be a well educated physician with at least five (5) years' experience in the actual practice of medicine, and shall receive a salary not exceeding three thousand dollars (\$3,000.00) per annum.

Sec. 197. Duties. The superintendent shall:

1. Perform all duties required by law, and by the board of control, not inconsistent with law.
2. Oversees and secure the individual treatment and professional care of each patient in the hospital.
3. Keep a full and complete record of the condition of each patient.
4. Have the general superintendency of said hospital and all property connected therewith.
5. Direct and control all subordinate officers, employees, and inmates under such rules as the board may prescribe.
6. Have the custody of, and restrain and discipline all patients in such manner as he may deem best, subject to the regulations of the board.

Sec. 198. Admission of epileptics. All adults afflicted with epilepsy who have been residents of Iowa for at least one (1) year preceding the application for admission, and all children so afflicted whose parents or guardians have been residents of Iowa for a like period shall be eligible for admission.

Sec. 199. Compensation for private patients. The board shall fix and enforce the rate of compensation to be paid in said hospital by private patients so afflicted. All money paid under the provisions of this section shall be received by the chief executive officer of the institution and remitted each month to the treasurer of state and placed to the credit of the general fund of the state.

Sec. 200. Voluntary patients rendered custodial patients. When a sane patient has voluntarily entered said hospital, either through his own action or through the action of the patient or guardian, and afterward, while in the hospital, becomes violent or insane, the board of control, on written complaint, may, after due hearing, commit said patient to said hospital as an insane epileptic. Such order of commitment shall be noted upon the records of the hospital, and shall have the same force and effect as an order of commitment by the commissioners of insanity, and with the same right of appeal.

Sec. 201. Commitments by commissioners of insanity. All laws relating to the commitments of insane persons to the hospitals for the insane, in so far as applicable, shall apply to commitments of epileptics to said hospital and school.

Sec. 202. Transfer of inmates. The board shall have power to transfer epileptics from any other institution under its control to said hospital and school, to transfer insane epileptics from the said hospital for epileptics to other state institutions, and to retransfer such epileptics if deemed expedient.

Sec. 203. Discharge of patient. Any person who has voluntarily entered said hospital as an epileptic patient and is sane, may at any time obtain his discharge by giving at least ten (10) days' written notice of his desires for discharge. The parent or guardian of a minor child, which child has been voluntarily placed in said hospital as an epileptic patient and who is sane, may obtain the discharge of such child by giving such notice. A patient discharged under this section may not be again admitted except under a warrant of commitment.

Sec. 204. Clothing. The superintendent of the hospital shall furnish each inmate afflicted with epilepsy with suitable clothing, unless said clothing is otherwise provided, the cost of which shall be certified and paid in the same manner in which clothing for inmates of the institution for feeble minded is certified and paid.

Sec. 204-a1. Admission of feeble minded. Feeble-minded residents of this state may be admitted to said hospital and school and shall be clothed, maintained, and supported in the manner provided in the chapter relating to the institution for feeble minded at Glenwood.

Sec. 204-a2. Districting state. At their discretion the board of control shall district the state into two districts and in such manner that the institution for the feeble minded at Glenwood and the hospital for epileptics and school for feeble minded at Woodward shall each be located within one of such districts. Such districts may from time to time be changed. After such districts have been established, the board of control shall notify all county attorneys and all committing officers of its action, and thereafter, unless for good cause the board otherwise orders, all commitments of feeble minded from a district shall be to the institution located within such district. Until the state is so districted, commitments shall be made to either of said institutions as the board of control may direct.

Sec. 204-a3. Transfers. Feeble-minded inmates in the institution at Glenwood may be transferred by the board to the hospital and school at Woodward or from the latter institution to the former.

Sec. 205. Support. For the support of the hospital for epileptics and school for feeble minded there is appropriated until July 1, 1925, out of any unappropriated money in the state treasury, or so much thereof as may be needed, the sum of twenty-one dollars (\$21.00) monthly for each inmate supported by the state, counting the actual time such person is an inmate and so supported. The superintendent on the first day of each month shall certify to the board of control the average number of inmates supported by the state in the hospital and school for the preceding month. Upon receipt of such certificate the board shall certify to the auditor and treasurer of state the total amount payable by the state for the support of the hospital and school for the preceding month and the auditor and treasurer of state shall credit to the hospital and school said amount. The amount so credited shall be drawn from the state treasury in the manner provided in chapter two (2) of this title.

Sec. 206. Minimum appropriation. If the number of patients in said hospital is less than six hundred (600) the sum of twelve thousand dollars (\$12,000.00) per month, of so much thereof as may be necessary, is hereby appropriated until July 1, 1925, out of any funds in the state treasury not otherwise appropriated for the support and maintenance of said hospital, and upon presentation of the proper certificate by the board, the auditor and treasurer of state shall credit said institution with said amount for that month, and said amount shall be drawn from the state treasury in the same manner and for the same purposes as the regular monthly per capita allowance is drawn.

CHAPTER 8

DRUG HABITUATES

Sec. 207. Commitment of drug habituates. Persons addicted to the excessive use of intoxicating liquors, morphine, cocaine, or other narcotics drugs may be committed by the commissioners of insanity of each county, to such institutions as the board of control may designate.

Sec. 208. Statutes applicable. All statutes governing the commitment, custody, treatment, and maintenance of the insane shall, so far as applicable, govern the commitment, custody, treatment, and maintenance of those addicted to the excessive use of such drugs and intoxicating liquors.

Sec. 209. Term of commitment - parole. Persons committed under the two (2) preceding sections shall be retained in custody until cured, except that such inmates may be paroled under such conditions as the board of control may prescribe.

Sec. 210. Places of commitment. The board of control shall designate the institutions to which commitments may be made under this chapter, and to that end may divide the state into districts, and shall promptly notify each clerk of the district court of such designation and all changes therein.

Sec. 211. Insanity of narcotic habituates. Should a person, committed because of his excessive use of narcotic drugs or intoxicating liquors, become insane, the board of control, on complaint of the superintendent having the custody of such person, and on due hearing, may order such person committed to a hospital for the insane. Such order shall have the same force and effect as though entered by the commissioners of insanity of the county of the patient's residence, and such person may appeal from such order in the same manner in which appeals are allowed from the orders of the commissioners of insanity.

CHAPTER 9

STATE HOSPITALS FOR INSANE

Sec. 212. Official designation. The hospitals for the insane shall be designated as follows:

1. Mount Pleasant state hospital.
2. Independence state hospital.
3. Clarinda state hospital.
4. Cherches state hospital.

Sec. 213. Qualifications of superintendent. The superintendent of each hospital shall be a physician of acknowledged skill and ability in his profession and authorized to practice medicine in this state. The same person shall not hold the office of superintendent and steward.

Sec. 214. Qualifications of assistant physicians. The assistant physicians shall be of such character and qualifications as to be able to perform the ordinary duties of the superintendent during his absence or inability to act.

Sec. 215. Salary of superintendent. The salary of the superintendent of each hospital shall not exceed three thousand dollars (\$3,000.00) per annum.

Sec. 216. Superintendent as witness. The superintendent and assistant physicians of said hospitals, when called as witnesses in any court, shall be paid the same mileage which other witnesses are paid and in addition thereto shall be paid a fee of twenty-five dollars (\$25.00) per day, said fee to revert to the support fund of the hospital he serves.

Sec. 217. Duties of superintendent. The superintendent shall:

1. Have the entire control of the medical, mental, moral, and dietetic treatment of the patients in his custody.

2. Require all subordinate officers and employees to perform their respective duties.

3. Have an official seal with the name of the hospital and the word "Iowa" thereon and affix the same to all notices, orders of discharge, or other paper required to be given by him.

4. Keep proper books in which shall be entered all moneys and supplies received on account of any patient and a detailed account of the disposition of the same.

5. Report, in December of each year, to each county, the mental and physical condition of each patient from said county and the probable safety of removing any such patient to the county hospital.

Sec. 218. Order of receiving patients. Preference in the reception of patients into said hospitals shall be exercised in the following order:

1. Cases of less duration than one (1) year.

2. Chronic cases where the disease is of more than one (1) year's duration, presenting the most favorable prospect for recovery.

3. Those for whom application has been longest on file, other things being equal.

Where cases are equally meritorious in all other respects, the indigent shall have the preference.

Sec. 219. Idiots not receivable in state hospitals. No idiot shall be admitted to a state hospital for the insane. The term "idiot" is restricted to persons foolish from birth, supposed to be naturally without mind.

Sec. 220. Custody of patient - justification. The superintendent, upon the receipt of a duly executed warrant of commitment of a patient into the hospital for the insane, accompanied by the physician's certificate provided by law, shall take such patient into custody and restrain him as provided by law and the rules of the board of control, without liability on the part of such superintendent and all other officers of the hospital to prosecution of any kind on account thereof, but no person shall be detained in the hospital who is found by the superintendent to be sane.

Sec. 221. Equal treatment. The several patients, according to their different conditions of mind and body, and their respective needs, shall be provided for and treated with equal care.

Sec. 222. Special care permitted. Patients may have such special care as may be agreed upon with the superintendent, if the friends or relatives of the patient will pay the expense thereof. Charges for such special care and attendance shall be paid quarterly in advance.

Sec. 223. Monthly visitation - women inspectors. The board shall make monthly and thorough examinations of each hospital. It may appoint a woman to make examinations of any hospital and to make written report thereof to the board. Such woman inspector shall be paid four dollars (\$4.00) for each day actually employed in the discharge of her duties and in addition her necessary traveling expenses. Such compensation and expenses shall be paid from the funds of the institution in the manner provided for the payment of current expenses.

Sec. 224. Inmates allowed to write. The names of the members of the board and their postoffice addresses shall be kept posted in every ward in each hospital. Every inmate shall be allowed to write once a week what he pleases to said board and to any other person. The superintendent may send letters addressed to other parties to the board of control for inspection before forwarding them to the individual addressed.

Sec. 225. Writing material furnished. Every inmate shall be furnished by the superintendent or party having charge of such person, at least once in each week, with suitable materials for writing, inclosing, sealing, and mailing letters, if he requests and uses the same.

Sec. 226. Letters to members of board. The superintendent or other officer in charge of an inmate shall, without reading the same, receive all letters addressed to members of the board, if so requested, and shall properly mail the same, and deliver to such inmate all letters or other writings addressed to him. Letters written to the person so confined may be examined by the superintendent, and if, in his opinion, the delivery of such letters would be injurious to the person so confined, he shall return the letters to the writer with his reasons for not delivering them.

Sec. 227. Escape and recapture. It shall be the duty of the superintendent and of all other officers and employees of any of said hospitals, in case of the escape of any patient, to exercise all due diligence to recapture and return said patient to the hospital. A notification by the superintendent of such escape to any peace officer of the state or to any private person shall be sufficient authority to such officer or person to take and return such patient to the hospital.

Sec. 227-a1. Aiding escape. Whoever aids or assists an inmate to escape from any hospital for the insane, or knowingly conceals an inmate after such escape, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment in the penitentiary not exceeding five (5) years.

Sec. 228. Expense attending recapture. All actual and necessary expenses incurred in the capture, restraint, and return to the hospital of the patient shall be paid on itemized voucher, sworn to by the claimants and approved by the superintendent and the board of control, from any money in the state treasury not otherwise appropriated.

Sec. 229. Investigation as to sanity. The board may investigate the mental condition of any inmate and shall discharge any person, if, in its opinion, such person is not insane, or can be cared for after such discharge without danger to others, and with benefit to the patient, but in determining whether such patient shall be discharged, the recommendation of the superintendent shall be secured. The power to investigate the mental condition of an inmate is merely permissive, and does not repeal or alter any statute respecting the discharge of commitment of inmates of the state hospitals.

Sec. 230. Discharge - certificate. All patients shall be discharged immediately on regaining their sanity, and the superintendent shall issue duplicate certificates of full recovery, one (1) of which he shall deliver to the recovered patient, and the other of which he shall forward to the clerk of the district court of the county from which the patient was committed.

Sec. 231. Duty of clerk. The said clerk shall, immediately on receipt of such certificate, record the same at length in the record of the proceedings against said party as an insane person.

Sec. 232. Certificate and record as evidence. Either of said certificates or the record thereof shall be presumptive evidence of the recovery of such person, shall restore him to all his civil rights.

Sec. 233. Clothing furnished. Upon such discharge the superintendent shall furnish such person, unless otherwise supplied, with suitable clothing and a sum of money not exceeding twenty dollars (\$20.00), which shall be charged with the other expenses of such patient in the hospital.

Sec. 234. Discharge of harmless incurables. The relatives of any patient not susceptible of cure by remedial treatment in the hospital, and not dangerous to be at large, shall have the right to take charge of and remove him with the consent of the board of control.

Sec. 235. Certificate covering subsequent recovery. When a patient is discharged at a time when he has not fully recovered his sanity, he may at any time, under such rules as the board of control may prescribe, apply to the superintendent of the hospital where he was confined for a certificate of recovery. The superintendent, under like rules, shall examine such person or cause such examination to be made and if satisfied that such person has regained his sanity, shall issue duplicate certificates showing such recovery.

Sec. 236. Delivery of certificate and effect thereof. The duplicate certificate mentioned in the preceding section shall be delivered as in case of a discharge when cured, and the same record shall be made with the same effect.

Sec. 237. Discharge of dangerous incurables. The board of control, on the recommendation of the superintendent, and on the application of the relatives or friends of a patient who is not cured and who cannot be safely allowed to go at liberty, may release such patient when fully satisfied that such relatives or friends will provide and maintain all necessary supervision, care, and restraint over such patient.

Sec. 238. Return of patient accused of crime. When an inmate of any state hospital who was committed to such hospital at a time when he was formally accused of crime in any county of the state, regains his reason, the superintendent shall thereupon issue his warrant for the return of such person to the jail of the county in which such charge is pending and notify the sheriff of such county accordingly who shall proceed to such hospital and execute such warrant.

Sec. 239. Return by sheriff. The sheriff shall in writing make his return of service on said warrant and deliver such warrant and return to the clerk of the district court of his county. Said clerk shall forthwith make a copy of the warrant and return and mail the same to the said superintendent who shall file and preserve it.

Sec. 240. Discharge of criminal insane. No patient who may be under criminal charge or conviction shall be discharged without the order of the district court or judge, and notice to the county attorney of the proper county.

Sec. 241. Transfer of dangerous inmates. When an inmate of any hospital for insane becomes incorrigible, and unmanageable to such extent that he is dangerous to the safety of others in the hospital, the board may apply in writing to the district court or to any judge thereof, of the county in which such hospital is situated, for an order to transfer said inmate to the department for the insane in the men's reformatory and if such order be granted such inmate shall be so transferred. The county attorney of said county shall appear in support of such application on behalf of the board.

Sec. 242. Examination by court - notice. Before granting the order authorized in the preceding section the court or judge shall investigate the allegations of the petition and before proceeding to a hearing thereon shall require notice to be served on any relative, friend, or guardian of the person in question of the filing of said application. On such hearing the court or judge shall appoint a guardian ad litem for said person, if it deems such action necessary to protect the rights of such person.

Sec. 243. Relieving overcrowded conditions. The board shall order the discharge or removal from the hospital of incurable and harmless patients whenever it is necessary to make room for recent cases.

Sec. 244. Notice to commissioners. When a patient who has not fully recovered is discharged from the hospital without application therefor, notice of the order shall at once be sent to the commissioners of insanity of the county of which the patient is a resident, and the commissioners shall forthwith cause the patient to be removed, and shall at once provide for his care in the county as in other cases.

Sec. 245. Inquest. A coroner's inquest shall be held in those cases where a death shall occur suddenly and without apparent cause, or a patient die and his relatives so request, but in the latter case the relatives making the request shall be liable for the expense of the same, and payment therefor may be required in advance.

Sec. 246. Monthly allowance. The board of control shall, from time to time, on the reports of the superintendents, fix the monthly allowance which may be charged by each of the hospitals for the insane for the board and care of each patient therein, which shall not exceed twenty dollars (\$20.00) for each patient, and such amount is appropriated until July 1, 1925, from any unappropriated funds in the state treasury, or so much thereof as may be needed.

Sec. 247. Certification by superintendent. The superintendent of each hospital for the insane, on the first day of each month shall certify to the board the average number of inmates supported by the state in the hospital of which he is superintendent, for the preceding month.

Sec. 248. Certification by board. Upon receipt of such certificate the board shall certify to the auditor and treasurer of state the total amount payable by the state for the support of said hospital for the preceding month, and the auditor and treasurer of state shall credit the hospital with said amount. The amount so credited shall be drawn from the state treasury in the manner provided in chapter two (2) of this title.

CHAPTER 10

COUNTY AND PRIVATE HOSPITALS FOR INSANE

Sec. 249. County and private hospitals for insane. All county and private institutions wherein insane persons are kept shall be under the supervision of the board of control of state institutions.

Sec. 250. Inspection. Said board shall make or cause to be made, at least two (2) inspections each year of every private and county institution wherein insane persons are kept. Such inspection shall be made by the members of the board or by some competent and disinterested person appointed by it. Written report as to such inspection shall be filed with the board and shall embrace:

1. The capacity of said institution for the care of patients.
2. The number and sex of the inmates kept therein.
3. The arrangement, method of construction, and adaptability of buildings for the purposes intended.
4. The condition of buildings as to sewage, ventilation, light, heat, cleanliness, means of water supply, fire escapes, and fire protection.
5. The care of patients, their food, clothing, medical treatment, and employment.
6. The number, kind, sex, duties, and salaries of all employees.
7. The cost to the state or county of maintaining insane patients therein, separate from the cost of maintaining sane paupers.
8. Such other matters as the board of control may require.

Sec. 251. Patients to have a hearing. The inspector shall see all patients in the institutions and give each an opportunity to converse with him out of the hearing of any officer or employee of the institution, and shall fully investigate all complaints and report the result thereof in writing to said board. The board before acting on said report adversely to the institution, shall give the persons in charge thereof a copy of such report and an opportunity to be heard.

Sec. 252. Compensation of inspectors. Inspectors under appointment by the board shall receive a salary of not to exceed six dollars (\$6.00) per day for the time actually and necessarily employed in making the inspection and in going to and from the place of inspection, and actual expenses as an employee of the board.

Sec. 253. Appropriation for inspection. There is hereby appropriated until July 1, 1925, out of any money in the state treasury not otherwise appropriated the sum of three thousand dollars (\$3,000.00) annually, for paying the expenses of inspecting county and private institutions in which insane persons are kept, and institutions receiving children under chapters fifteen (15) and sixteen (16) of this title. At the end of each biennial period the board of control shall cause to be transferred to the general funds of the treasury any balance of the sums hereby appropriated not required for the payment of the expenses of the period.

Sec. 254. Rules. The board of control shall, from time to time, adopt reasonable rules touching the care and treatment of, and make orders in relation to, such insane patients as may be kept in said institutions, which rules shall not interfere with the medical treatment given to private patients by competent physicians. Copies of such rules, when adopted, shall be mailed to the chief executive officer of each private institution, and to the clerk of the district court, the chairman of the board of supervisors, and the officer in charge of the institution in all counties having county institutions caring for insane persons.

Sec. 255. Removal of patients. Said board, in case of failure to comply with such rules, is authorized to remove all said insane persons kept in such institutions at public expense, to the proper state hospital, or to some private or county institution or hospital for the care of the insane that has complied with the rules prescribed by said board, such removal of patients, if to a state hospital, to be made by an attendant or attendants sent from the state hospital. If a female is removed under the provisions of this section, at least one (1) attendant shall be a female.

Sec. 256. Cost of removal - collection from county. The cost of such removal, including all expenses of said attendant, shall be certified by the superintendent of the hospital receiving the patient, to the auditor of state, who shall draw his warrant upon the treasurer of state for said sum, which shall be credited to the support fund of said hospital and charged against the general revenues of the state and collected by the auditor of state from the county which sent said patient to said institution.

Sec. 257. Notification to guardians. The board of control shall notify the guardian, or one (1) or more of the relatives, of patients kept at private expense, of all violations of said rules by said private or county institutions, and of the action of the board as to all other patients.

Sec. 258. Investigating sanity of inmate. Should the board believe that any person in any such county or private institution is sane, or illegally restrained of liberty, it shall institute and prosecute proceedings in the name of the state, before the proper officer, board or court, for the discharge of such person.

Sec. 259. Transfers from county or private institutions. Patients who are suffering from acute insanity, and who are violent, and confined at public expense in any such institution, may be removed by the board of control to the proper state hospital for the insane when, on competent medical testimony, the board finds that said patient can be better cared for and with better hope of recovery in the state hospital. Such removal shall be at the expense of the proper county. Said expense shall be recovered as provided in the third preceding section.

Sec. 260. Transfers from state hospitals - exceptions. A county chargeable with the expense of a patient in a state hospital for the insane shall remove such patient to a county or private institution for the insane which has complied with the aforesaid rules when the board so orders on a finding that said patient is suffering from chronic insanity and will receive equal benefit by being so transferred. In no case shall a patient, the relative or guardian of whom pays the expense of their keep in a state hospital, be thus transferred except upon the written consent of such relative or guardian.

Sec. 261. Transfers generally. Any patient in a state hospital for the insane, who is maintained at public expense, may, with the approval of the board of control, be transferred to a county or private institution for the insane on the written request of the board of supervisors and of the commissioners of insanity.

Sec. 262. Difference of opinion - how adjudicated. When a difference of opinion exists between the board of control and the authorities in charge of any private or county asylum in regard to the removal of a patient or patients as herein provided, the matter shall be submitted to the district court, or judge thereof, of the county in which such asylum is situated and shall be summarily tried as an equitable action, and the judgment of the district court or judge shall be final.

Sec. 263. Discharge of transferred patient. Patients transferred from a state hospital to such county or private institutions shall not be discharged, when not cured, without the consent of the board of control.

Sec. 264. Caring for insane of other counties. Boards of supervisors of counties having no proper facilities for caring for the insane, may, with the consent of the board of control, provide for such care at the expense of the county in any convenient and proper county or private institution for the insane which is willing to receive them.

Sec. 265. Authority of private asylum. No person shall be confined and restrained in any private institution or hospital for the care or treatment of the insane, except upon the certificate of the commission of insanity of the county in which such person resides, or of two (2) reputable physicians, at least one (1) of whom shall be bona fide resident of this state, who shall certify that such person is a fit subject for treatment and restraint in said institution or hospital, which certificate shall be the authority of the owners and officers of said hospital or institution for receiving and confining said patient or person therein.

CHAPTER 11 COMMISSION OF INSANITY

Sec. 266. Commission of insanity. In each county there shall be a commission of insanity which shall be composed of three members. In counties having two (2) places where district court is held there shall be one (1) such commission at each place.

Sec. 267. Personnel of commission. Said commission shall consist of the clerk of the district court, one (1) reputable physician in actual practice, and one (1) reputable attorney in actual practice. Said two (2) latter members shall reside as near as may be convenient to the place where the district court is held. In the absence or inability of the clerk to act in any case, his deputy may act.

Sec. 268. Appointment and term. Said commission shall be appointed by the district court or judges thereof. If made in vacation the appointment shall be by written order, signed by the judges and recorded by the clerk. Appointments shall be for two (2) years and be so arranged that the term of one (1) member shall expire each year. The appointment of successors may be made at any time within three (3) months prior to the expiration of the term of the incumbents.

Sec. 269. Organization. The members shall organize by choosing one (1) of their number president. The clerk of the district court or his deputy shall be clerk of the commission. The commission shall hold its meetings at the office of the clerk, unless for good reasons it shall fix on some other place, and shall also meet on notice from the clerk or his deputy.

Sec. 270. Temporary vacancy. In the temporary absence or inability of two (2) members to act, the member present may call to his aid, temporarily, a person possessed of the qualifications required for a member, who, after qualifying as in other cases, may act in the same capacity. If one (1) of the absent members is a clerk, his deputy shall act. The record in such cases must show the facts.

Sec. 271. Duty of clerk. The clerk of said commission shall:

1. Issue all processes required to be given by the commission and affix thereto his seal as clerk of the court.
2. File and preserve in his office all papers and records connected with any inquest by the commission.
3. Keep separate books of the proceedings of the commission with entries sufficiently full to show, with the papers filed, a complete record of its findings, orders, and proceedings.

Sec. 272. Service of notice - reports. The notices, reports, and communications required to be given or made by said commission may be sent by mail, unless otherwise expressed, and the facts and date of such sending and their reception must be noted on the proper record.

Sec. 273. Jurisdiction - holding under criminal charge. Said commission shall, except as otherwise provided, have jurisdiction of all applications for the commitment to the state hospitals for the insane, or for the otherwise safe keeping, of insane persons within its county, unless the application is filed with the commission at a time when the alleged insane person is being held in custody under an indictment returned by the grand jury or under a trial information filed by the county attorney.

Sec. 274. Compensation and expenses. Compensation and expenses shall be allowed as follows:

1. To each member of the commission, three dollars (\$3.00) for each day actually employed in the duties of his office as such member and necessary and actual expenses, not including charges for board.
2. To the clerk, in addition to compensation as a member, one-half (1/2) as much more for making the required record entries in all cases of inquest and of meetings of the commission, and twenty-five cents (25¢) for each process issued under seal.
3. To the examining physician, when not a member of the commission the same fees as a member and in addition mileage of five cents (5¢) per mile each way.
4. To witnesses, the same fees as witnesses in the district court.
5. Fees on appeal shall be the same as in ordinary actions.

Sec. 275. Costs - how paid. The compensation and expenses provided for above, and the fees of the sheriff provided for in such cases, shall be allowed and paid out of the county treasury in the usual manner.

Sec. 276. Transportation expenses. When funds to pay the expenses of transporting a patient to a hospital are needed in advance, the commission shall estimate the probable expense, including the necessary assistance, and not including the compensation allowed the sheriff, and on such estimate, certified by the clerk, the auditor of the county shall issue a county warrant for the amount, as estimated, in favor of the sheriff or other person intrusted with the execution of such warrant of commitment. The sheriff or other person executing such warrant, shall accompany his return with a statement of the expenses incurred, and the excess or deficiency may be deducted from or added to his compensation, as the case may be. If funds are not so advanced, such expenses shall be certified and paid in the manner above prescribed on the return of the warrant. When the commission orders the return of a patient, compensation and expenses shall be in like manner allowed.

COMMITMENT AND DISCHARGE OF INSANE

Sec. 277. Form of information. Applications for admission to the hospitals for the insane shall be sworn information which shall allege and show:

1. That the person in whose behalf the application is made is believed to be insane, and a fit subject for custody and treatment in the hospital.
2. That such person has been found in the county.
3. The place of residence of such person or where it is believed to be, or that such residence is not known.

Sec. 278. Hearing - custody. On the filing of such information, the commission, if satisfied that there is reasonable cause therefor, may require the alleged insane person to be brought before it and, to this end, may issue its warrant to any peace officer of the county. The commission may provide for the custody of such person until its investigation is concluded.

Sec. 279. Subpoenas and oaths. The commission shall have power to issue subpoenas. Each member of the commission shall have power to administer oaths to witnesses. In case a witness fails to appear or refuses to testify, the commission shall, in writing, report such refusal to the district court or to a judge thereof, and said court or judge shall proceed as though such refusal occurred in a legal proceeding before said court or judge.

Sec. 280. Hearings. Hearings shall be had in the presence of such person unless the commission finds that such course would probably be injurious to such person or attended with no advantage.

Sec. 281. Appearance. Appearance on behalf of such alleged insane person may be made by any citizen of the county, or by any relative, either in person or by counsel.

Sec. 282. Examining physician. The commission, shall, in all cases, appoint, either from, or outside, its own membership, some regular practicing physician of the county to make a personal examination of the person in question for the purposes of determining his mental and physical condition. Said physician shall certify to the commission whether said person is sane or insane.

Sec. 283. Physician to return answers to interrogatories. The examining physician shall accompany his certificate with correct answers to the following questions so far as correct answers can be obtained:

1. Name of patient? Age? Married or single?
2. Number of children? Age of youngest child?
3. Place of birth?
4. Residence?
5. Past occupation?
6. Present occupation?
7. Is this the first attack?
8. If there were other attacks when did they occur?
9. Duration of other attacks?
10. When were the first symptoms of the present attack manifested? In what way were they manifested?
11. Is disease increasing, decreasing, or stationary?
12. Is the disease variable?
13. Are there rational intervals?
14. Do rational intervals occur at regular periods?
15. State fully on what subjects or in what way is derangement now manifested?

16. Disposition to injure others?
17. Has suicide ever been attempted? If so, in what way? Is the propensity to suicide now active?
18. Is there a disposition to filthy habits, destruction of clothing, breaking of glass, etc.?
19. What relatives, including grandparents and cousins, have been insane?
20. Did the patient manifest any peculiarities of temper, habits, disposition or pursuits before the accession of the disease? Any predominant passion, religious impressions, etc.?
21. Was the patient ever addicted to intemperance in any form?
22. Has the patient been subject to epilepsy? Suppressed eruptions? Discharge of sores?
23. Other bodily diseases suffered by patient? If so, name them?
24. Has patient ever had any injury of the head? If so, explain nature of injury?
25. Has restraint or confinement been employed? If so, what kind, and how long?
26. What is supposed to be the cause of the disease?
27. What treatment has been pursued for the relief of the patient? Mention particulars and effects.
28. State any other matter supposed to have a bearing on the case.

Sec. 284. Correction of answers. If the commission on further examination after the answers are given finds that any of said answers are incorrect, it shall correct the same.

Sec. 285. Findings and order. If the commission finds from the evidence that said person is insane and a fit subject for custody and treatment in the state hospital, it shall order his commitment to the hospital in the district in which the county is situated, and in connection with such finding and order shall determine and enter of record the county which is the legal settlement of such person. If such settlement is unknown the record shall show such fact.

Sec. 286. Warrant of commitment. Unless an appeal is taken, the commission shall forthwith issue its warrant of commitment and a duplicate thereof, stating such findings with the settlement of the person, if found, and, if not found, its information, if any, in regard thereto, authorizing the superintendent of the hospital to receive and keep him as a patient therein.

Sec. 287. Service of warrant. Said warrant and duplicate, with the certificate and finding of the physician, shall be delivered to the sheriff, who shall execute the same by conveying such person to the hospital, and delivering him, with such duplicate and physician's certificate and finding, to the superintendent, who shall, over his official signature, acknowledge such delivery on the original warrant, which the sheriff shall return to the clerk of the commission, with his costs and expenses indorsed thereon.

Sec. 288. Record and commitment of one accused of crime. If, after the commission has acquired jurisdiction over a person under a charge of insanity, the district court also acquires jurisdiction over such person under a formal charge of crime, the findings of the commission and the warrant of commitment, if any, shall state the fact of jurisdiction in the district court, and the name of the criminal charge.

Sec. 289. Appointment in lieu of sheriff. If the sheriff and his deputies are otherwise engaged, the commission may appoint some other suitable person to execute the warrant, who shall take and subscribe an oath faithfully to discharge his duty, and shall be entitled to the same fees as the sheriff.

Sec. 290. Assistants - females. The sheriff, or any person appointed, may call to his aid such assistance as he may need to execute such warrant; but no female shall thus be taken to the hospital without the attendance of some other female or some relative. The superintendent, in his acknowledgement of delivery, must state whether there was any such person in attendance, and give the name or names, if any.

Sec. 291. Preference in executing warrant. If any relative or immediate friend of the patient, who is a suitable person, shall so request, he shall have the privilege of executing such warrant, in preference to the sheriff or any other person, without taking such oath, and for so doing shall be entitled to his necessary expenses, but no fees.

Sec. 292. Confinement of insane.- females. No person who shall be found to be insane shall, during investigation or after such finding, and pending commitment to the hospital, or when on the way there, be confined in any jail, prison, or place of solitary confinement, except in cases of extreme violence, when it may be necessary for the safety of such person or of the public; and if such person be so confined, there shall, at all times during its continuance, be some suitable person or persons in attendance in charge of such person; but at no time shall any female be placed in such confinement without at least one (1) female attendant remaining in charge of her.

Sec. 293. Appeal from finding. Any person found to be insane, or his next friend, may appeal from such finding to the district court by giving the clerk thereof, within ten (10) days after such finding has been made, notice in writing that an appeal is taken, which may be signed by the party, his agent, next friend, guardian, or attorney, and, when thus appealed, it shall stand for trial anew. Upon appeal it shall be the duty of the county attorney, without additional compensation, to prosecute the action on behalf of the informant.

Sec. 294. Custody pending appeal. The appellant, pending the appeal, shall be discharged from custody, unless the commission finds that he cannot with safety be allowed to go at large, in which case it shall require him to be suitably provided for in the manner hereinafter specified.

Sec. 295. Final order. If, upon the trial of the appeal, such person is found insane, and a fit subject for custody and treatment in the hospital, an order of commitment shall be entered, and the clerk shall issue a warrant therefor, and the proceedings thereunder shall be as provided in cases before the commission.

Sec. 296. Blanks. The board of control shall furnish the commissions of insenity of the counties with forms for blanks for warrants, certificates, and other papers as will enable it with regularity and facility to comply with the provisions of this chapter, and also with copies of the regulations of the hospital, when printed.

Sec. 297. Temporary custody in certain cases. If any person found to be insane cannot at once be admitted to the hospital, or, in case of appeal from the finding of the commission, if such person cannot with safety be allowed to go at liberty, the commission of insanity shall require that such person shall be suitably provided for otherwise until such admission can be had, or until the occasion therefor no longer exists.

Sec. 298. Care by relatives or friends. Such patients may be cared for as private patients when relatives or friends will obligate themselves to provide such care without public charge. In such case the commission shall in writing appoint some suitable person special custodian who shall have authority and shall in all suitable ways restrain, protect, and care for such patient, in such manner as to best secure his safety and comfort, and to best protect the persons and property of others.

Sec. 299. Care by county. If care and custody of the patient is not provided as authorized in the preceding section the commission shall require that he be restrained and cared for by the board of supervisors, at the expense of the county, at the county home or some other suitable place, and the commission of insanity shall issue its mandate to the board of supervisors, which shall forthwith comply therewith.

Sec. 300. Custody outside state hospitals. The commission of insanity may grant applications, made in substantially the form provided in this title, for the restraint, protection and care, within the county and outside the state hospitals, of alleged insane persons, either as public or private patients, but all patients so cared for shall be reported to the board of control.

Sec. 301. Neglected insane. On information laid before the commission of insanity of any county that an insane person in the county is suffering for want of proper care, it shall forthwith inquire into the matter, and, if it finds that such information is true, it shall make all needful provisions for the care of such person as provided in other cases.

Sec. 302. Transfers from county and private asylums. Insane persons who have been under care, either as public or private patients, outside of the hospital, by authority of the commission of insanity may, on application, be transferred to the state hospital, whenever they can be admitted thereto. Such admission may be had without another inquest, at any time within six (6) months after the inquest already had, unless the commission shall think further inquest advisable.

Sec. 303. Discharge from custody. When it shall be shown to the satisfaction of the commission of insanity that cause no longer exists for the care within the county of any person as an insane patient, it shall, with the approval of the board of control, order his immediate discharge, and shall find if such person is sane or insane at the time of such discharge, which finding shall be entered of record by the clerk of the commission of insanity.

Sec. 304. Commission of inquiry. A sworn complaint, alleging that a named person is not insane and is unjustly deprived of his liberty in any hospital in the state, may be filed by any person, with the clerk of the district court of the county in which such named person is so confined, or of the county in which such named person has a legal settlement, and thereupon a judge of said court shall appoint a commission of not more than three (3) persons to inquire into the truth of said allegations. One (1) of said commissioners shall be a physician and if additional commissioners are appointed, one (1) of such commissioners shall be a lawyer.

Sec. 305. Duty of commission. Said commission shall at once proceed to the place where said person is confined and make a thorough and discreet examination for the purpose of determining the truth of said allegations and shall promptly report its findings to said judge in writing. Said report shall be accompanied by a written statement of the case signed by the superintendent.

Sec. 306. Hearing. If, on such report and statement, and the hearing of testimony if any is offered, the judge shall find that such person is sane, he shall order his discharge; if the contrary, he shall so state, and authorize his continued detention.

Sec. 307. Finding and order filed. The finding and order of the judge, with the report and other papers, shall be filed in the office of the clerk of the court where the complaint was filed. Said clerk shall enter a memorandum thereof on his record, and forthwith notify the superintendent of the hospital of the finding and order of the judge, and the superintendent shall carry out the order.

Sec. 308. Compensation - payment. Said commissioners shall be entitled to their necessary expenses and a reasonable compensation, to be allowed by the judge, who shall certify the same to the auditor of state who shall thereupon draw the proper warrants on any funds in the state treasury not otherwise appropriated. The applicant shall pay said costs and expenses if the judge shall so order on a finding that the complaint was filed without probable cause.

Sec. 309. Limitation on proceedings. The proceeding authorized in the five (5) preceding sections shall not be had oftener than once in six (6) months regarding the same person; nor regarding any patient within six (6) months after his admission to the hospital.

Sec. 310. Habeas corpus. All persons confined as insane shall be entitled to the benefit of the writ of habeas corpus, and the question of insanity shall be decided at the hearing. If the judge shall decide that the person is insane, such decision shall be no bar to the issuing of the writ a second time, whenever it shall be alleged that such person has been restored to reason.

Sec. 311. Cruelty or official misconduct. If any person having the care of an insane person, and restraining him, whether in a hospital or elsewhere, with or without authority, shall treat him with unnecessary severity, harshness, or cruelty, or in any way abuse him, or if any officer required by the provisions of this and the three (3) preceding chapters to perform any act shall wilfully refuse or neglect to perform the same, he shall, unless otherwise provided, be fined not to exceed five hundred dollars (\$500.00), or be imprisoned in the county jail not to exceed three (3) months, and pay the costs of prosecution, or be both fined and imprisoned at the discretion of the court.

Sec. 312. Failure to furnish writing material - penalty. If any member of the visiting committee, superintendent of the hospital, or other person in charge of an insane person confined in the hospital, shall knowingly and wilfully violate any provision of this and the three (3) preceding chapters by failing and refusing to furnish material for writing, failing or refusing to allow a party to write letters, to mail letters written, to receive and deliver letters written as provided herein to such person so confined, or in any other way, he shall be guilty of a misdemeanor.

Sec. 313. Insane defined. The term "insane" as used in this chapter includes every species of insanity or mental derangement.

CHAPTER 13

SUPPORT OF INSANE

Sec. 314. Liability of county and state. The necessary and legal costs and expenses attending the arrest, care, investigation, commitment, and support of an insane person committed to a state hospital shall be paid:

1. By the county in which such person has a legal settlement, or
2. By the state when such person has no legal settlement in this state or when such settlement is unknown.

The residence of any person found insane who is an inmate of any state institution shall be that existing at the time of admission thereto.

Sec. 315. Finding of legal settlement. The commission of insanity shall, when a person is found to be insane, or as soon thereafter as it obtains the proper information, determine and enter of record whether the legal settlement of said person is:

1. In the county of the residence of said commissioners, or
2. In some other county of the state, or
3. In some foreign state or county, or
4. Unknown.

Sec. 316. Certification of settlement to superintendent. If such legal settlement is found to be in another county of this state, the commission shall, as soon as said determination is made, certify such finding to the superintendent of the hospital to which said patient is committed, and thereupon said superintendent shall charge the expenses already incurred and unadjusted, and all future expenses of such patient, to the county so certified until said settlement shall be otherwise determined as hereinafter provided.

Sec. 317. Certification of settlement to debtor county. Said finding of legal settlement shall also be certified by the commission to the county auditor of the county of such legal settlement. Such auditor shall lay such notification before the board of supervisors of his county, and it shall be conclusively presumed that such person has a legal settlement in said notified county unless said county shall, within six (6) months, in writing filed with the commission of insanity giving said notice, dispute such legal settlement.

Sec. 318. Non residents - conditions attending commitments. If such legal settlement is found by the commission to be in some foreign state or county, or unknown, it shall, without entering an order of commitment to the state hospital, immediately notify the board of control of such finding and furnish the board of control with a copy of the evidence taken on the question of legal settlement, and hold said patient for investigation by said board of control.

Sec. 319. Determination by board of control. The board of control shall immediately investigate the legal settlement of said patient and proceed as follows:

1. If the board of control finds that the decision of the commission of insanity as to legal settlement is correct, the board of control shall cause said patient either to be transferred to a state hospital for the insane and there maintained at the expense of the state, or to be transferred to the place of foreign settlement.

2. If the board of control finds that the decision of the commission of insanity is not correct, the board of control shall order said patient transferred to a state hospital for the insane and there maintained at the expense of the county of legal settlement in this state.

Sec. 320. Removal of nonresident patients. If at any time the board of control discovers that an insane patient in a state hospital was, at the time of commitment, a nonresident of this state, it may cause said patient to be conveyed to his place of residence if his condition permits of such transfer and other reasons do not render such transfer inadvisable.

Sec. 331. Transfers of insane persons - expenses. The transfer to state hospitals or to the places of their legal settlement of insane persons who have no legal settlement in this state or whose legal settlement is unknown, shall be made according to the directions of the board of control, and when practicable by employees of state hospitals, and the actual and necessary expenses of such transfers shall be paid on itemized vouchers sworn to by the claimants and approved by the board of control, from any funds in the state treasury not otherwise appropriated.

Sec. 332. Subsequent discovery of residence. If, after a patient has been received into a state hospital for the insane as a patient whose legal settlement is supposed to be outside this state or unknown, the board of control finds that the legal settlement of said patient was, at the time of commitment, in a county of this state, said board shall charge all legal costs and expenses pertaining to the commitment and support of said patient to the county of such legal settlement, and the same shall be collected as provided by law in other cases.

Sec. 333. Preliminary payment of costs. All legal costs and expenses attending the arrest, care, investigation, and commitment of a person to a state hospital for the insane under a finding that such person has a legal settlement in another county of this state, shall, in the first instance, be paid by the county of commitment. The county of such legal settlement shall reimburse the county so paying for all such payments, with interest.

Sec. 334. Recovery of costs from state. Costs and expenses attending the arrest, care, and investigation of a person who has been committed to a state hospital for the insane and who has no legal settlement in this state or whose legal settlement is unknown, including cost of commitment, if any, shall be paid out of any money in the state treasury not otherwise appropriated, on itemized vouchers executed by the auditor of the county which has paid them, and approved by the board of control.

Sec. 335. Action to determine legal settlement. When a dispute arises between different counties or between the board of control and a county as to the legal settlement of a person committed to a state hospital for the insane, the attorney general, at the request of the board of control, shall, without the advancement of fees, cause an action to be brought in the district court of any county where such dispute exists, to determine such legal settlement. Said action may be brought at any time when it appears that said dispute cannot be amicably settled. All counties which may be the place of such legal settlement, so far as known, shall be made defendants and the allegation of such settlement may be in the alternative. Said action shall be tried as in equity.

Sec. 336. Judgment when settlement found within state. The court shall determine whether the legal settlement of said insane person, at the time of the commitment, was in one of the defendant counties. If the court so find, judgment shall be entered against the county of such settlement in favor of any other county for all legal costs and expenses arising out of said proceedings in insanity, and paid by said other county. If any such costs have not been paid, judgment shall be rendered against the county of settlement in favor of the parties, including the state, to whom said costs or expenses may be due.

Sec. 337. Order when nonresidence or unknown settlement appears. If the court finds that the legal settlement of said insane person, at the time of commitment, was in a foreign state or country, or was unknown, an order shall be entered that said insane person shall be maintained in the hospital for the insane at the expense of the state. In such case the state shall refund to any county, with interest, all legal costs and expenses arising out of said proceedings in insanity and paid by said county. Any decision by the court shall be final.

Sec. 328. Personal liability of insane person and others. Insane persons and persons legally liable for their support shall remain liable for the support of such insane. The county auditor, subject to the direction of the board of supervisors, shall enforce the obligation herein created as to all sums advanced by the county.

Sec. 329. Presumption. In actions to enforce the liability imposed by the preceding section, the certificate from the superintendent and the notice from the auditor of state stating the sums charged in such cases, shall be presumptively correct.

Sec. 330. Relief from liability. If the board of supervisors in the case of any insane patient who has been supported at the expense of the county shall deem it a hardship to compel the relatives of such patient to bear the burden of his support, or charge the estate of such patient therewith, they may on application relieve such relatives or estate from any part or all of such burden as may seem to them reasonable and just.

Sec. 331. Expense in county or private hospitals. The estates of insane or idiotic persons who may be treated or confined in any county asylum or home, or in any private hospital or sanitarium, and the estates of persons legally bound for their support, shall be liable to the county for the reasonable cost of such support, or so much thereof as may be determined by the board of supervisors.

Sec. 332. Nonresidents liable to state - presumption. The estates of all nonresident patients provided for and treated in state hospitals for the insane in this state, and all persons legally bound for the support of such patients shall be liable to the state for the reasonable value of the care, maintenance, and treatment of such patients while in such hospitals. The certificate of the superintendent of the state hospital in which any nonresident is or has been a patient, showing the amounts drawn from the state treasury or due therefrom as provided by law on account of such nonresident patient, shall be presumptive evidence of the reasonable value of the care, maintenance, and treatment furnished such patient.

Sec. 333. Expenses certified to counties. Each superintendent of a state hospital where insane patients are cared for shall certify to the auditor of state on the first days of January, April, July and October, the amount not previously certified by him due the state from the several counties having patients chargeable thereto, and the auditor of state shall thereupon charge the same to the county so owing. A duplicate certificate shall also be mailed to the auditor of each county having patients chargeable thereto. This section shall apply to all superintendents of all institutions having patients chargeable to counties.

Sec. 334. Duty of county auditor and treasurer. The county auditor, upon receipt of such certificate, shall thereupon enter the same to the credit of the state in his ledger of state accounts, and at once issue a notice to his county treasurer, authorizing him to transfer the amount from the insane or county fund, to the general state revenue, which notice shall be filed by the treasurer as his authority for making such transfer, and shall include the amount so transferred in his next remittance of state taxes to the treasurer of state, designating the fund to which it belongs.

Sec. 335. Penalty for nonpayment. Should any county fail to pay these bills within sixty (60) days from the date of certificate from the superintendent, the auditor of state shall charge the delinquent county the penalty of one per cent (1%) per month on and after sixty (60) days from date of certificate until paid.

Sec. 336. Tax for hospital support fund. The board of supervisors shall at the time of levying other taxes estimate the amount necessary to meet said expense the coming year, including cost of commitment and transportation of patients, and shall levy a tax therefor. Said fund shall not be diverted to any other purpose. Should any county fail to levy a tax sufficient to meet this expense the deficiency shall be paid from the general county fund.

Sec. 337. County fund for insane. The board of supervisors shall, annually, levy a tax of one and one-half (1 1/2) mills or less, as may be necessary, for the purpose of raising a fund for the support of such insane persons as are cared for and supported by the county in the insane ward of the county home, or elsewhere outside of any state hospital for the insane, which shall be known as the county fund for the insane, and shall be used for no other purpose than the support of such insane persons.

CHAPTER 14 JUVENILE COURT

Sec. 338. Juvenile court - jurisdiction. There is hereby established in each county a juvenile court, which, and the judges thereof, shall have and exercise the jurisdiction and powers provided by law.

Sec. 339. Juvenile court - how constituted. The juvenile court of each county shall be constituted as follows:

1. Of the judges of the district.
2. In counties wherein there is a superior or municipal court, of the judges thereof, respectively, when designated as judges of the juvenile court by the judges of the district court.

Sec. 340. Designation of judge. The judges of the district court may designate one (1) of their number to act as judge of the juvenile court in any county or counties, and may designate a superior or municipal court judge to act as judge of the juvenile court in cases arising in any city in which any such court is organized and in cases arising in any part of any county convenient thereto. In counties having a population of one hundred thousand (100,000) or over, unless said district judges designate a superior or municipal court judge to act as juvenile judge, they shall after each election, designate one (1) of their number to act as juvenile judge for the ensuing four (4) years.

Sec. 341. Designation of judge - effect. The designation of any judge to hold the juvenile court shall not deprive him of other judicial functions, or the other judges of the power to act as judges of the juvenile court during the absence, inability to act or upon request of the regularly designated juvenile judge.

Sec. 342. Courts always open. Juvenile courts shall always be open for the transaction of business, but the hearing of any matter requiring notice shall be had only at such time and place as the judge may fix.

Sec. 343. Records of court. The juvenile court shall be a court of record, and the proceedings, orders, findings, and decisions thereof shall be entered in books kept for that purpose and designated as the juvenile court records.

Sec. 344. Clerk of juvenile court. The clerk of the court whose judge acts as the juvenile court shall act as clerk of the juvenile court.

Sec. 345. Probation officers - salary. The judge designated as juvenile judge in each county, or in cases where there is more than one (1) such judge in any county the judges so designated acting jointly, shall appoint probation officers, one of whom shall be a woman, as follows:

1. In and for any county having a population of less than thirty thousand (30,000), not more than four (4) probation officers, who shall serve without pay.

2. In counties having a population of more than thirty thousand (30,000) and less than fifty thousand (50,000) a chief probation officer at a salary of not more than fifteen hundred dollars (\$1500.00) per year, and the court may also appoint one deputy at a salary of not more than twelve hundred dollars (\$1200.00) per year.

3. In counties having a population of more than fifty thousand (50,000) and less than one hundred twenty-five thousand (125,000) a chief probation officer at a salary of not more than two thousand dollars (\$2,000.00) per year, and the court may appoint two deputies at a salary of not more than fifteen hundred dollars (\$1500.00) each per year.

4. In counties having a population in excess of one hundred twenty-five thousand (125,000), one (1) chief probation officer at a salary of not to exceed three thousand dollars (\$3,000.00) per year, and not to exceed five (5) deputy probation officers at a salary, each, of not to exceed eighteen hundred dollars (\$1,800.00) per year.

Sec. 346. Physicians and nurses. In any county having a population of one hundred twenty-five thousand (125,000) or more, the judge or judges of the juvenile court may appoint a competent physician at a salary of not more than fifty dollars (\$50.00) per month, and a visiting nurse, who shall be a trained graduate, at a salary of not more than one hundred dollars (\$100.00) per month, and prescribe their duties.

Sec. 347. Powers and duties- office and supplies. Probation officers, in the discharge of their duties as such, shall possess the powers of peace officers. They shall be furnished by the county with a proper office and all necessary blanks, books, and stationary. It shall be the duty of said probation officers to make such investigation as may be required by the court; to be present in court in order to represent the interests of the child when the case is heard; to furnish to the court such information and assistance as the judge may require, and to take such charge of any child before and after trial as may be directed by the court.

Sec. 348. Duties of clerk of court. The clerk of court shall, if practicable, notify a convenient probation officer in advance when any child is to be brought before the said court.

Sec. 349. Salaries - expenses - how paid. The judges making the appointments shall fix the salary of all appointees at not exceeding the amount authorized by law. All appointees shall serve during the pleasure of such judges, and in addition to salaries shall receive their necessary and actual expenses incurred while performing their duties. All salaries and expenses shall be paid by the county.

CHAPTER 15

CARE OF NEGLECTED, DEPENDENT AND DELINQUENT CHILDREN

Sec. 350. Applicable only to certain children. This chapter shall not apply to any child who is accused of an offense which is punishable by life imprisonment or death, but shall otherwise apply to all children who are not feeble minded and who are under eighteen (18) years of age and who are not inmates of any state institution or any institution incorporated under the laws of this state.

Sec. 351. Dependent and neglected child defined. The term "dependent child" or "neglected child" shall mean any child who, for any reason:

1. Is destitute, or homeless, or abandoned.
2. Is dependent upon the public for support.
3. Is without proper parental care or guardianship, or habitually begs or receives alms.
4. If under ten years of age, is engaged in giving any public entertainment in public places for pecuniary gain for himself or for another, or who accompanies, or is used in aid of, any person so doing.
5. Is found living in any house of ill fame, or with any vicious or disreputable person.
6. Is living in a home which is unfit for such child.
7. Is living under such other unfit surroundings as bring such child, in the opinion of the court, within the spirit of this chapter.

Sec. 352. Delinquent child defined. The term "delinquent child" means any child:

1. Who habitually violates any law of this state, or of any town or city ordinance.
2. Who is incorrigible.
3. Who knowingly associates with thieves, or vicious or immoral persons.
4. Who is growing up in idleness or crime.
5. Who knowingly frequents a house of ill fame.
6. Who patronizes any policy shop or place where any gaming device is located.
7. Who habitually wanders about any railroad yard or tracks, gets upon any moving train or enters any car or engine without lawful authority.

Sec. 353. Child, parent, and institution defined. The word "child" or "children" may mean one (1) or more children, and shall include any person under eighteen (18) years of age.

The word "parent" or "parents" may mean one (1) or both parents when consistent with the intent of this chapter. The word "institution" shall include any corporation which includes in its purposes the care or disposition of children coming within the meaning of this chapter.

Sec. 354. Petitions - by whom filed. Petitions, sworn to on information and belief, setting forth the facts which render a child, found in the county, dependent, neglected, or delinquent within the meaning of this chapter, may be filed, without payment of filing fee, with the clerk of the juvenile court, by any reputable resident of the county.

Sec. 355. Petition may embrace several children. Complaint with reference to more than one (1) child may be embraced in one (1) count of the petition, subject to being later divided on order of the juvenile court if such order appears advisable.

Sec. 356. Judge to fix time and place of hearing - notice. Upon the filing of the petition, the court or judge shall fix a time for the hearing and a place within the district convenient to the parties, and cause notice to issue as hereinafter provided.

Sec. 357. Notice - requirements. Said notice shall apprise all parties entitled to notice of the filing of said petition, and of the time and place of hearing thereon, and shall require the custodian of said child to appear with said child at said time and place. A copy of the petition shall be attached to said notice.

Sec. 358. Manner of service. The court or judge may, in all cases, specify the particular manner in which said notice shall be served.

Sec. 359. Service of notice. Said notice shall be served on the custodian of said child or on the person with whom such child is living, and on all other persons entitled to notice, at least five (5) days before the day of hearing. No further service shall be required than on the parent when the parent is the custodian or guardian of said child or children. If the said custodian is not the parent or guardian, then additional service shall be made in the following order:

1. On the parents if their residence in this state is known.
2. On the guardian if his residence in this state is known.
3. On some relative if his residence in this state is known.

Sec. 360. Refusal to produce child. If the person summoned as herein provided shall fail to appear or bring the child, without reasonable cause, and abide the order of the court, he may be proceeded against as in case of contempt of court in addition to any criminal proceedings authorized by law.

Sec. 361. Warrant of arrest. In case the notice can not be served, or the party served fails to obey the same, or when it shall be made to appear to the court that such notice will be ineffectual, a warrant may issue on the order of the court, either against the parent or guardian or custodian, or against the child himself.

Sec. 362. Hearing - continuance. On the day set for hearing, the court shall, if the required notice has been given, or at any time, if the parties entitled to such notice are in court, proceed to try the cause in equity unless a continuance appears advisable in the interest of justice.

Sec. 363. Custody of child pending hearing. When, in the opinion of the court, an emergency exists, temporary provision may be made for the custody of the child pending further hearing.

Sec. 364. Appointment to represent child. The court may, at any time after the filing of the petition, appoint an attorney, or other suitable person to represent and appear for said child.

Sec. 365. Information charging crime. In any case after an investigation of the facts and circumstances, the court may, in its discretion, cause the child to be charged with either:

1. An indictable offense, in which case the court shall proceed to hold a preliminary examination, and shall exercise the powers of other magistrates.
2. An offense not triable on indictment, in which case the court may order any peace officer to file forthwith an information against such child and proceed to try the case before a jury of twelve (12). When no regular jury is in attendance at the district, superior, or municipal court, as the case may be, the judge shall cause to be issued by the clerk and serve by any peace officer a summons for such number of persons qualified to act as jurors as in his judgment are necessary to secure an impartial jury, allowing to the state and the defendant, each, three (3) peremptory challenges.

Sec. 366. Commitment of child. If a child is unable to furnish a required bail pending the final disposition of the case, he may be committed to the care of a probation or peace officer, or other person, who shall keep such child in some suitable place provided by the city or county, outside the inclosure of any jail or police station. No child shall be confined in the same yard or inclosure with adult convicts.

Sec. 367. Misdemeanor cases transferred. Any child, taken before any justice of the peace or police court, charged with a public offense shall, together with the case, be at once transferred by said court, to the juvenile court.

Sec. 368. Exclusion from courtroom. The judge of the juvenile court shall fix a time and place for the hearing of cases transferred thereto, which shall be disposed of in the same manner as cases originally brought before said court. During his examination into or trial of the case as a court of equity, the court may exclude from the courtroom any and all persons who, in his opinion, are not necessary for the hearing of the case.

Sec. 369. Conviction of crime - alternative procedure. When there is a conviction in the district court of any delinquent child of an indictable offense, the district court may enter judgment thereon or, if the punishment be not imprisonment for life, or death, it may transfer the cause to the juvenile court. The juvenile court shall have power to proceed with such child under the alternative or mandatory commitments provided in this chapter, but if the results, in the opinion of the court, be not conducive to the public interest and the welfare of the child, it may, at any time, revoke such orders of commitment and enter such judgment of conviction as the district court might have entered.

Sec. 370. Alternative commitments. The juvenile court, in the case of any neglected, dependent, or delinquent child, may:

1. Continue the proceedings from time to time and commit said child to the care and custody of a probation officer or other discreet person.
2. Commit said child to some suitable family home or allow it to remain in its own home.
3. Commit said child to any institution in the state, incorporated and maintained for the purpose of caring for such children.
4. Cause the child to be placed in a public or state hospital for treatment or special care, or in a private hospital which will receive it for such purpose, when such course seems necessary for the welfare of the child.

Sec. 371. Guardianship and adoption. In case the court commits said child to the custody of some proper person or institution, such person or institution shall, by virtue of such custody, be the legal guardian of the person of such child and may be made a party to any proceeding for the legal adoption of such child, but any such adoption shall be approved by the court.

Sec. 372. Conditions attending commitment. In any case contemplated by the second preceding section, the court may, from time to time, incorporate in its order such conditions and restrictions as it may deem advisable for the welfare of the child, and the jurisdiction of the court over said proceedings and said child shall continue until the child is legally adopted, or until the child is committed to a state institution.

Sec. 373. Religious belief. The court, in committing children, shall place them, as far as practicable, in the care and custody of some individual holding the same religious belief as the parents of said child, or with some institution which is controlled by persons of like religious faith with the parents of said child.

Sec. 374. Aid to widow in care of child. If the juvenile court finds of record that the mother of a neglected or dependent child is and has been a resident of the county for one (1) year preceding the filing of the application, and is a widow and a proper guardian but, by reason of indigency, is unable to properly care for such child, and that the welfare of said child will be promoted by remaining in its own home, it may, on ten (10) days' written notice to the chairman of the board of supervisors, of said application, by proper order, determine the amount of money, not exceeding two dollars and fifty cents (\$2.50) per week, necessary to enable said mother to properly care for said child. The board of supervisors shall cause said amount to be paid from the county treasury as provided in said order. Such order may, at any time, be modified or vacated by the court. No payment shall be made after said child reached the age of

sixteen (16) years, or after the mother has remarried, or after she has acquired a legal residence in another county, or after she has become a nonresident of the state.

Sec. 374-cl. Duration of order. Orders entered under the preceding section shall, unless sooner terminated by the court, automatically terminate two (2) years from the date thereof, but may be renewed under a new application.

Sec. 375. When considered widow. Any mother whose husband is an inmate of any institution under the care of the board of control, shall, for the purposes of the second preceding section, be considered a widow, but only while such husband is so confined.

Sec. 376. Compelling support by parent. The court, in any proceeding hereunder relative to a neglected or dependent child, shall have jurisdiction, on reasonable notice to the parents of said child, to inquire into the ability of said parents to support said child and make all proper orders in reference thereto. The court may require such parent to enter into a bond, with or without surety, and in a reasonable sum, conditioned for the proper care, support, and supervision of such child. If it finds that the parent is able to support such child in any reasonable degree, it may require such parent to pay a reasonable amount of money into court at such times as it may provide, which sum shall be applied to the care of said child. All orders for the payment of money shall be enforced by execution and in such case the parent ordered to make payment shall not be entitled to hold any property as exempt from such execution. All other orders may be enforced by process of contempt until such orders are complied with.

Sec. 377. Action on bond. In case of the breach of a bond given as required in the preceding section, the amount thereof shall be deemed liquidated damages, which, when collected, shall, under the orders of the court, be applied to the care of said child. The county attorney shall, on the order of the court, prosecute all actions on such bonds.

Sec. 378. Mandatory commitments. If commitments of any child is not made under the foregoing provisions of this chapter, or if made thereunder and the results, in the opinion of the court, are not conducive to the welfare of the child, the court shall proceed as follows:

1. If the child is neglected or dependent and not delinquent, it shall be committed either to the soldiers' orphans' home or to the state juvenile home.

2. If the child is delinquent and under the age of ten (10) years, it shall be committed to the state juvenile home.

3. If the child is over the age of ten (10) years and, in the opinion of the court or judge is seriously delinquent or so disposed, it shall be committed to the state training school for boys or for girls, as the case may be; but married women, prostitutes, and girls who are pregnant shall not be committed to the training school.

4. If the child is over the age of ten (10) years and, in the opinion of the court or judge is not seriously delinquent nor so disposed, it shall be committed to the state juvenile home.

Sec. 379. Interpretive clause. It is the intent of the preceding section to so classify commitments that the merely neglected and dependent child will not be associated with the delinquent and their delinquent children will be so segregated that the least delinquent will not suffer by association with those of greater delinquency.

Sec. 380. Right to transfer. The board of control, at any time, for the purpose of effecting, as nearly as practicable, the declared intent of this chapter, may transfer an inmate of any of said three (3) state institutions to any other of said institutions. It may also transfer any feeble-minded child from said institutions, to the institution for feeble minded or to the hospital for epileptics and school for feeble minded. The expense of such transfers shall be charged to the support fund of the institution from which the transfers are made.

Sec. 381. Term of commitment. Commitments shall be until the child attains the age of twenty-one (21) years, unless otherwise discharged by law.

A warrant of commitment shall consist of a copy of the order of commitment, certified to by the clerk and shall be in duplicate, one (1) of which shall be delivered to the executive head of the receiving institution and shall constitute sufficient authority to hold in custody the party committed.

Sec. 382. Court notified of application for discharge. When application, written or otherwise, is made to the board of control for the release or discharge of any delinquent child under twenty-one (21) years of age, who has been committed by a juvenile court to any state institution, such board shall at once, by letter, give written notice of such application to the judge of the juvenile court which made the commitment, and such child shall not be discharged or released in less than thirty (30) days after such notice has been given.

Sec. 383. Record of discharge. The board shall keep a full record of the discharge by it of all delinquent children which record shall among other matters show the reasons therefor and whether the discharge was on application or on action of the board.

Sec. 384. Statement to superintendent of state institution. In case of a commitment to a state institution, the judge shall forward to the superintendent a statement of the nature of the complaint, and such other particulars as he may be able to ascertain, including the date of birth of the child, its habits and environments, the number of times it has been arrested and the cause therefor, the influence of the parent or custodian on such child, and the substance of the evidence introduced on the hearing.

Sec. 385. Detention home and school in certain counties. In counties having a population of more than forty thousand (40,000), the board of supervisors shall provide and maintain, separate, apart, and outside the inclosure of any jail or police station, a suitable detention home and school for dependent, neglected, and delinquent children.

Sec. 386. Tax authorized. The board of supervisors may annually levy a tax of not to exceed one (1) mill for the purpose of maintaining such home, and paying the salaries and expenses of all appointees authorized by this chapter.

Sec. 387. Board of control to approve institutions. The board of control shall designate and approve the institutions to which such children may be legally committed and shall have supervision, and right of visitation and inspection at all times over all such institutions.

Sec. 388. Reports by court and institutions. The juvenile court, and all institutions receiving such children, shall, between the first and fifteenth day of January of each year, make report to the board of control. The report shall embrace the number of children of each sex brought before the court during the past year, the number for whom homes have been provided, the number sent to state institutions, and the number in charge of each institution.

Sec. 389. Statutes construed liberally. This chapter shall be liberally construed to the end that its purpose may be carried out.

CHAPTER 15-A JUVENILE DELINQUENCY

Sec. 389-a1. Contributing to delinquency of child. It shall be unlawful:

1. To encourage any child under eighteen (18) years of age to commit any act of delinquency defined in the preceding chapter of this title, or
2. To send, or cause to be sent, any such child to a home of prostitution or to any place where intoxicating liquors are unlawfully sold or unlawfully kept for sale, or to any policy shop, or to any gambling place, or to any public poolroom, or to induce any such child to go to any such places, knowing them to be such, or
3. To knowingly encourage, contribute, or in any manner cause such child to violate any law of this state, or any ordinance of any city or town, or
4. To knowingly permit, encourage, or cause such child to be guilty of any vicious or immoral conduct.

Sec. 389-a2. Penalty - bar. A violation of the preceding section shall be punishable by a fine of not exceeding one hundred dollars (\$100.00) or by imprisonment in the county jail not exceeding thirty (30) days, or by both such fine and imprisonment. Said conviction shall not bar a prosecution of such convicted person for an indictable offense when the acts which caused or contributed to the delinquency of such child are indictable.

Sec. 389-a3. Suspension of sentence. Upon said conviction being had, the court may, for a period not exceeding two (2) years, suspend sentence under such conditions as to good behavior as it may prescribe. Should said conditions be fulfilled, the court may at any time enter an order setting said conviction aside and wholly releasing the defendant therefrom. Should said condition be not fulfilled to the satisfaction of the court, an order of sentence may at any time be entered which shall be effective from the date thereof.

Sec. 389-a4. Preliminary examination by juvenile court. If, in proceedings in juvenile court, it appears probable that an indictable offense has been committed and that the commission thereof caused, or contributed to, the delinquency of such child, said court may order the issuance of a warrant for the arrest of such suspected person, and on the appearance of such person said court may proceed to hold a preliminary examination, and in so doing shall exercise all the powers of a committing magistrate.

CHAPTER 16

PRIVATE INSTITUTIONS FOR NEGLECTED, DEPENDENT, AND DELINQUENT CHILDREN

Sec. 390. Private institutions for care of children. Any institution, incorporated under the laws of this state or maintained for the purpose of caring for placing out for adoption, or otherwise improving the condition of unfortunate children, may:

1. Receive neglected, dependent, or delinquent children, who are under eighteen (18) years of age, under commitment from the juvenile court, and control and dispose of them subject to the provisions of chapter fifteen (15) of this title.
2. Receive neglected, dependent, and delinquent children under twenty-one (21) and over eighteen (18) years of age, under commitment from the juvenile court, and control and dispose of them as in this chapter provided.

3. Receive, control, and dispose of all minor children voluntarily surrendered to such institutions.

Sec. 391. Jurisdiction to revoke. The district court of any county in which any such institution may be located shall have jurisdiction to revoke the powers herein granted upon a showing that any such institution has abused the trust imposed, or that the welfare of its wards demands that they be taken from the control of such institution. It shall be the duty of the state board of control to institute such proceedings whenever, in its judgment, they are advisable.

Sec. 392. Terms defined. The meaning of the terms "neglected", "dependent" and "delinquent" child shall be the same as provided in chapter fifteen (15) of this title.

Sec. 393. Who may surrender child. Minor children may be surrendered to such institutions:

1. By the parents jointly.
2. By either parent, when the other is dead, or hopelessly insane, or a habitual drunkard, or has abandoned the family, or is in prison for crime, or is an inmate or keeper of a house of ill fame.
3. By the mother alone, if the child is illegitimate and in her care and custody.

Sec. 394. Commitment of children over eighteen years old. Any reputable citizen of the county may file a petition with the juvenile court as provided in chapter fifteen (15) of this title, against any neglected, dependent, or delinquent minor child who is over the age of eighteen (18) years and therein ask that said be committed to such an institution, or otherwise dealt with as may appear best for the welfare of said child, and in such case the procedure shall, so far as applicable, be as provided in said chapter, except that such child shall not be committed thereunder to any state institution.

Sec. 395. Duty of institution. All children in such institutions, over seven (7) years and under fourteen (14) years of age, shall be kept in school during the school sessions of the district in which such child is kept, or in some parochial school for a like period.

Sec. 396. Revocation of commitment. The juvenile court of the county in which an institution is located may at any time revoke a commitment to such institution when it is made to appear that the trust imposed has been abused, or that the welfare of the child requires such revocation.

Sec. 397. Board of control to supervise. All institutions receiving children under this chapter shall be subject to the supervision and inspection of the board of control which may at any time require such information of such institutions as it may deem necessary to effect such supervision and inspection.

Sec. 398. Institutions to report. Every such institution shall file with the board of control, during the month of January of each year, an annual written or printed report, which shall show:

1. The number of children cared for during the preceding year.
2. The number of children received for the first time and the number returned from families.
3. The number placed in homes.
4. The number deceased.
5. The number returned to friends.
6. The number placed in state institutions.

7. The number and names and number of months of each of those attending school.
8. A statement showing the receipts and disbursements of such association.
9. The amount expended for salaries and other expenses, specifying the same.
10. The amount expended for lands, buildings, and investments.

Sec. 399. Commitments prohibited. No child shall be committed to the care of any such institution which shall fail to file with the state board of control a satisfactory report for the calendar year last preceding, unless it be an institution organized within the current year.

Sec. 400. Foreign institutions. Institutions of the nature contemplated by this chapter, and organized under the laws of a foreign state, shall not place any child in any family home or other place in this state unless it first executes the bond hereinafter provided and satisfies the board of control that it will not bring into this state any child which has a contagious or incurable disease, or which is deformed, feeble-minded, or of vicious character and that it will promptly remove from the state any child brought into the state by its agents in case said child becomes a public charge within five (5) years after being brought into the state.

Sec. 401. Bond by foreign institution. Such foreign institution shall execute and file with the said board a bond, to be approved by the said board, in the sum of one thousand dollars (\$1,000.00) conditioned to comply with the preceding section.

Sec. 402. Action on bond. In case of a breach of said bond a conclusive presumption shall prevail that the amount of said bond was intended to constitute liquidated damages.

Sec. 403. Construction of statute. The third preceding section shall not be construed as prohibiting any resident of the state from receiving and adopting any child which is a resident of a foreign state.

Sec. 404. Monthly allowance. The institution receiving and caring for a child under eighteen (18) years of age and under commitment from the juvenile court, shall receive, from the county of the legal settlement of such child, a monthly allowance of not to exceed sixteen dollars (\$16.00).

Sec. 405. Commitments in lieu of jail sentence. When any court may pronounce sentence committing any female to any jail, such female may be committed to any institution as herein provided, if such institution is willing to receive her, without expense to the state, but such commitment shall not exceed the maximum jail sentence.

Sec. 406. Commitment subsequent to jail sentence. If the court has already committed such female to a jail and thereafter it appears that any such institution is willing to receive her under a commitment, and under the conditions herein imposed, the court may make an additional order, releasing her from such jail and ordering her committed to such institution for the unexpired time of the original commitment.

Sec. 407. Surrender of female. Any such female may be surrendered at any time to the court, judge, or presiding magistrate making the original order, which court, judge, or magistrate may make a further order committing the accused to a proper jail for the unexpired term of the original commitment.

Sec. 408. Release on bond. If, after any female is so committed to such institution, a bond is given under which such female is entitled to a release from such commitment, such female shall be released by an order issued by the officer approving said bond.

Sec. 409. Custody and control - labor. Any such female committed to an institution as herein provided shall be in the legal custody and control of the immediate managing head, and such female, whether the commitment so provides or not, shall, while being held under such commitment, perform such reasonable, fit, and proper labor as such managing head may direct, which labor shall be the sole compensation to such institution for the keep of such female.

Sec. 410. Institution defined. The term "institution" as used in the five (5) preceding sections shall embrace any institution having for its objects, in whole or in part, the furnishing of relief, care, and assistance to the poor, destitute, needy, or unfortunate, or any other charitable or benevolent object.

Sec. 411. Visitation by board of control. Any institution having any such female in its custody shall be subject to supervision and inspection by the board of control to the same extent as the other institutions named in this chapter.

Sec. 411-a1. Unincorporated institutions. All private unincorporated institutions devoted to the reception and care of neglected, dependent and delinquent children shall be subject to the supervision and inspection of the board of control which may at any time require such information of such institutions as it may deem necessary in order to render its supervision and inspection effective.

CHAPTER 17.

TRAINING SCHOOLS.

Sec. 412. Iowa training schools. The state training school at Eldora shall be known as the Iowa training school for boys. The state training school at Mitchellville shall be known as the Iowa training school for girls.

Sec. 413. Superintendent - powers and duties. The superintendent shall have charge and custody of the inmates of the school. He shall discipline, govern, instruct, employ, and use his best endeavors to reform the pupils in his care, so that, while preserving their health, he may promote, as far as possible, moral, religious, and industrious habits, and regular, thorough, and progressive improvement in their studies, trade, and employment.

Sec. 414. Salary. The salary of the superintendent of the state training school for boys shall be twenty-five hundred dollars (\$2,500.00) per year, and the salary of the superintendent of the state training school for girls shall be two thousand dollars (\$2,000.00) per year.

Sec. 415. Instruction and employment. The board of control shall cause the boys and girls in said schools to be instructed in piety and morality, in such instruction on the constitutions of the United States and of this state as required in the common schools and in such branches of useful knowledge as are adapted to their age and capacity, including the effects of alcoholic liquors, stimulants, and narcotics on the human system, and in some regular course of labor, either mechanical, agricultural, or manufacturing, as is best suited to their age, strength, disposition, capacity, reformation, and well being.

Sec. 416. Procedure to commit. The procedure for the commitment of children to the state training school, except as otherwise provided, shall be the same as provided in chapter fifteen (15) of this title.

Sec. 417. Commitments in case of conviction for crime. When a boy or girl over ten (10) and under eighteen (18) years of age, of sound mind, is found guilty in the district court of any crime except murder, the court may order the child sent to the state training school for boys, or for girls, as the case may be.

Sec. 418. Placing in families. All children committed to and received in the training schools may, with the written approval of the board of control, be placed by the superintendent, with any persons or in families of good standing and character where they will be properly cared for and educated.

Sec. 419. Articles of agreement. Such children shall be so placed under articles of agreement, approved by the board of control and signed by the person or persons taking them and by the superintendent. Said articles shall provide for the custody, care, education, maintenance, and earnings of said children for a time to be fixed in said articles, which shall not extend beyond the time when the persons bound shall attain the age of twenty-one (21) years.

Sec. 420. Resuming custody of child. In case a child so placed be not given the care, education, treatment and maintenance required by such agreement, the board of control may cause the child to be taken from the person with whom placed and returned to the institution, or may replace, release or finally discharge him as may seem best.

Sec. 421. Unlawful interference with child. It shall be unlawful for any parent or other person not a party to such placing of a child to interfere in any manner or assume or exercise any control over such child or his earnings. Said earnings shall be used, held, or otherwise applied for the exclusive benefit of such child.

Sec. 422. County attorney to appear for child. In case legal proceedings are necessary to enforce any right conferred on any child by the four (4) preceding sections, the county attorney of the county in which such proceedings should be instituted shall, on request of the superintendent, approved by the board of control, institute and carry on in the name of the superintendent, the proceedings in behalf of the superintendent.

Sec. 423. Discharge or parole. The board of control may at any time after one (1) year's service order the discharge or parole of any inmate as a reward for good conduct, and may, in exceptional cases, discharge or parole inmates without regard to the length of their service or conduct, when satisfied that the reasons therefor are urgent and sufficient. If paroled upon satisfactory evidence of reformation, the order may remain in effect or terminate under such rules as the board may prescribe.

Sec. 424. Effect of binding out or discharge. The binding out or the discharge of an inmate as reformed, or having arrived at the age of twenty-one (21) years, shall be a complete release from all penalties incurred by the conviction for the offense upon which the child was committed to the school.

Sec. 426. Appropriation. For the support of the training schools there is appropriated until July 1, 1925. out of any money in the state treasury not otherwise appropriated the following sums, or so much thereof as may be needed:

1. For the boys' department, twenty-four dollars (\$24.00) monthly for each inmate actually supported in said school. The superintendent on the first day of each month shall certify to the board the average number of inmates supported by the state in the school for the preceding month. Upon receipt of such

certificate the board shall certify to the auditor and treasurer of state the total amount payable by the state for the support of the school for the preceding month and the auditor and treasurer of state shall credit the school with said amount. The amount so credited shall be drawn from the state treasury in the manner provided in chapter two (2) of this title. When the average number of inmates in said school shall be less than four hundred eighty (480) for any month, the auditor and treasurer of state, upon the presentation of the proper certificate by the board, shall credit said school with the sum of eleven thousand five hundred twenty dollars (\$11,520.00), and the sum so credited shall be drawn from the state treasury in the same manner and for the same purposes as the regular monthly per capita allowance is drawn.

2. For the girls' department, twenty-four dollars (\$24.00) monthly for each inmate actually supported in said school, counting the average number therein for the preceding month, which shall be certified to the auditor and treasurer of state as provided in the preceding paragraph, and credited by said officers to the school in like manner. When the average number of inmates in said school shall be less than three hundred twelve (312) for any month, the auditor and treasurer of state shall, upon the proper showing, credit said school with the sum of seven thousand five hundred dollars (\$7,500.00) in the manner provided in the preceding paragraph. The sums provided in this paragraph shall be drawn from the state treasury in the manner provided in the preceding paragraph.

CHAPTER 17-A

IOWA JUVENILE HOME

Sec. 426-a1. Objects. The Iowa juvenile home shall be maintained for the care, custody, and education of children therein, who shall be wards of the state. Such education shall embrace instruction in the common school branches, in such other higher branches as may be practical and in such manual training, as shall best fit and develop such children and render them self-sustaining. Instruction may also be given in elementary military tactics.

Sec. 426-a2. Procedure for commitment. The procedure for the commitment of such children to said home shall be the same as provided in chapter fifteen (15) of title nine (9).

Sec. 426-a3. Admission under voluntary applications. Children of the class which might be admitted to said home by the juvenile court may be admitted to said home on voluntary application signed by the legal custodian of such children, and approved in writing by the board of supervisors of the county where such child has a legal residence. Such application shall be subject to the approval of the board of control and shall, in such form as it may prescribe.

Sec. 426-a4. Transfer to and from home. Transfers to and from the juvenile home may be made as provided in the chapter relating to the soldier's orphans' home.

Sec. 426-a5. Adoption or placing child under contract. Children in juvenile home may be adopted, or placed with other persons under contract, and repossessed by the board for other disposition, in the same manner and with the same effect as provided in the chapter relating to the soldiers' orphans' home. The provisions of said chapter which prohibit interference with said children while under adoption or contract shall also apply to children committed to or received in the juvenile home.

Sec. 426-a6. Counties liable for support. Each county shall be liable for sums paid by the home in support of all children committed or received from said county to the extent of one-half (1/2) of the per capita cost per month for each child, and when the average number of children is less than two hundred ninety-two (292) in any month, each county shall be liable for its just proportion for each child of the amount credited to the home for that month. The sum for which each county is so liable shall be charged to the county, and collected as a part of the taxes due the state, and paid by the county, at the same time state taxes are paid.

Sec. 426-a7. Maximum appropriation. For the support of the home there is appropriated out of any money in the state treasury not otherwise appropriated, or so much thereof as may be necessary, twenty-four dollars (\$24.00) monthly for each child actually supported, and, in addition, the expense of his transmission to the home. The superintendent on the first day of each month shall certify to the board of control the average number of inmates supported by the state in the home for the preceding month, and the expense of transmitting children to the home during said month. Upon receipt of such certificate said board shall certify to the auditor and treasurer of state the total amount payable by the state for the support of the home for the preceding month, and the cost of transmitting children to the home for said month, and the auditor and treasurer of state shall credit the home with said amount. The amount so credited shall be drawn from the state treasury in the manner provided for the drawing of support funds for the other institutions under the management of the state board of control.

Sec. 426-a8. Minimum appropriation. If the average number of children shall be less than two hundred ninety-two (292) in any month, the auditor and treasurer of state shall, upon presentation of the proper certificate, by the board, credit the home with seven thousand dollars (\$7000.00) for that month, and the sum so credited shall be drawn from the state treasury in the same manner and for the same purpose as the regular monthly per capita allowance is drawn.

CHAPTER 18

WOMEN'S REFORMATORY

Sec. 427. Women's reformatory - object. The women's reformatory shall be maintained for the purpose of preparing the inmates to lead orderly and virtuous lives and to become self-supporting and useful members of society, and to this end to instruct them in the common school and other branches of learning, in morality, physical culture, domestic science, mechanical arts, and such other branches of industry as may be practicable.

Sec. 428. Superintendent - salary. The superintendent of the women's reformatory shall be a female and shall receive a salary of not to exceed two thousand dollars (\$2,000.00) per year.

Sec. 429. Service required. The superintendent may, with the approval of the board of control, require any inmate to perform any service suited to her strength and attainments and which may be needed for the benefit of the reformatory or for the welfare of such inmates

Sec. 430. Commitments generally. All females, over eighteen (18) years of age, and married females under eighteen (18) years of age, who are convicted in the district court of offenses, punishable by imprisonment in excess of thirty (30) days, shall, if imprisonment be imposed, be committed to the women's reformatory.

Sec. 431. Optional commitments for life. Any unmarried female over ten (10) and under eighteen (18) years of age convicted of an offense punishable by life imprisonment may be committed either to the Iowa training school for girls or to the women's reformatory.

Sec. 432. Commitment on appeal. A female, over eighteen (18) years of age, convicted, on appeal from a conviction of a nonindictable offense, may, if imprisonment be imposed, be committed to the women's reformatory for an indeterminate period not exceeding ninety (90) days.

Sec. 433. Term of commitment. A female convicted of a felony shall not be detained in said reformatory under one (1) commitment for a period longer than the maximum term of imprisonment provided by law for said felony. A female convicted of a crime less than felony shall not be detained therein longer than five (5) years under one (1) commitment.

Sec. 434. Manner of committing females. Females committed to said reformatory shall be taken thereto by some woman, or by some peace officer accompanied by some woman, appointed by the court.

Sec. 435. Costs of commitment. The costs and expenses allowed for taking females to the reformatory shall be the same as those allowed by law for taking girls to the training school and shall be audited and paid in like manner by the counties from which they are sent.

Sec. 436. Transfer of inmates - costs. The board of control may transfer inmates from the said reformatory to the training school for girls, and from such training school to such reformatory, whenever such course will be conducive to the welfare of the institution or of the other inmates therein, or of the inmate so transferred. The costs of such transfer shall be paid from the funds of the institution from which the transfer is made.

Sec. 437. Effect of transfer of inmates. After a transfer to either institution is made, under the preceding section, the person transferred shall be subject to all the provisions of law and regulations of the institution to which she is transferred the same as though she had originally been committed thereto.

Sec. 438. Paroles by board of control. The board of control, except as to inmates serving life terms, or under sentence of death, may parole any inmate of said reformatory at such time and under such conditions as it may determine, and may revoke such parole for a violation of the conditions thereof.

Sec. 438-a1. Recommendation for discharge or pardon. The board of control shall recommend to the governor the discharge or pardon of such prisoners committed to the women's reformatory as have, with the proper spirit, served not less than twelve (12) months of their parole, and who have, by their conduct, given satisfactory evidence that they will continue to be law-abiding citizens. The board may, at any other time, and for reasons satisfactory to it, recommend to the governor the discharge or pardon of any inmate of said reformatory.

Sec. 439. Employment for discharged inmate. It shall be the duty of the superintendent, so far as is practicable, to obtain for each inmate before she is paroled or discharged a home and suitable employment if they are not otherwise provided.

Sec. 440. Clothing, transportation, and money. The superintendent may, with the consent of the board, furnish a discharge or paroled inmate with proper clothing, and a receptacle therefor, and transportation to her place of employment, or home, or other place not more distant than the place of commitment, and a sum of money not exceeding twenty-five dollars (\$25.00).

Sec. 441. Escape. Any inmate of said reformatory who shall escape therefrom, or who violates the condition of her parole, may be arrested and returned to said reformatory, by an officer or employee thereof without any other authority than this chapter, and by any peace officer or other person on the request in writing of the superintendent or board of control.

Sec. 442. Costs of returning inmate. The costs attending the return of escaped or paroled inmates shall be paid from the funds of the institution.

Sec. 444. Appropriation. There is hereby appropriated until July 1, 1925, out of any money in the state treasury not otherwise appropriated, for the purpose of maintaining the women's reformatory, including the payment of the compensation of officers and employees, for instruction of inmates, the furnishing of food, clothing, and all necessary supplies, and transportation for paroled and discharged inmates and return to the reformatory of paroled and escaped inmates, the sum of twenty-four dollars (\$24.00) per month, or so much thereof as shall be necessary for each inmate. The superintendent on the first day of each month shall certify to the board the average number of inmates supported and domiciled in the reformatory for the preceding month. Upon receipt of such certificate the board shall certify to the auditor and treasurer of state the total amount payable by the state for the support of the reformatory for the preceding month, and the auditor and treasurer of state shall credit the reformatory with said amount. The amount so credited shall be drawn from the state treasury in the manner provided in chapter two (2) of this title. In case the average number of inmates shall be fewer in any one (1) month than one hundred sixty-five (165), the auditor and treasurer of state shall, upon presentation of the proper certificate from the board, credit said institution with the sum of three thousand nine hundred sixty dollars (\$3,960.00), which sum, or so much thereof as may be needed, is appropriated out of any unappropriated money in the state treasury, and the sum so credited shall be drawn from the state treasury in the same manner and for the same purpose as the regular monthly per capita allowance is drawn.

CHAPTER 19

PENITENTIARY AND MEN'S REFORMATORY

Sec. 445. Duty of wardens. The wardens of the penitentiary, and of the men's reformatory, shall live within the precincts of said institutions, respectively, and shall devote their entire time to the duties of their positions.

Sec. 446. Maximum salaries. Monthly salaries in the penitentiary and the men's reformatory shall not exceed the following sums:

1. Warden, two hundred fifty dollars (\$250.00).
2. Deputy warden, one hundred fifty dollars (\$150.00).
3. Assistant deputy warden, one hundred twenty-five dollars (\$125.00).

4. Clerk, one hundred fifty dollars (\$150.00).
5. Chaplain, one hundred twenty-five dollars (\$125.00).
6. Additional chaplain, twenty-five dollars (\$25.00).
7. Physician, one hundred twenty-five dollars (\$125.00).
8. Storekeeper, one hundred twenty-five dollars (\$125.00).
9. Record clerk, receiving officer, and captain of the night guards, each, one hundred ten dollars (\$110.00).

Sec. 447. Salary of guards. Turnkeys and guards shall receive the following monthly salaries: Of the first class, one hundred dollars (\$100.00); of the second class, ninety dollars (\$90.00); of third class, eighty dollars (\$80.00).

Sec. 447-a1. Eight hour day. Eight (8) hours shall constitute a day's work for the receiving clerk, record clerk, all captains, turnkeys, and guards and all necessary time in excess thereof shall be paid for at not less than pro rata pay.

Sec. 448. How salaries paid. All salaries shall be paid out of any money in the state treasury not otherwise appropriated.

Sec. 449. Household and domestic service. The wardens of the penitentiary and men's reformatory shall be entitled to receive the labor of prisoners, not exceeding three (3) at one (1) time, for household and domestic service in their own families.

Sec. 450. Dwellings for subordinate officers. Each deputy warden shall be furnished with a dwelling house by the board of control, or house rent, and also furnished with water, heat, ice, and lights, and domestic service in his family by not more than one (1) prisoner at one (1) time.

Sec. 451. Punishment and records thereof. Disobedience by the convicts of the disciplinary rules of the institution shall be punished by the infliction of such penalties as are provided by law and the rules which are prescribed for the government of said institution. The warden shall keep a register of all punishments inflicted on any convict, and the cause for which they were inflicted.

Sec. 452. According prohibited privileges to prisoners. If any officer or other person employed in either of said institutions or its precincts, negligently suffer any convict confined therein to be at large without its precincts, or out of the cell or apartment assigned to him, or to be conversed with, relieved or comforted contrary to law or the rules of the institution, he shall be punished by a fine not exceeding five hundred dollars (\$500.00).

Sec. 453. Failure to perform duty. Any person required to perform any duty relative to either of said institutions who wilfully fails to perform the same, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), and shall forfeit his office. Should said failure result in the escape of any of the convicts, or in loss of any of the funds appropriated to the use and benefit of the said institution, exceeding twenty dollars (\$20.00), he shall be punished by imprisonment in the penitentiary for a term not less than two (2) nor more than ten (10) years.

Sec. 454. Federal prisoners. Convicts sentenced for any term at hard labor by any court of the United States may be received by the warden into the penitentiary or men's reformatory and there kept in pursuance of their sentences.

Sec. 455. Transfers from penitentiary. The board of control may transfer short term and promising prisoners from the penitentiary to unoccupied rooms in the men's reformatory whenever the number of inmates in the penitentiary exceeds the number of cells therein. It may also transfer to the men's reformatory other prisoners when satisfied that such transfers will be to the best interest of the institutions and of the prisoners.

Sec. 456. Permissive transfers from men's reformatory. The board of control may transfer male prisoners from the men's reformatory to the penitentiary:

1. When the prisoner has been guilty of insubordination or of repeated violations of the rules of the reformatory.
2. When the prisoner is not a hopeful subject for reformatory treatment.

Sec. 457. Mandatory transfers from men's reformatory. Said board shall transfer a prisoner from the men's reformatory to the penitentiary when, after his commitment to the reformatory, it is discovered that he is over thirty (30) years of age, or that he has, prior to his last conviction, been convicted in any court of any felony, but such transfer shall not be made unless there are suitable accommodations at the penitentiary to care for such prisoner.

Sec. 458. Department for insane. There shall be maintained in the men's reformatory a department in which all insane convicts shall be confined and treated.

Sec. 459. Transfer of insane from penitentiary. When the said board has cause to believe that a prisoner in the penitentiary is insane, it shall cause such prisoner to be examined by one (1) of the superintendents of the hospitals for the insane and if such prisoner be found to be insane, said board shall cause him to be transferred to the department for insane at the men's reformatory, where he shall be confined until the expiration of his sentence, or until pronounced sane, in which latter event, he shall be returned to the penitentiary, or held in the reformatory until the expiration of his sentence.

Sec. 460. Discharge of insane convict. When the board has reason to believe that a prisoner in the penitentiary or said reformatory, whose sentence has expired, is insane, it shall cause examination to be made of such prisoner by competent physicians who shall certify to the board whether such prisoner is sane or insane. The board may make further investigation and if satisfied that he is insane, it may cause him to be transferred to one (1) of the hospitals for the insane, or may order him to be confined in the department for the insane at the reformatory.

Sec. 461. Employment of prisoners. Prisoners in the penitentiary or men's reformatory shall be employed only on state account in the maintenance of the institutions, in the erection, repair, or operation of buildings and works used in connection with said institutions, and in such industries as may be established and maintained in connection therewith by the board of control.

The employment of prisoners on work of any character which the state contracts to do for any person, firm or corporation on state premises where the work and prisoners employed thereon are both under the supervision, direction and control of the board of control and the warden, shall not be construed as contracting or leasing the labor of prisoners to such person, firm or corporation, but such contract shall not extend beyond July 1, 1927. The board shall not permit such services to be rendered to a private party at a less wage than is paid free labor for like service or its equivalent, taking into consideration all the elements that enter into the value of prison labor, and the decision of the Board of Control in that respect shall be final, after approval by the appeal board provided for by chapter 3-A of Senate File No. 7, acts of the Fortieth General Assembly of Iowa, Special Session.

Sec. 461-a1. Erections or repairs at other institutions. The board may temporarily detail, under proper surveillance, trustworthy prisoners to perform services in the construction or repair of any work imposed on the board at any institution under their control.

Sec. 461-a2. Prices of labor. The board of control shall fix and determine the price which shall be paid to the said board by the various public bodies to which convict labor may be furnished.

Sec. 461-a3. Price lists to public officials. The board of control shall, from time to time, prepare classified and itemized price lists of articles and things manufactured at the state institutions controlled by it, and furnish such lists to all boards of supervisors, boards of school directors, city and town councils and commissions, township trustees, and all other departments and officials of the state, county, cities and towns empowered to make purchases of supplies for public purposes.

Sec. 461-a4. Application for material. The township trustees of any township or the board of supervisors of any county may make application to the board of control for such road building material, and other appliances, as may be needed or required by them for the construction, improvement or repairing of the township, county or state roads in their respective districts.

Sec. 461-a5. Purchase mandatory. No articles or supplies so listed, except in case of emergency, shall be purchased for public use by the aforesaid public officials, bodies, and departments from any private source unless the board of control is unable to promptly furnish such articles or supplies.

Sec. 461-a6. Selling price. Such supplies, material and articles manufactured by convict labor within the state shall be furnished by the board of control to the state, its institutions and political subdivisions thereof and the road districts of the state at a price not greater^{than} that obtaining for similar products in the open market.

Sec. 461-a7. Limitation on contract. After July 1st, 1927, the board of control or the warden of the state penitentiary or the warden of the reformatory shall not, nor shall any other person employed by the state make any contract by which the labor or time of any prisoner or inmate in such penitentiary or reformatory shall be contracted, let, farmed out, given or sold to any person, firm, association or corporation.

Sec. 461-a8. Convicts available for road work. The board of control shall certify to the board of supervisors of any county, upon request, the number of persons in the penitentiary and reformatory whom the warden may recommend to be used for road work. The state highway commission, board of supervisors and township trustees may use such persons in the building or repairing of public roads, whenever, in their judgment, it is practicable so to do.

Sec. 461-a9. Supervision of work. The work herein provided for shall be under the direction and supervision of the board of supervisors but all the persons taken from said penitentiary and reformatory shall be under jurisdiction of the state board of control.

Sec. 462. Hard labor and solitary confinement. All commitments to either of said institutions must be at hard labor. Solitary imprisonment of prisoners shall not be employed except for the purpose of discipline.

Sec. 463. Enforcing obedience to others. Any officer of said institutions and his assistants shall, in case a prisoner resists his lawful authority, or refuses to obey his lawful command, enforce immediate obedience by the use of such weapons or other aids as may be effectual, and, if, in so doing, such convict is wounded or killed, such officer and his assistants shall be justified.

Sec. 464. Insurrection - duty to prevent. Every officer and citizen of the state within reach shall, by every means within their power, suppress and aid in suppressing any insurrection among the convicts in said institutions, and prevent and aid in preventing the escape or rescue of any convict therefrom, or from any legal confinement, or from any person in whose custody a convict may be. If in the performance of this duty or in arresting or assisting to arrest a convict who has escaped or been rescued, such officer or person wound or kill the convict, or a person aiding or assisting him, the same shall be held justifiable.

Sec. 465. Escape of prisoner - reward. If a convict escapes from the penitentiary or men's reformatory the warden shall take all proper measures for his apprehension; and for that purpose he may offer a reward, not exceeding fifty dollars (\$50.00), to be paid by the state, for the apprehension and delivery of such convict.

Sec. 466. Classification of prisoners. The wardens shall, so far as practicable, prevent prisoners under eighteen (18) years of age from associating with other prisoners.

Sec. 467. Property of convict. The warden shall receive and care for any property any convict may have on his person upon entering, and, if convenient, place the same, if money, at interest for the owner's use, keeping an account thereof, and on the discharge of the convict, return, and if money, repay the same with the interest so earned, to him or his legal representatives, unless in the meantime it has been previously disposed of according to law.

Sec. 468. Indictment against convict in penitentiary. Upon the return of an indictment or upon the filing of a trial information for any offense which may be punished by death or life imprisonment, against any person confined in the penitentiary or men's reformatory, the court to which such indictment is returned may enter an order directing that such person be produced before it for trial. The sheriff shall execute such order by serving a copy thereof on the warden having such accused person in custody and thereupon such person shall be delivered to such sheriff and conveyed to the place of trial.

Sec. 469. Defendant returned - how punished. If the defendant be found not guilty, he shall be returned to the institution from which he was taken; if convicted he shall be punished as provided by law.

Sec. 470. Time to be served. No convict shall be discharged from the penitentiary or men's reformatory until he has served the full term for which he was sentenced, less good time earned and not forfeited, unless he be pardoned or otherwise legally released. He shall be deemed to be serving his sentence from the day on which he is received into the institution but not while in solitary confinement for violation of the rules of the institution.

Sec. 471. Diminution of sentence. Each prisoner who shall have no infraction of the rules of discipline of the penitentiary or men's reformatory or laws of the state, recorded against him, and who performs in a faithful manner the duties assigned to him, shall be entitled to a reduction of sentence as follows, and if the sentence be for less than a year, then the pro rata part thereof:

1. On the first year, one (1) month.
2. On the second year, two (2) months.
3. On the third year, three (3) months.
4. On the fourth year, four (4) months.
5. On the fifth year, five (5) months.
6. On each year subsequent to the fifth year, six (6) months.

Sec. 472. Records of prisoners. The board of control shall cause to be kept at each of said institutions the following permanent records:

1. A record of each infraction, by a prisoner, of the published rules of discipline.
2. Such other records for the use of the board of parole as may be approved by the executive council.

Sec. 473. Forfeiture of diminution of sentence. A prisoner who violates any of such rules shall forfeit the reduction of sentence earned, by him, as follows:

1. For the first violation, two (2) days.
2. For the second violation, four (4) days.
3. For the third violation, eight (8) days.
4. For the fourth violation, sixteen (16) days and, in addition, whatever number of days more than one (1) that he is in punishment.
5. For the fifth and each subsequent violation, or for an escape, or attempt to escape, the warden shall have the power, with the approval of the board of control, to deprive the prisoner of any portion or all of the good time that the convict may have earned, but not less than as provided for the fourth offense.

Sec. 474. Separate sentences. When a convict is committed under several convictions with separate sentences, they shall be construed as one (1) continuous sentence in the granting or forfeiting of good time.

Sec. 475. Special reduction in sentence. Any prisoner in either of said institutions who may be employed in any service outside the walls of the institution, or who may be listed as a trusty, may, with the approval of the board of control, be granted a special reduction of sentence, in addition to the reduction heretofore authorized, at the rate of ten (10) days for each month so served.

Sec. 476. Discharge - transportation, clothing and money. When a prisoner is discharged the warden shall furnish him at the expense of the state, with a railroad ticket to the point in the state nearest his home, or to any point of a like distance without the state, a suit of common clothing, and not more than twenty-five dollars (\$25.00), an account of which shall be kept by the warden.

Sec. 477. Visitors - admission fee. The wardens shall charge each adult visitor to the institution an admission fee of twenty-five cents (25¢), of which he shall render an account each month to the board of control. The board shall cause said fund to be expended for the benefit of the prisoners in the purchase of furnishings for a library, reading matter therein, and musical instruments and entertainments for the prisoners. This section shall not apply to state officers, and others exempt by law, nor to relatives of a prisoner.

Sec. 478. Who may visit. The following persons are authorized to visit said institutions at pleasure: The governor, secretary, auditor, and treasurer of state, secretary of agriculture, members of the general assembly, judges of the supreme, district, superior, and municipal courts, county attorneys, and all regular officiating ministers of the gospel. No other person shall be granted admission except by permission of the warden.

Sec. 479. Per capita appropriation for support. For the general support of the prisoners confined in the men's reformatory at Anamosa and the penitentiary at Fort Madison there is appropriated until July 1, 1925, from any money in the state treasury not otherwise appropriated the sum of seventeen dollars (\$17.00) monthly or so much thereof as may be needed for each prisoner in each of said institutions, which sum shall be in addition to the monthly salary allowances for each officer and employee of said institutions. The warden of each of said institutions on the first day of each month shall certify to the board the average number of inmates supported by the state in the institution of which he is warden for the preceding month. Upon receipt of such certificate the board shall certify to the auditor and treasurer of state the total amount payable by the state for the support of the institution for the preceding month, and the auditor and treasurer of state shall credit the institution with said amount. The amount so credited shall be drawn from the state treasury in the manner provided in chapter two (2) of this title.

Sec. 480. Special appropriation. If the average number of prisoners at Anamosa shall be less than six hundred fifty (650) in any month, the auditor and treasurer of state, upon presentation of the proper certificate from the board, shall credit said institution with the sum of eleven thousand fifty dollars (\$11,050.00).

If the average number of prisoners at Fort Madison shall be less than six hundred twenty-five (625) in any month, the auditor and treasurer of state shall, upon proper showing, credit said institution with the sum of ten thousand six hundred twenty-five dollars (\$10,625.00). The sums herein provided or so much thereof as may be needed are appropriated until July 1, 1925, from any unappropriated funds in the state treasury, and shall be in addition to the monthly salary allowances for each officer and employee, and shall be drawn from the state treasury in the same manner and for the same purpose as the regular per capita allowance is drawn.

CHAPTER 20

PAROLES

Sec. 481. Board of parole - qualifications - term - vacancy - chairman. The board of parole shall consist of three (3) electors of the state. Not more than two (2) members shall belong to the same political party. One (1) member shall be a practicing attorney at law at the time of his appointment. Each member shall serve for six (6) years from July first of the year of his appointment, except appointees to fill vacancies who shall serve for the balance of the unexpired term. The chairman of the board shall be the member whose term first expires.

Sec. 482. Appointment - vacancies. The governor shall, during each regular session of the general assembly and within sixty (60) days after the convening thereof, appoint, with the approval of the senate, a successor to that member of the board whose term will expire on July first following. Appointments may be made when the general assembly is not in session, to fill vacancies, but such appointments shall be subject to the approval of the senate when next in session. Vacancies occurring during a session of the general assembly shall be filled as regular appointments are made and before the end of said session, and for the unexpired portion of the regular term.

Sec. 483. Expenses. Each member of the board, the secretary, and all other employees shall, in addition to salary, be entitled to receive their necessary traveling expenses by the nearest traveled route while engaged in official business.

Sec. 484. Trips to other states. No traveling expenses to other states shall be allowed unless the trip is authorized by the board by a written resolution which shall state the purpose and declare the necessity for the trip prior to the actual making thereof, but emergency trips may be made on written order of the chairman which shall be reported to the board at its next meeting.

Sec. 485. Appropriation. There is hereby appropriated until July 1, 1925, from any unappropriated funds in the state treasury an amount sufficient to pay the expenditures herein authorized.

Sec. 486. Power to parole after commitment. The board of parole shall, except as to prisoners serving life terms, or under sentence of death, or infected with venereal disease in communicable stage, have power to parole persons convicted of crime and committed to either the penitentiary or men's reformatory.

Sec. 487. Rules. Said board shall have power to establish and enforce the rules and conditions under which paroles may be granted.

Sec. 488. Parole before commitment. Said board may, on the recommendation of the trial judge and prosecuting attorney, and when it appears that the good of society will not suffer thereby, parole after sentence for less than life imprisonment and before commitment, prisoners who have not been previously convicted of a felony.

Sec. 489. Employment for paroled prisoners. No person shall be released on parole until the board of parole shall have satisfactory evidence that arrangements have been made for his employment or maintenance for at least six (6) months. Said board may render assistance to prisoners about to be paroled in procuring employment and the necessary expense incident thereto shall be paid as other expenses of the board are paid.

Sec. 490. Legal custody of paroled prisoners. All paroled prisoners shall remain, while on parole, in the legal custody of the warden, and under the control of said board, and shall be subject, at any time, to be taken into custody and returned to the penitentiary of men's reformatory from which they were paroled.

Sec. 491. Order for recommitment - fees. The written order of said board, certified to by the secretary of said board, that a prisoner on parole shall be taken into custody and returned to the institution from which paroled, shall be served by any peace officer or other person, to whom it may be delivered for service, and such officer or person shall receive the same fees for serving such order as sheriffs receive for like service. Said fees shall be paid from the appropriation herein made.

Sec. 492. Parole time not counted on sentence. The time when a prisoner is on parole or absent from the penitentiary or men's reformatory shall not be held to apply upon his sentence if he shall violate the term of his parole.

Sec. 493. Investigations. Said board shall have power to make any investigation which it may deem necessary in order to determine the facts relative to matters coming before it, but shall not receive, unsolicited by them, any petition or communication or argument in regard to application for parole, pardon, or discharge unless provided for in their adopted rules. Every public officer to whom inquiry may be addressed by the board of parole concerning any prisoner shall give said board all information possessed by or accessible to him which may throw light upon the question of the fitness of a prisoner to receive the benefits of parole.

Sec. 494. Duty of clerk of district court. The clerk of the district court shall, as to each commitment to the penitentiary or men's reformatory, furnish the board of parole with a copy of the indictment, the minutes of testimony attached thereto, the name and residence of the trial judge, of the prosecuting attorneys, and of the jurors and witnesses sworn at the trial.

Sec. 495. Duty of trial judge and prosecutor. The trial judge and the prosecuting attorney shall, when requested by the board, furnish it with a full statement of the facts and circumstances attending the commission of the offense so far as known or believed by them.

Sec. 496. Clothing, transportation and money furnished. When a prisoner is paroled, he shall be furnished, by the warden, with such clothing, transportation, and money as is provided for prisoners when discharged at the termination of their sentence, but no further allowance shall be made if final discharge is granted while on parole.

Sec. 497. Parole relief funds. There is hereby established, from any unappropriated funds in the state treasury, a fund of one thousand dollars (\$1,000.00) which shall be known as the men's parole relief fund; also a fund of two hundred fifty dollars (\$250.00) which shall be known as the women's parole relief fund. The treasurer of state shall continue to maintain said funds in said amounts.

Sec. 498. Disbursement and repayment. Said funds may be used for the relief of paroled prisoners who are in distress because of illness, loss of employment, or conditions creating personal need. In no instance shall the total amount advanced to a prisoner exceed twenty-five dollars (\$25.00). The prisoner, at the time of receiving an advancement, shall execute and deliver to the board granting the parole, his written obligation to repay the same during the period of the parole. When so paid, the amount shall be deposited with the treasurer of state and credited to the fund from which drawn.

Sec. 499. Vouchers. Said funds shall be drawn on vouchers executed by the chairman and secretary of the board granting the parole in favor of said needy person. Each voucher shall show that the advancement was ordered by said board.

Sec. 500. Parole by court. The trial court before which a person has been convicted of any crime except treason, murder, rape, robbery, or arson may, by record entry, suspend the sentence and parole said person during good behavior:

1. If said person has not previously been convicted of a felony, and
2. If said person is shown to be free from venereal disease, and
3. If said person, if an adult and able to labor, has obtained apparently permanent employment for a reasonable time.

Sec. 500-a1. Custody of court parole. When a parole is granted under the preceding section, the court shall order said person committed to the custody, care and supervision:

1. Of any suitable resident citizen of this state, or
2. Of the board of parole if the sentence of commitment is to the penitentiary or men's reformatory, and
3. Of the board of control if the sentence of commitment is to the women's reformatory.

Sec. 500-a2. Powers of board. The board to which the court commits a parolee shall have and exercise over said parolee all the powers possessed by said board over prisoners paroled by it.

Sec. 500-a3. Expense. Any necessary expense contracted by the board of control in the care of a person committed to it under a parole by the court shall be paid from the appropriation for the expense of state agents under said board. Any such expense contracted by the board of parole shall be paid from the appropriation for the general expenditures of said board.

Sec. 501. Report by custodian. The person having the custody of such paroled person under order of court, shall, each thirty (30) days, or oftener if required by the court, make written report to the judge as to the conduct of such paroled person.

Sec. 502. Revocation of court parole. A suspension of a sentence by the court as herein provided may be revoked at any time, without notice, by the court or judge, and the defendant committed in obedience to such judgment.

Sec. 503. Violation of court parole. If the suspended sentence be an order for commitment to the training school, the fact that the dependent first violated his or her parole after reaching the age of eighteen (18) years, and before reaching the age of twenty-one (21) years, shall not prevent the enforcement of such sentence.

Sec. 503-a1. Violation of board parole. Whoever, while on parole, shall violate any condition of his parole, or any rule or regulation of the board granting the parole, shall be deemed guilty of a felony, and shall be punished by imprisonment in the institution from which he had been paroled, for a term of not more than five (5) years, his sentence under such conviction to take effect upon the completion of his previous sentence.

Sec. 504. Clerk to report criminal statistics. The clerk of the district court shall, on or before July fifteenth each year, report to the board of parole:

1. The number of convictions of all offenses in that court, in his county, for the year ending June thirtieth preceding, the character of each offense, the sentence imposed, occupation of the offender, and whether such offender can read or write.
2. Number of acquittals.
3. Number of dismissals by the court without trial, and the nature of the charges so dismissed.
4. The expense of the county for criminal prosecutions during said year.

Sec. 505. Itemization of statistics. The fourth item required by the preceding section shall be itemized as follows:

1. Jury fees in criminal cases.
2. Meals for jurors in criminal cases
3. Bailiffs' fees for service while attending criminal cases.
4. Expense of taking prisoners to prison.
5. Attorney fees under appointment to defend.
6. Grand jury fees.
7. Witness fees paid in criminal cases.
8. Reporters' fees for reporting and transcribing testimony in criminal cases at expense of county.
9. Grand jury witness fees paid.
10. Compensation to clerk of grand jury.
11. Compensation to bailiff of grand jury.
12. Fees and expenses paid sheriff and other officers by the county in connection with the grand jury.
13. Expense of jail, not including board of prisoners.
14. Board of prisoners.
15. Compensation and expense of county attorney and his assistants in criminal cases.
16. All jurors' fees, jurors' meals, witness fees, constable's fees, and justice fees paid by the county in all criminal cases before a justice of the peace, magistrate or police court.

Sec. 505. Auditor to report statistics to clerk. The county auditor shall report to the clerk of the district court, on or before July fifth of each year, the expenses of the county in criminal prosecutions during the year ending June thirtieth preceding, including but distinguishing the compensation of the county attorney. Such report shall include all the items of criminal expenses which appear in the records of his office and which are required to be reported by the clerk of the district court to the board of parole. The clerk of the district court shall furnish to the auditor the blanks to be used in making such report.

Sec. 506-al. Biennial report. The board of parole shall, biennially, at the time provided by law, report to the governor a summary of paroles granted and releases recommended, the names of all prisoners who have violated their paroles, and such other information concerning its operation as may be deemed advisable, including an abstract for each year of the returns relative to criminal matters.

CHAPTER 21

PARDONS, COMMUTATIONS, REMISSION OF FINES AND FORFEITURES, AND RESTORATION TO CITIZENSHIP

Sec. 507. Power of governor to grant reprieves and pardons. Nothing in the preceding chapter shall be construed as impairing the power of the governor under the constitution, to grant a reprieve, pardon or commutation of sentence in any case.

Sec. 508. Pardon. A person whose sentence has been suspended may be pardoned by the governor at any time after such suspension on such conditions as he may think proper.

Sec. 509. Recommendation for pardon. The board of parole shall recommend to the governor the discharge or pardon of such prisoners committed to the penitentiary or men's reformatory as have acceptably served not less than twelve (12) months of their parole and who have, by their conduct, given satisfactory evidence that they will continue to be law-abiding citizens.

Sec. 510. Pardon of soldiers, sailors, and marines. Said board may also recommend to the governor the pardon of a paroled prisoner who, during parole, and during the war with the central powers of Europe, entered the army or navy of the United States or of any of the countries with which the United States was allied, or who, during said war, was employed upon or in public works by or for the immediate benefit of the United States, and who has been honorably discharged from such army or navy.

Sec. 510-a1. Record of recommendation. All recommendations of the board shall be entered in the proper records of the board.

Sec. 511. Conditions prerequisite to pardon. After conviction for a felony, no pardon shall be granted by the governor until he shall have presented the matter to, and obtained the advice of, the board which has power to parole persons from the institution to which such person has been sentenced or committed, but he may commute a death sentence to imprisonment in the penitentiary for life, without making such reference or obtaining such advice.

Sec. 512. Publication in re pardon. Before presenting an application for pardon to the proper board for its action, where the sentence is death or imprisonment for life, the governor shall cause a notice containing the reasons assigned for granting the pardon to be published in two (2) newspapers of general circulation, one (1) of which shall be published at the capital and the other in the county where the conviction was had, once each week, for four (4) successive weeks, the last publication to be at least twenty (20) days prior to the time of presenting such application to such board.

Sec. 513. Investigation of applications for pardon. The proper board shall, under the direction of the governor, take charge of all correspondence in reference to the pardon of persons convicted of crimes and carefully investigate each application, and file its recommendation with the governor with its reasons for the same.

Sec. 514. Information relative to applications. When an application is made to the governor for a pardon, reprieve or commutation, or for the remission of a fine or forfeiture, he may require the judge of the court, or the county attorney or attorney general by whom the action was prosecuted, or the clerk of such court, to furnish him without delay a copy of the minutes of the evidence taken on the trial, and of any other facts having reference to the propriety of his exercise of his powers in the premises.

Sec. 515. Governor may take testimony. The governor may also take such testimony, bearing upon applications, as he may deem advisable. Any person who, in giving such testimony, swears falsely, and any person who shall knowingly and corruptly make any false statements in an affidavit intended to be used in connection with an application for pardon, or for remission of fine or forfeiture shall be guilty of perjury, and be punished accordingly.

Sec. 516. Files in matters of pardon. All papers and documents relating to the pardon of any person shall, upon the granting of such pardon, become a part of the files of the governor's office.

Sec. 517. Restoration to citizenship. The governor shall have the right to grant any convict, whom he shall think worthy thereof, a certificate of restoration to all his rights of citizenship. The warden or superintendent, upon request of the governor, shall, in case of application for such restoration, furnish him with a statement of the convict's deportment during his imprisonment, and may at all times make such recommendations to the governor as he shall think proper respecting such restoration.

Sec. 518. Fines and forfeitures. The governor shall have power to remit fines and forfeitures upon such conditions as he may think proper.

Sec. 519. Copies of pardons, reprieves, etc. Pardons, commutations of sentences, remissions of fines and forfeitures, and restorations of rights of citizenship shall, when issued, be in duplicate. Reprieves shall be in triplicate.

Sec. 520. Delivery of copies when accused in custody. Pardons, reprieves, and commutations of sentences shall be forwarded to the officer having custody of the party in question. Said officer shall retain one (1) copy and make record in the books of his office, and act in accordance therewith. On one (1) copy, said officer shall make such written return as the governor may require, and forward said copy and return to the clerk of the court wherein the judgment is of record. In case of reprieves, the third copy shall, in all cases, be delivered to the person whose sentence is reprieved.

Sec. 521. Delivery of copies when accused not in custody. In case the party in question is not in custody, and in case of remissions of fines and forfeitures and restorations of rights of citizenship, one (1) copy shall be delivered to said party and one (1) copy to the clerk aforesaid.

Sec. 522. Duty of clerk. Said clerk shall, upon receipt of any of said executive instruments, immediately file and preserve the same in his office and note such filing on the judgment docket of the case in question, except that remissions of fines and forfeitures shall be spread at length on the record books of the court, and indexed in the same manner as the original case.

Approved April 29, 1924.

CHAPTER 60

EDUCATION

S. F. 85

AN ACT to amend, revise, and codify chapter one (1) of title ten (10) and sections twenty-two hundred seventy-one (2271), twenty-two hundred seventy-three (2273), twenty-five hundred seventy-three (2573), and twenty-five hundred seventy-five (2575) of the compiled code of Iowa, and sections twenty-two hundred seventy-four-a one (2274-A1), twenty-two hundred seventy-four-a two (2274-A2), and twenty six hundred twenty-eight (2628) of the supplement to said code, relating to education.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter one (1) of title ten (10) and sections twenty-two hundred seventy-one (2271), twenty-two hundred seventy-three (2273), twenty-five hundred seventy-three (2573), and twenty-five hundred seventy-five (2575) of the compiled Code of Iowa, and sections twenty-two hundred seventy-four-a one (2274-a1), twenty-two hundred seventy-four-a two (2274-a2), and twenty-six hundred twenty-eight (2628) of the supplement to said Code are amended, revised, and codified to read as follows:

CHAPTER 1
ENGLISH MEDIUM OF INSTRUCTION-AMERICANISM

Sec. 1. Definitions. The expression "public school" means any school maintained in whole or in part by taxation; the expression "private school" means any other school.

Sec. 2. Display of United States flag--flagstaff. The board of directors of each public school corporation and the authorities in charge of each private school shall provide and maintain a suitable flagstaff on each school site under its control, and a suitable United States flag therefor which shall be raised on all school days when weather conditions are suitable.

Sec. 3. English-medium of instruction. The medium of instruction in all secular subjects taught in all of the schools, public and private, shall be the English language, and the use of any language other than English in secular subjects in said schools is hereby prohibited; but nothing herein shall prohibit the teaching and studying of foreign languages as such as a part of the regular school course in any such school.

Sec. 4. Penalty. Any person violating any of the provisions of the preceding section shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00).

Sec. 5. American citizenship to be taught. Each public and private school located within the state of Iowa shall be required to teach the subject of American citizenship in all grades.

Sec. 6. Instruction in constitution of United States and state. In all public and private schools located within the state of Iowa, there shall be given regular courses of instruction in the constitution of the United States and the constitution of the state of Iowa. Such instruction shall begin not later than the opening of the eighth grade, and shall continue in the high school course to an extent to be determined by the superintendent of public instruction.

Sec. 7. Minimum of instruction in American history and civics. Public and private high schools, academies, and other institutions ranking as secondary schools which maintain three-year or longer courses of instruction shall offer, and all students shall be required to take, a minimum of instruction in American history and civics of the state and nation to the extent of two (2) semesters and schools of this class which have four-year or longer courses shall offer in addition one (1) semester in social problems and economics.

Sec. 8. Bible not excluded from schools. The bible shall not be excluded from any public school or institution in the state nor shall any child be required to read it contrary to the wishes of his parent or guardian.

Approved March 17, 1924.

EDUCATION

H. F. 86

AN ACT to amend, revise, and codify sections twenty-two hundred sixty-five (2265) to twenty-two hundred seventy (2270), inclusive, section twenty-two hundred seventy-two (2272) and sections twenty-two hundred seventy-four (2274) to twenty-two hundred seventy-six (2276), inclusive, of the compiled code of Iowa, and sections twenty-five hundred fifty-eight-a three (2558-a3) and twenty-two hundred seventy-seven (2277) of the supplement to said code, relating to education.

Be It Enacted by the General Assembly of the State of Iowa:

That sections twenty-two hundred sixty-five (2265) to twenty-two hundred seventy (2270), inclusive, section twenty-two hundred seventy-two (2272) and sections twenty-two hundred seventy-four (2274) to twenty-two hundred seventy-six (2276), inclusive, of the compiled Code of Iowa, and sections twenty-five hundred fifty-eight-a three (2558-a3), and twenty-two hundred seventy-seven (2277) of the supplement to said Code are amended, revised, and codified to read as follows:

Sec. 1. Qualifications. The superintendent of public instruction shall be a graduate of an accredited university or college, or of a four-year course above high school grade in an accredited normal school, and shall have had at least five (5) years' experience as a teacher or school superintendent.

Sec. 2. Office. The office of the superintendent of public instruction shall be in the capitol and be known as the department of public instruction.

Sec. 3. General powers. He shall have general supervision and control over the rural, graded, and high schools of the state, and over such other state and public schools as are not under the control of the state board of education or board of control of state institutions.

Sec. 4. Duties. The superintendent of public instruction shall:

1. **Filing and preserving reports.** File and preserve all reports documents and correspondence that may be of a permanent value, which shall be open for inspection under reasonable conditions by any citizen of the state.

2. **Keep a record of the business transacted by him.**

3. **Inspection.** Ascertain, so far as practicable, by inspection or otherwise, the condition, needs, and progress of the schools under the supervision and control of his department.

4. **Recommendations.** Suggest, through public addresses, pamphlets, bulletins, and by meetings and conferences with school officers, teachers, parents, and the public generally such changes and improvements relating to educational matters as he may think desirable, and publish and distribute such views and information as he may deem important.

5. **Promotion of interest in education.** Endeavor to promote among the people of the state an interest in education, including industrial and commercial education, agriculture, manual and vocational training, domestic science and continuation work.

6. Days for special observance. Publish and distribute from time to time leaflets and circulars relative to such days and occasions as he may deem worthy of special observance in the public schools.

7. Classification. Classify and define the various schools under the supervision and control of his department, formulate suitable courses of study therefor, and publish and distribute such classifications and courses of study.

8. Outline for teaching American citizenship. Prepare and distribute to all elementary schools lists of books and texts and an outline of American citizenship for all grades from one to eight, inclusive.

9. Distribution of outline of courses of study. Distribute to all high schools, academies, and institutions ranking as secondary schools lists of books and texts and an outline of a course of study in American history, civics of the state and nation, social problems and economics, prepared under his direction.

9-a. Manual on health training. Prepare, or approve, and distribute a manual on practical health training for the aid of teachers.

10. Officers' and teachers' reports - forms. Prescribe the reports, both regular and special, which shall be made by public school officers, superintendents, teachers, and other persons and officers having custody and control of public school funds or property, and prepare suitable forms and furnish blanks for such reports.

11. Report to auditor. Report to the auditor of state on the first day of January of each year the number of persons of school age in each county.

12. Report to governor. Report biennially, to the governor, at the time provided by law, the condition of the schools under his supervision, including the number and kinds of school districts, the number of schools of each kind, the number and value of schoolhouses, the enrollment and attendance in each county for the previous year, any measures proposed or plans matured for the improvement of the public schools, such financial and statistical information as may be of public importance, and such general information relating to educational affairs and conditions within the state or elsewhere as he may deem beneficial.

13. Institutes. Appoint at least one (1) and not more than two (2) county educational meetings or institutes, to be held in each county each year and designate the time and place for holding them. The program therefor, and the instructors and lecturers therein, shall be subject to his approval.

14. Examinations. Prepare and supply questions for the examination of applicants for teachers' certificates and pupils completing the eighth grade in the rural schools, and fix the times of such examinations.

15. Plans and specifications for buildings. When deemed necessary, cause to be prepared and published a pamphlet containing suitable plans and specifications for public school buildings, including the most approved means and methods of heating, lighting, and ventilating the same, together with information and suggestions for the proper and economical construction thereof.

16. Printing of school laws. During the months of June and July in the year nineteen hundred twenty-five (1925) and every four (4) years, thereafter, if deemed necessary, cause to be printed in book form all school laws then in force, with such forms, rulings, and decisions, and such notes and suggestions as may aid school officers in the proper discharge of their duties. A sufficient number shall be furnished to the county superintendent of each county to supply therein school officers, directors, superintendents, and to others in such numbers as may be reasonably requested.

17. Printing of changes in school laws. Cause to be printed in pamphlet form after each session of the general assembly, any amendments or changes in the school laws with necessary notes and suggestions to be distributed as above prescribed.

18. Appeals. Examine and determine all appeals taken to him, according to law, prescribe rules of practice therefor not inconsistent with law, and render written opinions upon questions submitted by school officers pertaining to their duties.

Sec. 5. Teachers' employment bureau. The superintendent of public instruction shall:

1. Adopt and publish regulations for carrying out the provisions of this section, and obtaining and furnishing information as to the experience, qualifications, and character of persons seeking employment as teachers.

2. Enroll any person having a certificate to teach in this state who shall be deemed by his department to be qualified and suitable for such employment, on written application made in compliance with such regulations.

3. Upon request furnish information as to teachers seeking employment to proper authorities of public schools, and furnish enrolled teachers with information relative to vacancies in public schools.

4. Employ such additional help as may be necessary to carry out the provisions of this section.

No person connected with the office of the superintendent of public instruction shall be held responsible or to be understood to vouch for the fitness or success of any teacher.

Sec. 6. Appropriation. There is hereby appropriated from any funds in the state treasury not otherwise appropriated the sum of two thousand five hundred dollars (\$2,500.00) annually, for the biennium ending June 30, nineteen hundred twenty-five (1925), or so much thereof as may be necessary for the purpose of carrying out the provisions of the preceding section.

Sec. 7. Reports from school officers and others-delinquency. The superintendent of public instruction may require from time to time reports under oath from all officers and persons who have any authority over, or who have any duties in connection with, public school affairs, or who have, or who have lately had, the custody or control of any public school funds or property. He shall furnish the proper blanks for such reports, and any such officer or person who unreasonably neglects or refuses to make a report required by him shall be deemed guilty of a misdemeanor.

Sec. 8. Deputy - chief clerk - inspectors. He may appoint a deputy whose appointment must be approved by the governor. The qualifications of the deputy shall be the same as required for the superintendent. The deputy shall, in the absence or inability of the superintendent, perform the duties of the office. The superintendent of public instruction shall also appoint a chief clerk and such regular inspectors of the public schools of the state, including rural, graded, and high schools, as he may deem necessary, not exceeding three (3).

Sec. 9. Expenses. The superintendent of public instruction, his deputy and the regular inspectors in his department shall receive their actual necessary traveling expenses incurred in the performance of their official duties.

CHAPTER 62

EDUCATION

H. F. 87

AN ACT to amend, revise, and codify chapter three (3) of title ten (10) of the compiled code of Iowa, and of the supplement to said code, relating to education.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter three (3) of title ten (10) of the compiled Code of Iowa, and of the supplement to said Code is amended, revised, and codified to read as follows:

Section 1. Provisions of federal act accepted. The provisions of the act of congress entitled, "An Act to provide for the promotion of vocational education; to provide for cooperation with the states in the promotion of such education in agriculture and in the trades and industries; to provide for cooperation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure", approved February 23, 1917, and the benefit of all funds appropriated under said act, are accepted.

Sec. 2. State board for vocational education - members. The superintendent of public instruction, the president of the state board of education, and the labor commissioner shall constitute the state board for vocational education.

Sec. 3. Executive officer - assistants. The superintendent shall be chairman of the board and its executive officer, and shall, with its approval, appoint such assistants as may be necessary to carry out the provisions of this chapter.

Sec. 4. Duties of board. The board shall:

1. Cooperate with the federal board for vocational education in the administration of said act of congress.
2. Provide for making studies and investigations relating to prevocational and vocational training, in agricultural, industrial, home economics, and commercial subjects.
3. Promote and aid in the establishment in local communities and public schools of departments and classes giving instruction in such subjects.
4. Cooperate with local communities in the maintenance of such schools, departments, and classes.
5. Establish standards for teachers of such subjects in approved schools, departments, and classes.
6. Cooperate in the maintenance of teachers' training schools, departments and classes, supported and controlled by the public, for the training of teachers and supervisors of such subjects.
7. Establish standards for, and annually inspect as a basis of approval, all schools, departments, and classes, and all teachers' training schools, departments, and classes, applying for federal and state moneys under the provisions of this chapter.

Sec. 5. Federal aid - conditions. Approved schools, departments, and classes, and approved teachers' training schools, departments, and classes shall be entitled to federal and state moneys so long as they are approved by such board as to site, plant, equipment, number, and qualification of teachers, employment of teachers, admission and number of pupils, courses of study, methods of instruction, and expenditure of money. "Approved school, department, or class" shall mean a school, department, or class approved by said board as entitled under the provisions of this chapter to federal moneys for the salaries of teachers of vocational subjects. "Approved teachers' training school, department, or class" shall mean a school, department, or class approved by the board as entitled under the provisions of this chapter to federal moneys for the training of teachers of vocational subjects.

Sec. 6. Advisory committee - qualifications - tenure - meetings. The board shall appoint a state advisory committee for vocational education, consisting of nine (9) members. The term of each member shall be for three (3) years. The terms of three (3) members shall expire on the first day of July each year. The committee shall consist of three (3) educators, one member experienced in agriculture, one an employer, one a representative of labor, one experienced in business and commerce, one experienced in social work, and one woman experienced in women's work. The committee shall meet in conference with the board at least twice a year, and at such other times as the board shall deem advisable.

Sec. 7. State aid to equal federal aid. In order to meet the requirements, that for each dollar of federal money expended for the salaries of teachers in approved schools, departments, and classes, the local community must expend an amount equal to the amount of federal money which it receives for the same purpose for the same year.

Sec. 8. Local advisory committee. The board of directors of any school district having a population of more than five thousand (5,000) persons, maintaining a school, department, or class receiving the benefit of federal moneys under the provisions of this chapter shall, as a condition of approval by such state board as herein provided, appoint a local advisory committee for vocational education, consisting of persons of experience in agriculture, industry, home economics, and business, to give advice and assistance to such board of directors in the establishment and maintenance of such schools, departments, and classes. The state board may require the board of directors of any school district that maintains an approved school, department, or class, to appoint such an advisory committee. Members of such advisory committee shall serve without compensation.

Sec. 9. Powers of school district boards. The board of directors of any school district is authorized to carry on prevocational and vocational instruction in subjects relating to agriculture, commerce, industry, and home economics, and to pay the expense of such instruction in the same way as the expenses for other subjects in the public schools are now paid.

Sec. 10. Salary and expenses - appropriation. The board is authorized to make such expenditures for salaries of assistants, actual expenses of the board and the state advisory committee incurred in the discharge of their duties, and such other expenses as in the judgment of the board are

necessary to the proper administration of this chapter; and there is hereby appropriated therefor out of any funds in the state treasury not otherwise appropriated, the sum of ten thousand dollars (\$10,000.00) per annum until July 1st, 1925.

Sec. 11. Custodian of funds - reports. The state treasurer shall be custodian of the funds paid to the state from the appropriations made under said act of congress, and shall disburse the same on vouchers audited as provided by law. He shall report the receipts and disbursements of said funds to the general assembly at each biennial session.

Sec. 12. Biennial report. The superintendent of public instruction shall embrace in his biennial report a full report of all receipts and expenditures under this chapter, together with such observations relative to vocational education as may be deemed of value.

Approved March 27, 1924.

CHAPTER 63

EDUCATION

H. F. 88 - A

AN ACT to amend, revise and codify sections two thousand two hundred ninety-six (2296) to two thousand three hundred three (2303), inclusive, two thousand three hundred five (2305), two thousand three hundred seven (2307), two thousand three hundred eight (2308), two thousand four hundred eighty-one (2481) to two thousand four hundred eighty-eight (2488), inclusive, and two thousand four hundred ninety-two (2492) to two thousand four hundred ninety-nine (2499), inclusive, of the compiled code, and sections two thousand two hundred ninety-five (2295), two thousand three hundred four (2304), two thousand three hundred six (2306) and two thousand four hundred eighty-two-a one (2482-a1) of the supplement to said code, relating to education.

Be It Enacted by the General Assembly of the State of Iowa:

That sections two thousand two hundred ninety-six (2296) to two thousand three hundred three (2303), inclusive, two thousand three hundred five (2305), two thousand three hundred seven (2307), two thousand three hundred eight (2308), two thousand four hundred eighty-one (2481) to two thousand four hundred eighty-eight (2488), inclusive, and two thousand four hundred ninety-two (2492) to two thousand four hundred ninety-nine (2499), inclusive, of the compiled Code, and sections two thousand two hundred ninety-five (2295), two thousand three hundred four (2304), two thousand three hundred six (2306), and two thousand four hundred eighty-two-a one (2482-a1) of the supplement to said Code are amended, revised, and codified to read as follows:

Section 1. Members. The board of educational examiners shall consist of:

1. The superintendent of public instruction, who shall be president and executive officer of the board.
2. The president of the university.

3. The president of the Iowa State teachers college,
 4. The president of the Iowa state college of agriculture and mechanic arts,
 5. Three persons to be appointed by the governor, one of whom shall be a woman and one of whom shall be a representative of the privately endowed colleges of the state maintaining teachers' training courses.
- Each appointee shall hold office for a term of four years and until his successor is appointed and qualified, and be ineligible as his successor for reappointment.

Sec. 2. Secretary -- assistants. The board shall employ a secretary, and prescribe his duties. He shall receive his actual necessary expenses while engaged in the performance of his duties at places other than the capitol. The board may employ such persons as are necessary to assist in examinations and in reading answer papers.

Sec. 3. Meetings. The board shall meet for the transaction of business as such times and places as the president may direct, and shall annually hold at least two public examinations of teachers, to be conducted by a member of the board or by such qualified person or persons as the board may select.

Sec. 4. Examinations. All examinations shall be conducted in accordance with rules adopted by the board, not inconsistent with the laws of the state, and a record shall be kept of all its proceedings.

Sec. 4-a. All examinations shall cover the fundamental principles of a republican form of government and the constitution of the United States and of the State of Iowa.

Sec. 5. The board may issue state certificates and state diplomas to such teachers as are found upon examination to possess a good moral character, thorough scholarship and knowledge of didactics, with successful experience in teaching.

Sec. 6. The examination for state certificates and diplomas shall cover orthography, reading, writing, arithmetic, geography, English grammar, bookkeeping, physiology, history of the United States, algebra, botany, natural philosophy, drawing, civil government, constitution and laws of the state, and didactics; those for diplomas, in addition to the foregoing, geometry, trigonometry, chemistry, zoology, geology, astronomy, political economy, rhetoric, English literature, and general history.

Sec. 7. Special certificates. The board of educational examiners may issue a special certificate to any teacher of music, drawing, penmanship, or other special branches, or to any primary teacher, of sufficient experience, who shall pass such examination as the board may require in the branches, and methods pertaining thereto, for which the certificate is sought. Such certificates shall be designated by the name of the branch and shall not be valid for any other department or branch. The board shall keep a complete register of all persons to whom certificates or diplomas are issued.

Sec. 8. Graduates from accredited colleges in state. The state board of educational examiners may accept graduation from the regular and collegiate courses in the state university, state teachers college, state normal schools, and the state college of agriculture and mechanic arts, and from other institutions of higher learning in the state having regular and collegiate courses of equal rank, as evidence that a teacher possesses the scholarship and professional fitness requisite for a state certificate.

Sec. 9. Graduates from accredited colleges in other states. Graduates of colleges and schools located in other states than Iowa, having regular and collegiate courses of equal rank with the accredited colleges and schools of Iowa, may be given the same recognition as provided in the preceding section.

Sec. 10. In all cases where graduation shows compliance with the requirements of sections five (5) and six (6) hereof, and the board is satisfied that the applicant possesses good moral character and is professionally qualified, the board shall issue a state certificate to the applicant, valid for five years, to teach in any public school in the state.

Sec. 11. The board may validate any certificate issued by state departments of education of other states when such certificate is issued upon evidence of good moral character, scholarship and experience equivalent to that required for a like certificate under the laws of this state, which shall authorize the holder to teach in any public school in the state for five years after such validation.

Sec. 12. Renewal for life - fee. Any certificate referred to in sections five (5), seven (7), eight (8), ten (10), and eleven (11) hereof, shall be renewed for life by the board upon proof of at least five years' successful teaching, three of which shall have been during the time the said certificate, with renewals, has been in force, and the payment of a fee of five dollars (\$5.00).

Sec. 13. Conditions for renewal under certain sections - fee. All certificates referred to in sections eighteen (18), twenty (20) and twenty one (21) hereof shall be renewed for life by the state board of educational examiners upon compliance by the holder with the following conditions:

1. The applicant shall show by testimonials from county or city superintendents or from the principals having immediate supervision of his school work and from a member of the local school board that he has had at least five years' continuous successful teaching experience, at least three of which shall have been immediately prior to the time validation is sought and under the grade of certificate for which such validation is desired.

2. The standing of such applicant in the several branches shown upon his certificate shall average not less than eighty-five per cent, and in no branch shall the per cent be less than eighty per cent; provided that in case the standing is less than the per cent required, either average or special, the holder of the certificate may, at any of the times provided in sections fifteen (15) and sixteen (16) hereof, take an examination in any branch or branches he may desire, and the per cent then received shall be entered upon his certificate.

3. The applicant shall furnish proof of professional study during the entire five-year period such as is made necessary in the case of term renewals of certificates.

Upon the issue of a life certificate as herein contemplated, the applicant shall pay a fee of five dollars (\$5.00) to be turned into the state treasury.

Sec. 14. Lapse of certificate. All life certificates provided for in this chapter shall lapse provided the holder shall not teach during a period of five successive years.

Sec. 15. Examinations in the several counties for certificates. On the last Friday and Wednesday and Thursday preceding, in the months of January, June, July and October, the county superintendent shall meet and, with such assistants as may be necessary, examine all applicants for a teacher's certificate. The questions used in such examinations shall be furnished by the superintendent of public instruction, who shall cause the same to be printed, and the examinations shall be conducted strictly under the rules prescribed by the board.

Sec. 16. On the last Friday of August and the Wednesday and Thursday preceding, the county superintendent of each county shall conduct a like examination, to which shall be admitted only such persons as file certificates of attendance during the summer immediately preceding at a summer school approved for the twelve weeks of normal training, showing the standing in each subject studied.

Sec. 17. Record kept. A record shall be kept by the county superintendent of all examinations taken within his county, with the name, age and residence of each applicant and the date of examination.

Sec. 18. Subjects. The examination for the first grade certificate shall include competency in and ability to teach orthography, reading, writing, arithmetic, geography, grammar, history of the United States, didactics, elementary civics, elementary algebra, political economy, elementary economics, elementary physics, elements of vocal music, physiology and hygiene, which in each division of the subject shall include special reference to the effects of alcohol, stimulants and narcotics upon the human system.

Sec. 19. Optional subjects. Applicants who have graduated from a four-year course in an approved high school may submit in lieu of the examination in any one or more of the subjects of elementary algebra, political economy, elementary economics, and elementary physics a showing that the applicant has done work and earned satisfactory grades in the study of any one or more of the subjects of rural school management, rural sociology, and rural school methods, in any collegiate institution approved by the state board of educational examiners for such purpose; but the study and work done in each subject must be of college grade and cover a course of not less than five hours per week for twelve weeks.

Sec. 20. Special certificates. A special certificate may be issued for any subject, or any group of subjects, taught in the public schools of Iowa, upon examination in such special subject or group of subjects.

and per cents therein such as are required for the issue of a first grade county certificate. A special certificate shall be issued for a term of three years, and shall be renewable under the same conditions as apply to the renewal of first grade certificates. It shall state the names of the subjects for which it is issued, and shall not be valid for the teaching of any other subjects.

Sec. 21. First grade certificate - renewal. Applicants who have taught successfully for at least thirty-six weeks and whose examination entitles them to the first grade certificate, shall receive the same for a term of three years from the date thereof, and such certificates shall be renewable without examination provided the applicants shall show by testimonials from superintendents or principals who had immediate supervision of their professional study that at least one line of professional inquiry has been successfully conducted during the life of the certificate, it being made the duty of the board to forward with each certificate subject to renewal, outlines setting forth various lines of professional study. It is provided further that each application for renewal shall be accompanied by such proof of successful experience and professional spirit as the board of educational examiners may require.

Sec. 22. Second grade certificate - renewal. Applicants whose examination entitles them to second grade certificates only, shall receive the same for not to exceed two years with the privilege of renewal of the same without further examination under the same conditions as govern the renewal of first grade certificates. The holder of a second grade certificate may at any of the examinations provided for in sections fifteen (15) and sixteen (16), take an examination in any one or more of the additional branches, required for the issue of a first grade certificate, or he may at any such time be reexamined in any branch or branches in which he desires to raise his grade, and in each case the new per cent shall be placed on his certificate, and when he has thus successfully passed in all the branches required for the issue of a first grade certificate, such certificate shall then be issued to him, provided he has had at least thirty-six weeks' successful experience in teaching; if not, then at the conclusion of such experience. In like manner third grade certificates may be changed into those of the second or first grade, and in all cases whether the certificate be of the first, second or third grade, credit shall be given for all examinations taken under the auspices of the board, it being the intention of the law that an examination once taken shall be final unless the certificate holder desires to be re-examined in any one or more branches with a view of raising his per cent in such branches or his general average.

Sec. 23. Third grade certificate - renewal. Applicants whose examination entitles them to third grade certificates only, shall receive the same for one year, at the end of which time, upon proof of successful teaching and the payment of a fee of one dollar, one renewal shall be granted.

Sec. 24. Applicants without experience. Applicants who have had no experience in teaching, but whose examinations entitle them to the first grade, shall receive a second grade certificate for two years; provided that when they have taught successfully under such certificate for not less than thirty-six weeks they shall be entitled to receive a first grade

certificate on the conditions herein provided for a renewal of a certificate.

Sec. 25. Fees - normal training necessary - exceptions. Each applicant for a certificate shall pay a fee of one dollar, one-half of which shall be paid into the state treasury on or before the first day of the succeeding month, and one-half shall be paid into the county institute fund.

Sec. 26. All applicants for teachers' certificates shall have had, before receiving a certificate to teach, at least twelve weeks of normal training and shall furnish a certificate from the institution where such training has been received, which certificate shall have printed thereon the subjects taken and the standing in each subject; but the examination in all subjects other than didactics may be taken at any regular examination prior to, or after, the term of normal training has been taken; the examination shall not be complete until the normal training has been certified as herein provided.

Sec. 27. The preceding section shall not apply to the regular graduates of the state university, state teachers college, state college of agriculture and mechanic arts, any accredited college of the state, or any school of like character outside the state.

Sec. 28. In the cases of graduates of four-year courses in approved or accredited high schools, the grades made in didactics in an approved normal training course in any of the institutions mentioned in the preceding section may be accepted by the state board of educational examiners and by the county superintendent in lieu of the examination in didactics.

Sec. 29. Experience as qualification. The provisions of the four preceding sections shall in no way bar any teacher who can furnish evidence of at least six months successful teaching experience; provided such experience is not obtained on a provisional certificate.

Sec. 30. Registration of certificates. All diplomas and certificates shall be valid in any county when registered therein, and no person shall teach in any public school whose certificate has not been registered with the county superintendent of the county in which the school is located.

Sec. 31. Third grade certificates, when not to be registered. In case a sufficient number of life diplomas, state certificates, first grade certificates, special certificates and second grade certificates are held in any county to supply the schools thereof, it shall not be incumbent on the county superintendent to register third grade certificates.

Sec. 32. Special examination - provisional certificates. When a sufficient number of licensed teachers can not be secured to fill the schools of any county, the board of examiners may, upon the request of the county superintendent, appoint a special examination for such county to be conducted in all respects as a regular examination and the answer papers to be forwarded to the president of the board as required in regular examinations, and thereupon provisional certificates, valid for the

remainder of the school year, may be issued by the board of educational examiners.

Sec. 33. Certificates, where valid - revocation. All certificates issued as provided by law shall be valid in any county within the state, when registered in such county, but a provisional certificate shall be valid, upon registration, only in the county in which it is issued, and shall be issued for the same time and subject to the same extension as a third grade certificate, but no person shall be entitled to receive more than one provisional certificate, except upon the approval of the county superintendent.

Sec. 34. Revocation. Any diploma or certificate issued by the board may be revoked by it for any cause which would have authorized or required a refusal to grant the same, and the holder shall have ten (10) days notice by registered mail and be allowed to be present and make defense.

Sec. 35. Revocation by county superintendent. When in the judgment of the county superintendent there is probable cause for the revocation of a certificate or diploma held by any teacher employed in his county, or when complaint is filed, supported by affidavits, charging incompetency, immorality, intemperance, Cruisity, or general neglect of the business of the school, the county superintendent shall within ten (10) days transmit to such person a written statement of the charges preferred and set the time, not less than ten (10) days thereafter, and place for the hearing of the same at which trial the teacher may be present and make defense.

Sec. 36. Trial - order revoking certificate. The trial and making and preservation of the record shall be, so far as applicable, in conformity with the provisions of the law relating to the trial of civil action in the district court. If upon the trial it appears to the county superintendent that there is sufficient ground for the revocation of the diploma or certificate, he shall at once issue in triplicate an order revoking the diploma or certificate, and the same shall become effective, unless an appeal is taken, fifteen (15) days thereafter. One (1) copy of the order shall be filed and recorded in his office, one (1) mailed to the superintendent of public instruction, and the other sent by registered mail to the holder of the certificate.

Sec. 37. Appeal. The person aggrieved by such order shall have the right of appeal to the superintendent of public instruction within ten (10) days from the date of such mailing and in case of appeal the revocation shall not be effective until the same is affirmed, after full hearing, by the superintendent of public instruction. In the case of life state certificates the revocation shall not be effective until affirmed by the board of educational examiners after full hearing and review by said board.

Sec. 38. Expenditures certified and paid. All expenditures authorized to be made by the board of educational examiners and by the county superintendent in connection with examinations and applications for certificates, shall be certified by the superintendent of public instruction to the state board of audit, and if found correct, it shall approve the same and shall cause the auditor of state to draw warrants therefor upon the

the treasurer of state, but not to exceed the fees paid into the treasury by the board and county superintendents.

Sec. 39. Account of moneys. The board shall keep an accurate and detailed account of all money received and expended, which, with a list of those receiving certificates or diplomas, shall be published by the superintendent of public instruction in his annual report.

Sec. 40. Printing. The board of educational examiners shall have authority to obtain all the necessary printing for the performance of their duties, as required by law, in the same manner as the printing is provided for state officers.

Approved April 10, 1925.

CHAPTER 64

EDUCATION

H. F. 90

AN ACT to amend, revise, and codify sections two thousand three hundred eighteen (2318) to two thousand three hundred twenty-six (2326), inclusive, two thousand three hundred twenty-nine (2329) to two thousand three hundred forty-four (2344), inclusive, two thousand three hundred forty-seven (2347), two thousand three hundred ninety-eight (2398) to two thousand four hundred fourteen (2414), inclusive, two thousand four hundred thirty-two (2432), two thousand four hundred thirty-six (2436), two thousand four hundred thirty-seven (2437), two thousand four hundred forty (2440), and two thousand four hundred forty-four (2444) of the compiled code of Iowa, and sections two thousand three hundred twenty-seven (2327) and two thousand three hundred twenty-eight (2328) of the supplement to said code, relating to education.

Be It Enacted by the General Assembly of the State of Iowa:

That sections two thousand three hundred eighteen (2318) to two thousand three hundred twenty-six (2326), inclusive, two thousand three hundred twenty-nine (2329) to two thousand three hundred forty-four (2344), inclusive, two thousand three hundred forty-seven (2347), two thousand three hundred ninety-eight (2398) to two thousand four hundred fourteen (2414), inclusive, two thousand four hundred thirty-two (2432), two thousand four hundred thirty-six (2436), two thousand four hundred thirty-seven (2437), two thousand four hundred forty (2440), and two thousand four hundred forty-four (2444) of the compiled Code of Iowa, and sections two thousand three hundred twenty-seven (2327) and two thousand three hundred twenty-eight (2328) of the supplement to said Code are amended, revised, and codified to read as follows:

Section 1. State board of education. The state board of education shall consist of nine (9) members, who shall be selected from the state at large solely with regard to their qualifications and fitness to discharge the duties of the office. Not more than five (5) members shall be of the same political

party. Not more than one (1) alumnus of each of the institutions of higher learning, the state university, the college of agriculture and mechanic arts, and the Iowa state teachers college shall be members of said board at one time.

Sec. 2. Term of office. The term of each member of said board shall be for six (6) years. The terms of three (3) members of the board shall expire on the first day of July of each odd-numbered year.

Sec. 3. Appointment. During each regular session of the legislature, the governor shall appoint, with the approval of two-thirds (2/3) of the members of the senate in executive session, three (3) members of said board to succeed those whose terms expire on the first day of July next thereafter.

Sec. 4. Confirmation. No nominations shall be considered by the senate until the same have been referred to a committee of five (5), not more than three (3) of whom shall belong to the same political party. Said committee shall be appointed by the president of the senate, without motion, and shall report to the senate in executive session. Such report shall be made at any time when called for by the senate. The consideration of nominations by the senate shall not be had on the same legislative day that nominations are so referred.

Sec. 5. Removals during legislative session. The governor, with the approval of a majority of the senate during a session of the general assembly, may remove any member of the board for malfeasance in office, or for any cause which would render him ineligible for appointment or incapable or unfit to discharge the duties of his office, and his removal, when so made, shall be final.

Sec. 6. Suspension. When the general assembly is not in session, the governor may suspend any member so disqualified and shall appoint another to fill the vacancy thus created, subject to the approval of the senate when next in session.

Sec. 7. Vacancies. All vacancies on said board which may occur when the general assembly is not in session shall be filled by appointment by the governor, which appointment shall expire at the end of thirty (30) days after the general assembly next convenes. Vacancies occurring during a session of the general assembly shall be filled before the end of said session in the same manner in which regular appointments are required to be made.

Sec. 8. Institutions governed by the board. The state board of education shall govern the following institutions:

1. The state university of Iowa.
2. The college of agriculture and mechanic arts, including the agricultural experiment station.
3. The Iowa state teachers college.
4. The state school for the blind.
5. The state school for the deaf.

Sec. 9. Meetings. The board shall meet four (4) times a year. Special meetings may be called by the board, by the president of the board, or by the secretary of the board upon written request of any five (5) members thereof.

Sec. 10. Powers and duties of the board. The board shall:

1. Each even-numbered year elect, from its members, a president of the board, who shall serve for two (2) years and until his successor is elected and qualified.
2. Elect a president of each of said institutions of higher learn-

ing; a superintendent of each of said other institutions; a treasurer and a secretarial officer for each institution annually; professors, instructors, officers, and employees; and fix their compensation.

4. Make rules for admission to and for the government of said institutions, not inconsistent with law.

5. Manage and control the property, both real and personal, belonging to said institutions.

6. With the approval of the executive council acquire real estate for the proper uses of said institutions, and dispose of real estate belonging to said institutions when not necessary for their purposes.

7. Accept and administer trusts deemed by it beneficial to, and perform obligations of the institutions.

8. Direct the expenditure of all appropriations made to said institutions, and of any other moneys belonging thereto, but in no event shall the perpetual funds of the state college of agriculture and mechanic arts, nor the permanent funds of the university derived under acts of congress be diminished.

9. Collect the highest rate of interest, consistent with safety, obtainable on daily balances in the hands of the treasurer of each institution.

10. With the approval of the executive council, publish, from time to time, and distribute, such circulars, pamphlets, bulletins, and reports as may be in its judgment for the best interests of the institutions under its control, the expense of which shall be paid out of any funds in the treasury not otherwise appropriated.

11. Perform all other acts necessary and proper for the execution of the powers and duties conferred by law upon it and the finance committee.

Sec. 11. Purchase from members of board or committee. No sale or purchase of real estate shall be made save upon the order of the board, made at a regular meeting, or one called for that purpose, and then in such manner and under such terms as the board may prescribe and only with the approval of the executive council. No member of the board or finance committee nor any officer of any institution, shall be directly or indirectly interested in such purchase or sale.

Sec. 12. Record. All acts of the board relating to the management, purchase, disposition, or use of lands and other property of said institutions shall be entered of record, which shall show the members present, and how each voted upon each proposition.

Sec. 13. Finance committee-organization-duties. The board shall appoint a finance committee of three (3) from outside its membership, and shall designate one (1) of such committee as chairman and one (1) as secretary. Not more than one (two) of its members shall be of the same political party, and its members shall hold office for a term of three (3) years, unless sooner removed by a vote of two-thirds (2/3) of the members of the board. In addition to the duties imposed upon the finance committee by law, the committee and members thereof shall make such investigations and reports and perform such ministerial duties as the board by resolution may direct, and the committee may make such recommendations to the board as it may deem proper.

Sec. 14. Secretary of board and committee-duties. The secretary shall be the secretary of the board and of the committee, and shall separately keep and

carefully preserve complete files of documents and records of the proceedings of the board and the committee.

Sec. 15. Authority to loan funds-conditions. The finance committee may loan funds belonging to said institutions, subject to the following regulations:

1. Each loan shall be secured by a mortgage paramount to all other liens upon approved farm lands in this state, accompanied by abstract showing merchantable title in the borrower. The loan shall not exceed fifty per cent (50%) of the cash value of the land, exclusive of buildings.

2. Each such loan shall be for a term not exceeding ten (10) years, at a rate of interest to be fixed by said board, payable annually, and the borrower shall have the privilege of paying one hundred dollars (\$100.00) or any multiple thereof on any interest pay day.

3. Any portion of said funds not otherwise invested and any surplus income on funds not immediately required for other purposes may be invested by the finance committee on order of the board in bonds of the United States, or this state, or some county thereof, yielding not less than five per cent (5%) per annum.

4. A register containing a complete abstract of each loan and investment, and showing its actual condition, shall be kept by the secretary of said committee, and be at all times open to inspection.

Sec. 16. Foreclosures and collections. The finance committee shall have charge of the foreclosure of all mortgages and of all collections from delinquent debtors to said institutions. All actions shall be in the name of the state board of education, for the use and benefit of the appropriate institution.

Sec. 17. Satisfaction of mortgages. When loans are paid, the finance committee shall release mortgages securing the same as follows:

1. By a satisfaction piece signed and acknowledged by the chairman or secretary of said committee, which shall be recorded in the office of the recorder of the county where said mortgage is of record; or

2. By entering a satisfaction thereof on the margin of the record of said mortgage, dated, and signed by the chairman or secretary of the committee.

Sec. 18. Bidding in property. In case of a sale upon execution, the premises may be bid off in the name of the board of education, for the benefit of the institution to which the loan belongs.

Sec. 19. Deeds held in trust. Deeds for premises so acquired shall be held for the benefit of the appropriate institution and such lands shall be subject to lease or sale the same as other lands.

Sec. 20. Actions not barred. No lapse of time shall be a bar to any action to recover on any loan made on behalf of any institution.

Sec. 21. Business offices-visitation. A business office shall be maintained at each of the institutions of higher learning. The committee shall, once each month, attend each of the institutions for the purpose of transacting any business that may properly come before it, and the performance of its duties.

Sec. 22. Finance committee—expenses—official residences. The members of the finance committee shall devote their entire time to the work of said institutions. The members of the finance committee and other employees shall maintain their official residences at the places designated by the board, and shall be entitled to their necessary traveling expenses therefrom by the nearest traveled and practicable route incurred in visiting the different institutions and other places and returning therefrom when on official business, and such other expenses as are actually and necessarily incurred in the performance of their official duties.

Sec. 23. Auditor's report. The auditor of state shall include in his report to the governor the amount paid for such services and expenses and to whom paid.

Sec. 24. Duties of treasurer. The treasurer of each of said institutions shall:

1. Receive all appropriations made by the general assembly for said institution, and all other funds from all other sources, belonging to said institution.
2. Pay out said funds only on order of the board of education, or of the finance committee, on bills duly audited in accordance with the rules prescribed by said board.
3. Retain all bills, so paid by him, with receipts for their payment as his vouchers.
4. Keep an accurate account of all revenue and expenditures of said institution, so that the receipts and disbursements of each of its several departments shall be apparent at all times.
5. Annually, and at such other times as the board may require, report to it said receipts and disbursements in detail.

Sec. 25. Reports of executive officers. The executive officer of each of said institutions shall, on or before the first day of August of each even-numbered year, make a report to the board, setting forth such observations and recommendations as in his judgment are for the benefit of the institution, and also his recommendations of a budget for the several colleges and departments of the institution, in detail, and estimates of the amount of funds required therefor for the ensuing biennium.

Sec. 26. Reports of secretarial officers. The secretarial officer shall, for the institution of which he acts as secretary, on or before August first of each year, report to the board in such detail and form as it may prescribe:

1. The funds available each fiscal year from all sources for the erection, equipment, improvement, and repair of buildings.
2. Interest on endowment and other funds, tuition, state appropriations, laboratory and janitor fees, donations, rents, and income from all sources affecting the annual income of the support funds of said institution.
3. How the funds so received were expended, giving under separate heads the cost of instruction, administration, maintenance and equipment of departments, and the general expense of the institution.
4. The number of professors, instructors, fellows, and tutors, and the number of students enrolled in each course during each year, stating separately the number of students attending short courses.
5. The amount of unexpended balances of departments remaining in the hands of the treasurer, and the amounts undrawn from the state treasury on June thirtieth of each year.

The report for the state college of agriculture and mechanic arts shall also show the receipts of the experiment station from all sources for each fiscal year, and how the same were expended.

Sec. 27. Report of board. The board shall, biennially, at the time provided by law, report to the governor and the legislature such facts, observations and conclusions respecting each of such institutions as in the judgment of the board should be considered by the legislature. Such report shall contain an itemized account of the receipts and expenditures of the board and finance committee, and also the reports made to the board by the executive officers of the several institutions or a summary thereof, and shall submit budgets for biennial appropriations deemed necessary and proper to be made for the support of the several institutions and for the extraordinary and special expenditures for buildings, betterments and other improvements.

Sec. 28. Colonel of cadets. The commandant and instructor of military science and tactics at each of the institutions for higher learning is given the rank of colonel of cadets, and the governor shall issue such commissions upon the request of the president of such institution.

Sec. 29. Appropriations—paid in monthly installments. All appropriations made payable annually to each of the institutions under the control of the board of education shall be paid in twelve (12) equal monthly installments on the last day of each month on order of said board.

Sec. 30. Appropriation. There is hereby appropriated from any funds in the state treasury not otherwise appropriated, sufficient thereof to pay the actual necessary expenses of the board and the finance committee, including the actual necessary expenses of their assistants. All claims under this section shall be filed with and allowed by the state board of audit in the same manner as may now or hereafter be required in the case of claims for similar expenses by state officers.

Sec. 31. Contracts for training teachers. The board of directors of any school district in the state of Iowa may enter into contract with the board of education for furnishing instruction to pupils of such school district, and for training teachers for the schools of the state in such particular lines of demonstration and instruction as are deemed necessary for the efficiency of the Iowa state teachers college, state university of Iowa, and college of agriculture and mechanic arts as training schools for teachers.

Sec. 32. Payment. The contract for such instruction shall authorize the payment for such service furnished the school district or for such service furnished the state, the amount to be agreed upon by the state board of education and the board of the school district thus cooperating.

Sec. 33. Contract in writing—time limit. Such contracts shall be in writing and shall extend over a period of not to exceed two (2) years, and a copy thereof shall be filed in the office of the superintendent of schools of the county.

Approved April 19, 1924.

CHAPTER 65

STATE UNIVERSITY

S. F. 91

AN ACT to amend, revise, and codify sections two thousand three hundred forty-five (2345), two thousand three hundred forty-six (2346), two thousand three hundred fifty-two (2352), two thousand three hundred fifty-three (2353) of the compiled code of Iowa, and section two thousand three hundred fifty-four (2354) of the supplement to said code, relating to the state university and the work of the bacteriological laboratory therein.

Be It Enacted by the General Assembly of the State of Iowa:

That sections two thousand three hundred forty-five (2345) and two thousand three hundred forty-six (2346) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Objects-departments. The university shall never be under the control of any religious denomination. Its object shall be to provide the best and most efficient means of imparting to men and women, upon equal terms, a liberal education and thorough knowledge of the different branches of literature and the arts and sciences, with their varied applications. It shall include colleges of liberal arts, law, medicine, and such other colleges and departments, with such courses of instructions and elective studies as the state board of education may determine from time to time. If a teacher's training course is established by the board it shall include the subject of physical education. Instruction in the liberal arts college shall begin, so far as practicable, at the points where the same is complete in high schools.

Sec. 2. Degrees. No one shall be admitted to courses of instruction in the university who has not completed the elementary instruction in such branches as are taught in the common schools throughout the state. Graduates shall receive degrees or diplomas, or other evidences of distinction such as are usually conferred and granted by universities and are authorized by the state board of education.

Sec. 3. Cabinet of natural history. For the purpose of supplying a cabinet of natural history, all geological and mineralogical specimens which are collected by the state geologists, or by others appointed by the state to investigate its natural history and physical resources, shall belong to and be the property of the university, under the charge of the professors of those departments.

That sections two thousand three hundred fifty-two (2352) and two thousand three hundred fifty-three (2353) of the compiled Code of Iowa, and section two thousand three hundred fifty-four (2354) of the supplement to said Code are amended, revised, and codified to read as follows:

Sec. 4. Bacteriological laboratory-investigations. The bacteriological laboratory shall be a permanent part of the medical college of the university.

It shall make or cause to be made bacteriological and chemical examinations of water, and necessary investigations by both laboratory and field work to determine the source of epidemics of disease, and to suggest methods of overcoming and preventing the recurrence of the same, whenever requested to do so by any state institution or by any citizen, school, or municipality when in the judgment of the local board of health the same is necessary in the interests of the public health and for the purpose of preventing epidemics of disease.

Sec. 5. Reports--tests. Such examination shall be made without charge, except for transportation and actual cost of examination, not to exceed two dollars (\$2.00) for each. A copy of the report of each epidemiological examination and investigation shall be promptly sent to the state department of health.

In addition to its regular work, the laboratory shall perform all bacteriological, serological, and epidemiological examinations and investigations which may be required by the state department of health, and said department shall establish rules therefor.

Sec. 6. Appropriation. There is hereby annually for the biennium ending June thirtieth, nineteen hundred twenty-five (1925) appropriated out of any money in the state treasury not otherwise appropriated, for the support and maintenance of the bacteriological and epidemiological laboratory at the state university, fifteen thousand dollars (\$15,000.00). Said appropriation shall be paid on the order of the state board of education on the first day of July of each year. The appropriation of five thousand dollars (\$5,000.00) provided for the epidemiological laboratory in section twenty-three hundred forty-six-a one (2346-al), supplement to the compiled Code, to the state university is hereby made available for the use of the laboratory and the work provided for in section four (4).

Approved March 31, 1924.

CHAPTER 66

MEDICAL AND SURGICAL TREATMENT OF INDIGENT PERSONS

H. F. 92

AN ACT to amend, revise, and codify chapters nine (9) and ten (10) of title ten (10) of the compiled code of Iowa, and section two thousand three hundred forty-eight-a one (2348-al) of the supplement to said code, relating to medical and surgical treatment of indigent persons.

Be It Enacted by the General Assembly of the State of Iowa:

That chapters nine (9) and ten (10) of title ten (10) of the compiled Code of Iowa, and section two thousand three hundred forty-eight-a one (2348-al) of the supplement to said Code are amended, revised, and codified to read as follows:

Section 1. Medical and surgical treatment of indigent persons - complaint. Any adult resident of the state may file a complaint in the office of the clerk of any juvenile court, charging that any legal resident of Iowa residing in the county where the complaint is filed is suffering from some malady or deformity that can probably be improved or cured by medical or surgical treatment or hospital care, and that neither such

person nor persons legally chargeable with his support are able to pay therefor.

Sec. 2. Duty of public officers and others. It shall be the duty of physicians, public health nurses, members of boards of supervisors and township trustees, overseers of the poor, sheriffs, policemen, and public school teachers, having knowledge of persons suffering from such malady or deformity, to file or cause such complaint to be filed.

Sec. 3. Patient defined. The word "patient" used in this chapter means the person against whom the complaint is filed.

Sec. 4. Examination by physician. Upon the filing of such complaint, the clerk shall docket the same and shall appoint a competent physician and surgeon, living in the vicinity of the patient, who shall personally examine the patient with respect to his malady or deformity.

Sec. 5. Report by physician. Such physician shall make a report in duplicate on blanks furnished as hereinafter provided, answering the questions contained therein and setting forth the information required thereby, giving such history of the case as will be likely to aid the medical or surgical treatment or hospital care of such patient, describing the deformity or malady in detail, and stating whether or not in his opinion the same can probably be improved or cured, which report shall be filed in the office of the clerk within such time as the clerk may fix.

Sec. 6. Investigation and report by county attorney. When such complaint is filed, the clerk shall furnish the county attorney a copy thereof, who shall make a thorough investigation of the facts as to the legal residence of the patient, and the ability of the patient or others chargeable with his support to pay the expenses of such treatment and care, and shall file a report of such investigation in the office of the clerk, at or before the time of hearing.

Sec. 7. Notice of hearing - duty of county attorney. When the physician's report has been filed, the clerk shall, with the consent of the court or judge, fix a time and place for hearing of the matter by the court, and the county attorney shall cause such patient and the parent or parents, guardian, or person having the legal custody of said patient, if under legal disability, to be served with such notice of the time and place of the hearing as the judge or clerk may prescribe.

Sec. 8. Hearing - order of commitment. The county attorney of the county where the hearing is held shall appear thereat. The complainant, the county attorney and the patient, or any person representing him, may introduce evidence and be heard. If the court finds that said patient is a legal resident of Iowa and is suffering from a malady or deformity which can probably be improved or cured by medical or surgical treatment or hospital care, and that neither the patient nor any person legally chargeable with his support is able to pay the expenses thereof, the court shall enter an order directing that said patient be sent to the hospital of the college of medicine of the state university for proper medical and surgical treatment and hospital care; provided, however, the court in his discretion may refuse to make such order in any case where the court finds

the patient or his parent, parents or guardian are members of a religious denomination whose tenets preclude dependence on the practice of medicine or surgery and desire in good faith to rely upon the practice of their religion for relief from disease or disorder.

Sec. 9. Order in case of emergency. In cases of great emergency, when the court or judge is satisfied that delay would be seriously injurious to the patient, he may make such order with the consent of the patient, if adult, or of the parent or parents, guardian, or person having the legal custody of said patient, if a minor or incompetent, without examination, report, notice, or hearing.

Sec. 10. Certified copy of order sent to hospital. The clerk shall prepare a certified copy of said order, which, together with a copy of the physician's report, shall be delivered to the admitting physician of said hospital at or before the time of the reception of the patient into the hospital.

Sec. 11. Attendant - expenses - physician - compensation. The court or judge may appoint an attendant to accompany the patient to said hospital, who shall receive not exceeding three dollars (\$3.00) per day for the time thus necessarily employed, and his actual, necessary traveling expenses; but if such appointee is a relative of the patient or a member of his immediate family, or receives a salary or other compensation from the public for his services, no such per diem shall be paid him. The physician appointed by the court to make the examination and report shall receive therefor five dollars (\$5.00) for each examination and report so made, and his actual, necessary expenses incurred in making such examination. The actual, necessary expenses of transporting and caring for the patient shall be paid.

Sec. 12. Expenses - how paid. An itemized, verified statement of all charges provided for in the preceding section, when approved by the judge under whose order the same were incurred, shall be filed with the superintendent of the hospital of the state university, and be charged on the regular bill for maintenance of the patient, and be audited and paid in the same manner as the bills for treatment and hospital care of the patient.

Sec. 13. Duty of admitting physician at hospital. The authorities in control of the medical college shall designate some physician to pass upon the admission of such patient, and it shall be his duty to receive such patient into the hospital and to provide for him, if available, a cot, bed, or room in said hospital, and to assign him to the appropriate clinic and for treatment by the proper physician, unless, in his judgment, the presence of the patient in the hospital would be dangerous to other patients, or there is no reasonable probability that he may be benefited by the proposed treatment or hospital care. If the admitting physician shall deny admission to the patient, he shall make a report in duplicate of his reasons therefor.

Sec. 14. Report of physician or surgeon in charge of clinic. If the physician or surgeon in charge of said clinic, or to whom such patient has been assigned for treatment, declines to treat such patient, he shall make a report in duplicate of his examination of such patient, and state therein his reasons for declining such treatment.

Sec. 15. Reports. One duplicate of each of the reports named in the two preceding sections shall be preserved in the records of said hospital, and the other transmitted to the clerk of the court where said order committing the patient to said hospital was entered, and by the clerk filed and preserved among the records in the cause.

Sec. 16. Treatment of other children. The hospital authorities may in their discretion receive into the hospital for medical or surgical treatment or hospital care, patients under sixteen (16) years of age not committed thereto under the provisions of this chapter; but the treatment or care of such patients shall not in any way interfere with the proper medical or surgical treatment or hospital care of committed patients. All of the provisions of this chapter except as to commitment of patients shall apply to such patients. The hospital authorities shall collect from the person or persons liable for the support of such patients, the cost of such care and treatment, determined as in this chapter provided, and shall deposit it to the credit of the hospital fund.

Sec. 17. Hospital treatment. When any patient has been admitted to the hospital for treatment, the physician or surgeon in charge of the case shall proceed with due care and diligence to perform such operation or bestow such treatment upon such patient as in his judgment shall be necessary and proper. Adequate nursing and hospital care shall be provided for said patient during such treatment.

Sec. 18. Out patient treatment. If, in the judgment of the physician or surgeon to whom the patient has been assigned for treatment, continuous residence of the patient in the hospital is unnecessary, such patient may, by the hospital authorities, be sent to his home or other appropriate place, and be required to return to the hospital when and for such length of time as may be for his benefit. The hospital authorities may, if necessary, appoint an attendant to accompany such patient and discharged patients, whose compensation shall be the same and whose expenses shall be audited and paid as provided for an attendant appointed by the court.

Sec. 19. Treatment authorized. No minor or incompetent person shall be treated for any malady or deformity except such as is reasonably well described in the order of court or the report of the examining physician, unless permission for such treatment is provided for in the order of court, or is granted by his parents or guardian; but the physician in charge may administer such treatment or perform such surgical operations as are usually required in cases of emergency.

Sec. 20. Treatment gratuitous. No physician, surgeon, or nurse who shall treat or care for such patient shall charge or receive any compensation therefor except the salary or compensation fixed by the state board of education to be paid from the hospital funds.

Sec. 21. Record and report of expenses. The superintendent of said hospital shall keep a correct account of all medicines, care, and maintenance furnished to said patients, and shall make and file with the state board of audit an itemized, sworn statement of all expenses thereof incurred in said hospital. But he shall render separate bills showing the actual cost of all special appliances, instruments, and X-ray service used in connection with such treatment.

Sec. 22. Audit of accounts of hospital for basis of payment. To arrive at a proper basis for the payment of said bills for treatment, care, and maintenance, the state board of education shall cause to be made annually an audit of the accounts of the university hospital, and determine the average cost per day for the care and maintenance of each patient therein, exclusive of the salaries of the members of the faculty of said university college of medicine, and said bills shall be allowed at such average cost. All accounts shall be so adjusted and paid as to reimburse the funds of the hospital used for the purposes of this chapter.

Sec. 23. Expenses - how paid. Warrants issued under the preceding section shall be promptly drawn on the treasurer of state and forwarded by the auditor to the treasurer of the state university, and the same shall be by him placed to the credit of the funds which are set aside for the support of said hospital. Said warrants shall be paid by the treasurer of state from the general funds of the state not otherwise appropriated.

Sec. 24. Faculty to prepare blanks - printing - distribution. The medical faculty of the state university hospital shall from time to time prepare blanks containing such questions and requiring such information as may, in its judgment, be necessary and proper to be obtained by the physician who examines such patient under order of court. Such blanks shall be printed by the state, and a sufficient supply thereof shall be furnished by the state board of printing to the clerk of each juvenile court in the state. The cost of printing said blanks shall be audited, allowed, and paid in the same manner as other bills for public printing.

Sec. 25. Transfer of patients from state institutions. The board of control of state institutions, and the board of control of the school for the blind, the school for the deaf, the soldiers' orphans' home, and the juvenile home, may, respectively, send any inmates of any of said institutions, or any person committed or applying for admission thereto, to the hospital of the medical college of the state university for treatment and care as provided in this chapter, without securing the order of court required in other cases. Said boards shall respectively pay the traveling expenses of any patient thus committed, and when necessary the traveling expenses of an attendant for such patient, out of funds appropriated for the use of the institution from which he is sent.

Approved February 8, 1924.

CHAPTER 67

STATE COLLEGE OF AGRICULTURE

S. F. 93

AN ACT to amend, revise, and codify sections two thousand three hundred ninety-six (2396), two thousand three hundred ninety-seven (2397), and two thousand four hundred fifteen (2415) of the compiled code of Iowa, relating to the Iowa state college of agriculture and mechanic arts.

Be It Enacted by the General Assembly of the State of Iowa:

That sections two thousand three hundred ninety-six (2396), two thousand three hundred ninety-seven (2397), and two thousand four hundred fifteen (2415) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Course of study. There shall be adopted and taught at said college practical courses of study, embracing in their leading branches such as relate to agriculture and mechanic arts, mines and mining, and ceramics, and such other branches as are best calculated to educate thoroughly the agricultural and industrial classes in the several pursuits and professions of life, including military tactics. If a teachers' training course is established it shall include the subject of physical education.

Approved April 4, 1924.

CHAPTER 68

IOWA STATE TEACHERS COLLEGE

H. F. 94

AN ACT to amend, revise, and codify sections two thousand four hundred thirty-one (2431), two thousand four hundred thirty-three (2433), two thousand four hundred thirty-four (2434) and two thousand four hundred thirty-five (2435) of the compiled code of Iowa, relating to the Iowa state teachers college.

Be It Enacted by the General Assembly of the State of Iowa:

That sections two thousand four hundred thirty-one (2431), two thousand four hundred thirty-three (2433), two thousand four hundred thirty-four (2434) and two thousand four hundred thirty-five (2435) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Official designation. The normal school at Cedar Falls, for the special instruction and training of teachers for the common schools, shall be officially designated and known as the "Iowa State Teachers College."

Sec. 2. Branches of study. Physical education, including physiology and hygiene, shall be included in the branches of study regularly taught to and studied by all pupils in the college, and special reference shall be made to the effect of alcoholic drinks, stimulants, and narcotics upon the human system.

Sec. 3. Contract with school districts. The state board of education may contract in writing with the board of directors of the school district in which the college is situated and those contiguous thereto, for a period not exceeding two (2) years at a time, to receive the pupils thereof into the state teachers college and furnish them with instruction; and payment thereof shall be made out of the general funds of such districts, but shall not exceed fifty cents (50 c) per week for each pupil. A copy of such contract shall be filed with the county superintendent, and all reports required by law to be made to the board of directors of such townships or schools and the county superintendent by the teachers thereof shall be made by the president of the college. All sums received for tuition shall be placed to the credit of the general fund of the college.

Approved March 11, 1924.

CHAPTER 69

COUNTY SUPERINTENDENT

S. F. 99

AN ACT to amend, revise, and codify sections two thousand four hundred seventy-eight (2478) to two thousand four hundred eighty (2480), inclusive, two thousand four hundred eighty-four (2484), two thousand four hundred eighty-nine (2489), two thousand four hundred ninety (2490), and two thousand five hundred (2500) to two thousand five hundred five (2505), inclusive, of the compiled code of Iowa, and section three thousand two hundred thirty-one-a thirteen (3231-a13) of the supplement of said code, relating to education.

Be It Enacted by the General Assembly of the State of Iowa:

That sections two thousand four hundred seventy-eight (2478) to two thousand four hundred eighty (2480), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. County superintendent of schools. There shall be a county superintendent of schools of each county in the state, whose term of office shall be for three (3) years, from the first secular day of September following his election and until his successor is selected and qualified. A regular term began in nineteen hundred eighteen (1918).

Sec. 2. Qualifications. Such superintendent may be of either sex, shall be a holder of a regular five (5) year state certificate or life diploma, and have had at least five (5) years' experience in teaching or superintending; but anyone now serving shall be deemed eligible to re-election.

Sec. 3. Election of county superintendent by convention. The county superintendent shall be elected by a convention held on the second Tuesday in May preceding the expiration of his regular term of office, composed of representatives of school districts organized in the county as follows: One (1) for each school township, one (1) for all the rural independent districts in each civil township, one (1) for each city, town, or village independent district, and one (1) for each consolidated district. Each representative shall be entitled to one (1) vote. All representatives to such convention shall serve until a county superintendent is elected and qualified.

Sec. 4. Representatives at convention. Each school corporation except rural independent districts shall be represented at the convention by the president of the school board, or, in his absence or inability to act, by some member of such board to be selected by the board. When such selection is made, the secretary of the board shall at once notify the county auditor thereof. Rural independent districts shall be represented by some person selected by the presidents of the boards of such districts at a meeting to be held at such time and place as the county auditor shall fix in the call for the convention, and the secretary of the meeting shall notify the county auditor of the person so selected.

Sec. 5. Calling convention - notice. Such convention shall be called by the county auditor by mailing a written notice to the president and secretary of each school corporation and by the publication of such notice in the official newspapers published in the county at least ten (10) days prior to the date of such convention. Such notice shall also fix the time and place of the meeting of the presidents of rural independent districts in the several townships for the election of representatives to the convention.

Sec. 6. Convention -- quorum -- election of county superintendent. At the time and place fixed, the county auditor shall call the convention to order, shall submit a list of school corporations entitled to participate in such convention and of the representatives, and shall be secretary of the convention. The convention shall be the judge of the qualifications of its own members and a majority of the legal representatives shall constitute a quorum. Said convention shall select a chairman, and when so organized shall elect a county superintendent of schools.

Sec. 7. May appoint committee to elect. The convention may, by a majority vote, elect a committee of five (5) members who shall investigate the various candidates for the office and report to said convention at a date to which the convention may adjourn; or the convention may, by a three-fourths (3/4) vote, authorize said committee to elect a county superintendent, and file its election with the county auditor, and there upon said person shall be deemed duly elected.

Sec. 8. Vacancies. Vacancies in the office of county superintendent shall be filled at special conventions called and held in the same manner as regular conventions.

Sec. 9. Mileage paid. Each representative shall be paid from the county treasury ten cents (10c) per mile one way for the distance necessarily traveled in attending the convention.

Sec. 10. Certificate of election filed. Whenever a county superintendent is elected and has qualified, the county auditor shall forward to the superintendent of public instruction a certificate thereof.

That sections two thousand four hundred eighty-four (2484), two thousand four hundred eighty-nine (2489), two thousand four hundred ninety (2490) and two thousand five hundred (2500) to two thousand five hundred five (2505), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 11. Duties. The county superintendent shall:

1. Means of communication. Under the direction of the superintendent of public instruction, serve as a means of communication between the department of public instruction and the various officers and instructors in the county, and transmit or deliver to them all books, papers, circulars, and communications designed for them.

2. Visiting schools. Visit each public school in the county, at least once during each school year; and when requested so to do by a majority of the directors of any school corporation, visit the schools therein.

3. Special visit and report upon schools. At the request of the superintendent of public instruction, visit and report upon such school as may be designated.

4. Enforcement of school laws. See that all provisions of the school law, so far as it relates to the schools or school officers within his county, are observed and enforced, especially those relating to the fencing of schoolhouse grounds with barbed wire, the introduction and teaching of such divisions of physiology and hygiene as relate to the effects of alcohol, stimulants, and narcotics upon the human system, those relating to compulsory attendance of pupils, and those relating to the exclusive use of the English language as the medium of instruction in the schools, and to this end he may require the assistance of the county attorney, who shall at his request bring any action necessary to enforce the law or recover penalties incurred.

5. Conduct examinations. Conduct, in accordance with the regulations of the board of educational examiners, examinations for teachers' certificates, and as soon as the examination is completed, forward to the president of the board of educational examiners a list of all applicants examined with the standing of each in didactics and oral reading, and his estimate of each applicant's personality and general fitness other than scholarship for the work of teaching. He shall, at the same time, forward to the president of the board of educational examiners the answer papers written, with the exception of those in didactics. Such examinations shall be held at the county seat, in a suitable room provided by the board of supervisors, but the county superintendent may, in his discretion, cause examinations to be held at the same time in some other place in the county. The county superintendent may employ such assistants as may be necessary, for this purpose and the bills for their services and expenses shall be verified and filed with the county auditor.

6. May require proof of good character. Before admitting anyone to the examination, be satisfied that the person seeking a certificate is of good moral character, of which fact he may require proof, and is in all respects other than in scholarship possessed of the necessary qualifications as an instructor.

7. Uncertificated teaching may be enjoined. Order to be closed any public school or school room taught by any teacher not certificated as required by law. If his order is not immediately obeyed, he may enforce the same against the teacher and the school board by the procurement of an injunction from any court of competent jurisdiction.

8. Record of examinations. Keep a record of all examinations taken within his county, with the name, age, and residence of each applicant and the date of examination.

9. Report of applicants for teachers' certificates. Report monthly to the county auditor the names of all applicants for teachers' certificates.

10. Appointment of school directors. When any school corporation is organized or reorganized according to law, and no director has been elected, or any director elected has not qualified, or has qualified and resigned, so that the matter of the completion of the organization or reorganization of such

school corporation is prevented, and the objects of its organization are thereby defeated, appoint a director or board of directors of such corporation, who shall act as such until their successors have been elected and qualified, and designate which term or terms each director appointed shall fill. In consolidated districts such appointments shall be made by the county superintendent of the county in which the petition was filed.

11. Report to superintendent of public instruction. Annually, on the last Tuesday in August, report to the superintendent of public instruction, giving a full abstract of the several reports made to him by the secretaries and treasurers of school boards, stating the manner in and extent to which the requirements of the law regarding instruction in physiology and hygiene are observed, and such other matters as he may be directed by the state superintendent to include therein, or he may think important in showing the actual condition of the schools in his county. He shall file a duplicate of such report with the county board of education.

12. Report of persons of school age. Annually, on the last Tuesday in August, file with the county auditor a statement of the number of persons of school age in each school township and independent district in the county.

13. Reports. Report on or before August first each year, to the superintendent of the college for the blind, the name, age, residence, and post-office address of every person resident of the county, without regard to age, so blind as to be unable to acquire an education in the common schools; to the superintendent of the school for the deaf with the same detail persons under age thirty-five (35), whose faculties with respect to speech and hearing are so deficient as to prevent them from obtaining an education in the common schools; and to the institution for the feeble minded all persons of school age who, because of mental defects, are entitled to admission therein.

14. Transmission of fees. On the first secular day of each month, transmit to the county treasurer and the state treasurer each one-half (1/2) of all moneys received for examination fees; and to the county treasurer the state appropriation for institutes when received.

15. Annual report of financial transactions. Report to the board of supervisors on the first day of January annually a summary of his official financial transactions for the previous year.

16. Administration of oaths. Have power to administer the oath of office to any school officer.

Sec. 12. Penalty. Should he fail to make any report required of him by law to the superintendent of public instruction or the county auditor, he shall forfeit to the school fund of his county the sum of fifty dollars (\$50.00), to be recovered in an action brought by the county for the use of the school fund, and in addition shall be liable for all damages occasioned thereby.

Sec. 13. County teachers' institutes. The county superintendent shall hold county teachers' institutes as directed by the superintendent of public instruction, and shall, with the concurrence of the superintendent of public instruction, procure such assistants as may be necessary to conduct the same, but no county superintendent shall act as institute instructor or lecturer outside of his own county except with the consent of the county board of education of the county in which he is elected, nor shall he receive his regular salary during the time he is so engaged.

Sec. 14. Adjournment. The school board of every school district, except in city independent school districts where twenty-five (25) or more teachers are regularly employed, shall adjourn the school or schools of said district for not less than two (2) days in each school year in order to allow teachers to attend county teachers' institutes held in the county, without the loss of salary.

Sec. 15. Certificate of attendance. The county superintendent shall issue a certificate of attendance to each teacher showing number of days of attendance at said institute, and any teacher failing to attend said teachers' institutes two (2) days shall forfeit his average daily salary for each day of nonattendance, except when excused by the county superintendent for physical disability to perform his duties in the school room.

Sec. 16. Lectures in city independent districts. In city independent districts, where twenty-five (25) or more teachers are regularly employed, the county superintendent shall cooperate with the city superintendent in arranging for educational lectures relating to the professional work of the teacher and to such matters of public education as may best meet the needs of the teachers in such districts, at times approved by the city superintendent and city board of education, in so far as the condition of the county institute fund shall permit.

Sec. 17. Plans approved by state superintendent. All arrangements concerning plans for professional teachers' meetings in said city districts shall be subject to final approval by the superintendent of public instruction. Teachers in said districts shall attend said lectures and the county superintendent shall issue a certificate showing number of lectures attended.

Sec. 18. Institute fund. The institute fund of each county shall consist of:

1. Fifty dollars (\$50.00) annually, which is hereby appropriated.
2. One-half (1/2) of all examination fees collected in the county.
3. One hundred fifty dollars (\$150.00) from the general county fund in counties having a population of thirty thousand (30,000) or less, which amount shall be appropriated by the board of supervisors of such county at the January session of each year.
4. Two hundred dollars (\$200.00) from the general county fund in counties having a population of over thirty thousand (30,000) to be appropriated by the board of supervisors in like manner.
5. Such reasonable sum as may be appropriated by the board from the general fund of any city independent district.

Sec. 19. Use of county institute fund. No part of the county teachers' institute fund may be used for any other purpose than to pay the expenses of teachers' institutes.

Sec. 20. Disbursement of institute fund. All disbursements of the institute fund shall be by warrants drawn by the county auditor upon the written order of the county superintendent, and said written order must be accompanied by an itemized bill for services rendered or expenses incurred in connection with the institute, which bill must be signed and sworn to by the party in whose favor the order is made and must be verified by the county superintendent. All said orders and bills shall be kept on file in the auditor's office until the final settlement of the county superintendent with the board of supervisors at the close of his term of office. No warrant shall be drawn by the auditor in excess of the institute fund then in the county treasury.

Sec. 21. Summer schools. County superintendents are hereby authorized to conduct from four (4) to six (6) weeks' summer school when it may be deemed advisable, for the purpose of giving teachers and prospective teachers academic instruction. A fee shall be collected from each attendant sufficient in the

aggregate to meet all necessary expenses for the support of said summer school. The fee so collected shall be deposited with the county treasurer, and a list of the names of all attendants shall be filed with the county auditor.

Sec. 22. Payment of instructors. Warrants for the purpose of paying instructors employed in summer schools shall be drawn by the county auditor upon written order of the county superintendent, and said written order must be accompanied by a verified itemized bill for services rendered or expenses incurred in connection with said summer school, but no warrant shall be issued in excess of the fees received from the summer school and deposited with the county treasurer.

Sec. 23. Itemized account institute and summer school funds. The county superintendent shall furnish to the county board of supervisors a certified itemized account of all receipts and disbursements for teachers' institutes and summer schools. They shall examine and audit the account, and publish a summary thereof with the proceedings of the regular June meeting of the board.

Sec. 24. County board of education. The county board of education shall consist of the county superintendent ex officio, and six (6) reputable citizens of the county, of either sex, of good educational qualifications, no two (2) of whom shall be from the same school corporation. Each regular convention held for the election of county superintendents shall elect three (3) members of said board, whose terms of office shall be for six (6) years, and until their successors are elected and qualified. Vacancies in the board may be filled by the board until the next regular convention, when the same shall be filled by the convention. A majority of said board shall constitute a quorum. If the membership be reduced below a quorum, a special convention shall be called to fill the vacancies.

Sec. 25. Oaths. The members of said board shall take the oath of office required of county officers, and, except the county superintendent, shall serve without pay; but shall be allowed their actual, necessary expenses in performing their duties, not to exceed forty dollars (\$40.00) each annually, to be audited by the board of supervisors and paid out of the general fund.

Sec. 26. Meetings of the board. Meetings of the board shall be held on the second Monday of August and February in each year at the office of the county superintendent, and at such other times as may be fixed by the county superintendent, or by written request of three (3) members filed with him.

Sec. 27. Duties of board. The board shall perform all duties imposed upon it by law, and shall act in an advisory capacity upon all matters referred to it by the county superintendent, and cooperate with him in formulating plans and regulations for the advancement and welfare of the schools under his supervision.

That section three thousand two hundred thirty-one-a thirteen (3231-a13) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 28. Compensation of county superintendent. Each county superin-

tendent of schools shall receive an annual salary of not less than eighteen hundred dollars (\$1,800.00), and such additional compensation as may be allowed by the board of supervisors in each particular county, but in no case to exceed three thousand dollars (\$3,000.00).

Sec. 29. Expenses of the county superintendent. The county superintendent shall, on the first Monday of each month, file with the county auditor an itemized and verified statement of his actual and necessary expenses incurred during the previous month in the performance of his official duties within his county, and such expenses shall be allowed by the county board of supervisors and paid out of the county fund, as other expenses of the county, but the total amount so paid, exclusive of office stationery and postage, for any one year of the superintendent's term shall not exceed the sum of four hundred dollars (\$400.00).

Approved February 7, 1924.

CHAPTER 70

CHARITABLE INSTITUTIONS

S. F. 101

AN ACT to amend, revise, and codify sections two thousand five hundred thirty-five (2535) to two thousand five hundred thirty-seven (2537), inclusive, two thousand five hundred forty-two (2542) to two thousand five hundred forty-four (2544), inclusive, two thousand five hundred forty-nine (2549) to two thousand five hundred fifty-three (2553), inclusive, two thousand five hundred fifty-seven (2557), two thousand five hundred fifty-nine (2559), two thousand five hundred sixty (2560), and two thousand five hundred sixty-seven (2567) of the compiled code of Iowa, and sections two thousand five hundred forty-five-a one (2545-a1) to two thousand five hundred forty-five-a four (2545-a4), inclusive, two thousand five hundred fifty-eight-a one (2558-a1), and two thousand five hundred seventy-eight (2578) of the supplement to said code, relating to education, and to provide tuition for children in certain charitable institutions.

Be It Enacted by the General Assembly of the State of Iowa:

That sections two thousand five hundred thirty-five (2535) to two thousand five hundred thirty-seven (2537), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Annual meeting of corporation. A meeting of the voters of each school corporation shall be held annually on the second Monday in March for the transaction of the business thereof. In districts in which registration is not required, notice in writing of the place, day, and hours during which the meeting will be in session, specifying the number of directors to be elected, and the terms thereof, and such propositions as will be submitted to and be determined by the voters, shall be posted by the secretary of the board in at least five public places in said corporation for not less than ten days next preceding the day of the meeting. The president and secretary of the board, with one of the directors, shall act as judges of the election. If any judge of election is absent at the organization of the meeting, the voters present shall appoint one of their number to act in his stead. The judges of election shall issue certificates to the directors elected and make a record of the propositions adopted.

Sec. 2. Electors. To have the right to vote at a school meeting or election, a person must have the same qualifications as for voting at a general election and must have been for ten (10) days prior to such school meeting or election an actual resident of the corporation and precinct or subdistrict in which he offers to vote.

Sec. 3. Powers of voters. The voters assembled at the annual meeting or election shall have power:

1. To direct a change of textbooks regularly adopted.
2. To direct the sale, lease or other disposition of any schoolhouse or site or other property belonging to the corporation, and the application to be made of the proceeds thereof.
3. To determine upon additional branches that shall be taught.
4. To instruct the board that school buildings may or may not be used for meetings of public interest.
5. To direct the transfer of any surplus in the schoolhouse fund to the general fund.
6. To authorize the board to obtain, at the expense of the corporation, roads for proper access to its schoolhouses.
7. To vote a schoolhouse tax, not exceeding ten (10) mills on the dollar in any one (1) year, for the purchase of grounds, construction of schoolhouses, the payment of debts contracted for the erection of schoolhouses, not including interest on bonds, procuring libraries for and opening roads to schoolhouses.

Sec. 4. Proposition stated in notice--vote by ballot. The board may, and upon the written request of five (5) voters of any school township or rural independent or consolidated district, or of twenty-five (25) voters of any city or town independent district having a population of five thousand (5,000) or less, or of fifty (50) voters of any other city independent district or of any district in which registration of any of the voters is required, shall provide in the notice for the annual meeting for submitting any proposition authorized by law to the voters. All propositions shall be voted upon by ballot, or by voting machine where required, in substantially the following form: "Shall a change of textbooks be directed?" (or other question as the case may be): and the voter shall designate his vote by writing the word "yes" or "no" in an appropriate place on the ballot, or indicating it on the voting machine as the case may be.

That sections two thousand five hundred forty-two (2542) to two thousand five hundred forty-four (2544), inclusive, of the compiled Code of Iowa and section two thousand five hundred forty-five a three (2545-a3) of the supplement to said Code, are amended, revised, and codified to read as follows:

Sec. 5. Annual meeting--number of directors--tenure of office. At the annual meeting in all independent districts, members of the board shall be chosen by ballot or by voting machine for the terms of three (3) years, to succeed those whose terms expire, and shall hold office for the terms for which elected and until their successors are elected and qualified. In any district including all or part of a city of the first class or a city under special charter, the board shall consist of seven (7) members. In all other independent city or town districts, in consolidated districts, and in rural independent districts having a population of over five hundred (500), the board shall consist of five (5) members. In all other rural independent districts the board shall consist of three (3) members. At the first election in newly organized districts the directors shall be elected as follows:

1. In districts having three directors, one (1) director shall be elected for one (1) year, one (1) for two (2) years, and one (1) for three (3) years.

2. In districts having five (5) directors, one (1) shall be elected for one (1) year, two (2) for two (2) years, and two (2) for three (3) years.

3. In districts having seven (7) directors, three (3) shall be elected for one (1) year, two (2) for two (2) years, and two (2) for three (3) years.

Where vacancies are to be filled at the annual meeting, the election shall be for the number of years required to fill the vacancy.

Sec. 6. Treasurer. In districts composed in whole or in part of cities or towns, a treasurer shall be chosen in like manner, whose term shall begin on the first secular day of July, and continue for two (2) years, or until his successor is elected and qualified, who shall serve without pay.

Sec. 7. Nomination of candidates. The names of all persons nominated as candidates for office in each independent city or town and consolidated district shall be filed with the secretary of the school board not later than noon of the seventh day previous to the day on which the annual school election is held. Each candidate shall be nominated by a petition signed by not less than ten (10) qualified electors of the district.

Sec. 8. Polls open. In districts where there is registration of voters, the polls shall be open from seven (7) o'clock a.m. to seven (7) p.m.; in all other districts they shall open at one (1) o'clock p.m. In such other districts composed in whole or in part of cities or towns, the polls shall remain open not less than five (5) hours; and in rural independent districts and school townships not less than two (2) hours.

Sec. 9. Ballots--voting machines. In such districts, and in all independent town, city and consolidated school districts, the secretary of the school board shall cause to be printed and delivered at the several polling places a sufficient number of ballots, printed on plain, substantial paper of uniform quality, with no party designation or mark thereon. Said ballots shall contain in alphabetical order the names of all candidates for each office, filed as provided by law, and a blank line for each such officer to be elected. There shall be at the left of each name and each blank line a square, and there shall also be a direction to the voter as to the number of candidates to be voted for at

said school election. Voting machines may be used for all school elections in all precincts where the same are in use at general elections, and the names of the candidates and propositions to be voted upon shall be arranged thereon as by law provided. The city and county, or either, as the case may be, shall, without charge, permit the use for school elections of the voting machines used at the general elections and the same shall be used according to the general law so far as applicable.

Sec. 10. General election laws applicable—tie vote. So far as applicable, all laws relating to the conduct of general elections and voting thereat and the violation of such laws shall, except as otherwise in this chapter provided, apply to and govern all school elections in independent city, town and consolidated districts. In the application of the absent voters' law, the secretary of the board shall perform the duties therein imposed upon the county auditor or clerk of the city or town. A tie vote for any elective school office shall be publicly determined by lot forthwith, under the direction of the board canvassing the returns.

Sec. 11. Division into precincts. The precincts for all school elections in districts in whole or in part in cities and towns shall be the same as for the last general state election but the board may consolidate two or more of such precincts into one unless there shall be filed with the secretary of the board at least twenty (20) days before the election a petition signed by twenty-five (25) or more electors of any precinct requesting that such precinct shall not be consolidated with any other precinct. To such petition shall be attached the affidavit of an elector of the precinct that all the signers thereof are electors of such precinct and that the signatures thereto are genuine. If there is within the school corporation any territory not within the limits of the city or town, the board shall attach the same for school election purposes to such precinct or precincts as will afford the voters residing on such territory the most convenient place at which to vote, but the voters of such territory shall not be required to register. The board shall designate in each precinct a suitable and convenient voting place.

Sec. 11-a. Registration districts. For registration purposes, the board may consolidate precincts into registration districts as provided by the law applicable to registration for general elections, and shall designate suitable and convenient places for such registration.

Sec. 12. Registrars' meeting. The board of directors of school corporations, where registration is required at general elections, shall, not less than (10) days prior to the school election, appoint two (2) registrars in each of the registration districts of such school corporation for the registration of voters therein, who shall have the same qualifications as registrars appointed for general elections and shall qualify in the same manner and receive the same compensation to be paid by the school corporation. The person in custody of the registration books and records and poll books for the general election shall furnish the same to the board of directors which shall distribute them to the proper registrars and judges and they shall be used for registration at school elections the same as at general elections and shall within ten days after the school election be returned to the proper custodian. The registrars shall meet and remain in session on election day during the time the polls are open. In all respects except as in this chapter provided, the general registration laws shall apply to registration for school elections in cities and towns wherein registration is required for general elections, except that administrative and clerical duties imposed thereby on the mayor and city clerk shall be performed by the president and the secretary of the

board respectively and except that voters residing in territory in such school corporation but not within the limits of the city or town or part thereof need not be registered but shall vote at the voting precinct to their places of residence.

Sec. 13. Notice of meeting. The secretary of school corporations in which registration is required must give notice of the annual meeting by posting the same in a public place in each precinct, at least ten (10) days before the meeting, and publication once each week for two (2) consecutive weeks preceding the same in some newspaper published in the county and of general circulation therein. Such notice shall state the time, respective voting precincts, and the polling place in each, and shall specify what questions in addition to the election of director or directors shall be voted upon.

Sec. 14. Judges--ballot box and poll book--return. The board in such districts shall appoint three voters of the precinct as judges of the election and one voter of the precinct as clerk thereof. Not more than one member of the board shall act as such judge at any one voting precinct. If any person so appointed fails to qualify, the judge or judges attending shall fill the place by the appointment of any voter present. Should all of the appointees fail to qualify, their places shall be filled by the voters from those in attendance. The judges and clerk of the election shall have the same qualifications and be sworn as in the case of a general election. The board shall provide the necessary ballot box or voting machine and poll book for each precinct, and the judges shall make and certify a return to the secretary of the corporation of the votes cast for officers and upon each question submitted. School elections may be contested as provided by law for the contesting of other elections.

Sec. 15. Canvass of returns. On the next Monday after the meeting the board shall canvass the returns made to the secretary, ascertain the result of the voting with regard to every matter voted upon, declare the same, cause a record to be made thereof, and at once issue a certificate to each person elected.

Sec. 16. Qualifications of directors. Any member of the board or the county superintendent may administer the oath of qualification to any member-elect, the secretary, treasurer, or the president of the board. Each director elected shall qualify on or before the date for the organization of the board of the corporation in which he was elected, by taking the oath required of civil officers.

That sections two thousand five hundred forty-nine (2549) to two thousand five hundred fifty-three (2553), inclusive, of the compiled Code of Iowa, and sections two thousand five hundred forty-five-a one (2545-a1), two thousand five hundred forty-five-a two (2545-a2), and two thousand five hundred forty-five-a four (2545-a4) of the supplement to said Code, are amended, revised, and codified to read as follows:

Sec. 17. Meetings of directors--election of president. The board of directors of each school corporation shall meet and organize at two (2) o'clock p.m. or at seven-thirty (7:30) o'clock p.m. if so ordered by the president of the board, on the third Monday in March each year at some suitable place to be designated by the secretary. Notice of the place and hour of such meeting shall be given by the secretary to each member and each member-elect of the board.

Such organization shall be effected by the election of a president from the members of the board, who shall be entitled to vote as a member.

Such special meetings may be held as may be determined by the board, or called by the president, or by the secretary upon the written request of a majority of the members of the board, upon notice specifying the time and place, delivered to each member in person, or by registered letter, but attendance shall be a waiver of notice.

Sec. 18. Annual settlements. On the first secular day in July, the board of each school township and with it the members of the board who retired in the preceding March, and the board of each independent school corporation, shall meet, examine the books of, and settle with the secretary and treasurer for the year ending on the thirtieth day of June preceding, and transact such other business as may properly come before it. If after the annual settlement it shall appear that there is a surplus in the general fund, the board may, in its discretion, transfer any or all of such surplus to the schoolhouse fund. Should the secretary or treasurer fail to make proper reports for such settlement, the board shall take action to secure the same.

Sec. 19. Election of secretary and treasurer. On the same day the board shall elect a secretary, who shall not be a teacher or other employee of the board. It shall, except in districts where the treasurer is elected by the voters, elect a treasurer. Such officers shall be elected from outside the membership of the board by ballot entered of record.

Sec. 20. Quorum--temporary officers--vacancies. A majority of the board of directors of any school corporation shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. The board shall appoint a temporary president or secretary, in the absence of the regular officers. Vacancies occurring among the officers or members shall be filled by the board by ballot, and the person receiving the highest number of votes shall be declared elected, and shall qualify as if originally elected or appointed, and hold office until the next annual meeting. Except as otherwise provided by law, when the board is reduced below a quorum, the secretary of the board, or if there be no secretary, the county superintendent, shall call a special election to fill the vacancies, giving notice in the same manner as for the annual meeting.

Sec. 21. Courses of study--regulations--tobacco prohibited. The board shall prescribe courses of study for the schools of the corporation, make rules for its own government and that of the directors, officers, teachers, and pupils, and for the care of the schoolhouse, grounds, and property of the school corporation, and aid in the enforcement of the same, and require the performance of duties by said persons imposed by law and the rules, and may exclude from school any incorrigible child or any child who in its judgment is so abnormal that his attendance at school will be of no substantial benefit to him, or any child whose presence in school may be injurious to the health or morals of other pupils or to the welfare of such school. Such rules shall prohibit the use of tobacco and other narcotics in any form by any student of such schools and the board may suspend or expel any student for any violation of such rule.

Sec. 22. Contracts--election of teachers. The board shall carry into effect any instruction from the annual meeting upon matters within the control of the voters, and shall elect all teachers and make all contracts necessary or proper for exercising the powers granted and performing the duties required by law, but the board may authorize any subdirector to employ teachers for the school in his subdistrict.

Sec. 23. Form of contract with teachers. Contracts with teachers must be in writing, and shall state the length of time the school is to be taught,

the compensation per week of five (5) days, or month of four (4) weeks, and that the same shall be invalid if the teacher is under contract with another board of directors in the state of Iowa to teach covering the same period of time, until such contract shall have been released, and such other matters as may be agreed upon, which may include employment for a term not exceeding the ensuing school year, except as otherwise authorized, and payment by the calendar or school month, signed by the president and teacher, and shall be filed with the secretary before the teacher enters upon performance of the contract.

Sec. 24. Superintendent--term. The board of directors of any independent school district of school township where there is a Township High School shall have power to employ a superintendent of schools for one (1) year. After serving at least seven months he may be employed for a term of not to exceed three (3) years. He shall be the executive officer of the board and have such powers and duties as may be prescribed by rules adopted by the board or by law. Boards of directors may jointly exercise the powers conferred by this section.

That section two thousand five hundred fifty-seven (2557) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 26. Agriculture, domestic science, and manual training. The teaching of elementary agriculture, domestic science, and manual training shall be required in all public schools of the state, except in rural independent districts and school townships; and the state superintendent shall prescribe the extent of such instruction.

That section two thousand five hundred fifty-eight-a one (2558-a1) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 25-a1. Physical education. The teaching of physical education, including effective health supervision and health instruction, of both sexes, shall be required in every public elementary and secondary school of the state. Modified courses of instruction shall be provided for those pupils physically or mentally unable to take the courses provided for normal children. Said subjects shall be taught in the manner prescribed by the state superintendent of public instruction.

Sec. 26-a2. Length of course. The course of physical education shall occupy periods each week totalling not less than fifty (50) minutes, exclusive of recesses, throughout each school term. The conduct and attainment of the pupils in such course shall be marked as in other subjects and it shall form part of the requirements for promotion or graduation of every pupil in attendance, but no pupil shall be required to take such instruction whose parents or guardian shall file a written statement with the school principal or teacher that such course conflicts with his religious belief.

That sections two thousand five hundred fifty-nine (2559) and two thousand five hundred sixty (2560) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 27. Kindergarten department. The board of any independent school district may establish in connection with the common schools, kindergarten departments for the instruction of children, to be paid for in the same manner as other grades and departments. Any kindergarten teacher shall hold a certificate certifying that the holder thereof has been examined upon kindergarten principles and methods and is qualified to teach in kindergartens.

Sec. 28. Higher and graded schools. It shall have power to maintain in each district one (1) or more schools of a higher order, for the better instruction of all in the district prepared to pursue such a course of study, and it may establish graded schools and determine what branches shall be taught therein, but the course of study shall be subject to the approval of the superintendent of public instruction.

Sec. 30. Determine the number of schools taught. The board shall determine the number of schools to be taught, divide the corporation into such wards or other divisions for school purposes as may be proper, determine the particular school which each child shall attend, and designate the period each school shall be held beyond the time required by law.

Sec. 31. School to be closed--when. No contract shall be entered into with any teacher to teach any school in the school corporation when the average attendance in said school the last preceding term therein was less than five (5) pupils, unless a showing is made to the county superintendent that the number of children of school age in said school district has increased so that ten (10) or more will be enrolled in such school and will attend therein. In such case, or when natural obstacles to transportation of pupils to another district, or other conditions make it clearly impracticable that such schools be closed, the county superintendent may consent to maintaining a school in said district for the ensuing term. It shall be the duty of the members of the school board residing in said district to make said showing, or any resident of said district may do so upon his own notion.

Sec. 32. Instruction of pupils of closed school--tuition. If a school is closed for lack of pupils, the board of such school corporation shall provide for the instruction of the pupils of said school in another school as convenient as may be, and shall pay to the secretary of the school corporation in which such children attend the average cost of tuition and other expenses in such school.

Sec. 33. Transportation of children. In all districts where school has been closed as provided in the preceding section, transportation shall be provided as in consolidated districts for any child residing more than two (2) miles from the nearest school, or the board may allow to the parent or guardian of such child a reasonable sum for transporting him to and from school, but in exceptional cases the county superintendent may require the transportation of children for a less distance.

Sec. 34. Tuition. Every school shall be free of tuition to all actual residents between the ages of five (5) and twenty-one (21) years, and to resident honorably discharged soldiers, sailors, and marines, as many months after becoming twenty-one (21) years of age as they have spent in the military or naval service of the United States before they became twenty-one (21). Every person, however, who shall attend any school after graduation from a four (4) years course in an approved high school or its equivalent shall be charged a sufficient tuition fee to cover the cost of the instruction received by such person.

Sec. 34-a. School year. The school year shall begin on the first of July and each school regularly established shall continue for at least thirty-two (32) weeks of five (5) school days each and may be maintained during the entire calendar year.

That section two thousand five hundred sixty-seven (2567) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 35. "Rushing" prohibited--penalty. No person shall go upon school grounds or enter any school building for the purpose of "rushing" or soliciting.

while there, any pupil of such school to join any fraternity, society, or organization outside of said school. Persons violating the provisions of this section shall be fined not less than two dollars (\$2.00) nor more than ten dollars (\$10.00), and on failure to pay such fine shall be imprisoned in the county jail for not more than ten (10) days. Fines collected shall be paid to the county treasurer, and be by him added to the school fund of the district in which the offense was committed.

That section two thousand five hundred seventy-eight (2578) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 36. Attendance at high school outside home district. Any person of school age who is a resident of a school corporation which does not offer a four (4) year high school course, and who has completed the course as approved by the department of public instruction for such corporation, shall be permitted to attend any public high school or county high school in the state approved in like manner that will receive him.

Sec. 37. Requirements for admission. Any person applying for admission to any high school under the provisions of the preceding section shall present to the officials thereof the affidavit of his parent or guardian, or if he have neither, his next friend, that such applicant is entitled to attend the public schools, and a resident of a school district of this state, specifying the district. He shall also present a certificate signed by the county superintendent showing proficiency in the common school branches, reading, orthography, arithmetic, physiology, grammar, civics of Iowa, geography, United States history, penmanship, and music. No such certificate or affidavit shall be required for admission to the high school in any school corporation when he has finished the common school branches in the same corporation.

Sec. 38. Tuition fees--payment. The school corporation in which such student resides shall pay from the general fund to the secretary of the corporation in which he shall be permitted to enter a tuition fee of not to exceed twelve dollars (\$12.00) per month during the time he so attends, not exceeding a total period of four (4) school years. Such tuition shall not exceed the average cost of tuition in such high school. The secretary shall deliver to the treasurer such tuition fees with an itemized statement on or before February fifteenth and June fifteenth of each year.

Sec. 39. Collection of tuition fees. If payment is not made the board of the creditor corporation shall file, with the auditor of the county of the pupil's residence a statement certified by its president specifying the amount due for tuition, and time for which the same is claimed. The auditor shall transmit to the county treasurer an order directing him to transfer the amount of such account from the funds of the debtor corporation to the creditor corporation and he shall pay the same accordingly.

Sec. 39-a. Tuition in charitable institutions. When any child is cared for in any charitable institution in this state which does not maintain a school providing secular instruction, and which institution is organized and operating under the laws of Iowa, and the domicile of the child is in another school district than that wherein the institution is situated, then such child shall be entitled to attend school in the district where such institution is located. In such case, the district which provides schooling for such child shall be entitled to receive tuition not exceeding the average cost thereof in the department of the school in which schooling is given, and not exceeding eight dollars (\$8.00) per month for tuition in schools below the high school grade, and not exceeding twelve

dollars (\$12.00) per month for tuition in high school grades. Such tuition shall be paid by the county of the domicile of such child. Any county so paying tuition shall be entitled to recover the amount paid therefor from the parent of such child. This section shall not apply to charitable institutions which are maintained at state expense.

Sec. 40. Tuition fee in counties maintaining high school. No school corporation situated in a county maintaining a county high school shall be required to pay the tuition of pupils at any high school other than such county high school, but this shall not apply to pupils who, while residing at home, attend some high school other than that of the school corporation in which they reside.

Such school corporations in such county shall pay a reasonable tuition per pupil per month, said tuition in no case to exceed the cost of instruction.

Sec. 41. Reimbursement of district—conditions. In counties having a high school where a child resides at home and attends a high school outside the district of his residence other than the county high school, and the school corporation where the child resides pays the tuition for such child, and at the end of the school year it is found that less pupils have attended the county high school from the district where such child resides than were entitled to attend under the county high school apportionment, then the school corporation where such child resides shall be entitled to be reimbursed from the county high school funds for the tuition so paid, not exceeding in the aggregate an amount equal to the taxes contributed by such district to said county high school funds for the tax year preceding, fair and equitable credit being given to the county high school fund for pupils actually attending said county high school during said school year from the district where said child resides.

Sec. 42. Determination by county superintendent—appeal. The county superintendent shall, on application for such purpose, determine in writing the amount due such corporation from the county high school fund, and furnish such corporation with a copy of such finding. Within twenty (20) days thereafter such corporation may appeal to the district court from such finding by serving written notice on the county superintendent of the taking of such appeal.

Sec. 43. ~~Final~~—decision final—transfer of funds. On the service of said notice, the county superintendent shall file a copy of his finding in the office of the clerk of the district court and the clerk shall docket the cause without fee. The matter shall be tried on appeal as in equity and without formal pleading. The decision of the district court shall be final, and upon the filing of a certified copy thereof with the county treasurer, he shall transfer from the county high school funds to the credit of the corporation the amount to which it is found by the court to be entitled.

Approved April 5, 1924.

AN ACT to amend, revise, and codify sections two thousand five hundred eighty-one (2581), two thousand five hundred eighty-two (2582) and two thousand five hundred eighty-three (2583) 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 five hundred eighty-one (2581) and two thousand five hundred eighty-two (2582) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Evening schools authorized. The board of any school corporation may establish and maintain public evening schools as a branch of the public schools when deemed advisable for the public convenience and welfare.

Sec. 2. Evening schools - when establishment mandatory. When ten (10) or more persons over sixteen (16) years of age residing in any school corporation shall, in writing, express a desire for instruction in the common branches at an evening school, the school board shall establish and maintain an evening school for such instruction for not less than two (2) hours each evening for at least two (2) evenings each week during the period of not less than three (3) months of each school year.

Sec. 3. Supervision - who admitted. If such evening school is a branch of a city or town school, the same shall be under the supervision of the superintendent of such city or town school; if not, the same shall be under the supervision of the county superintendent. Such evening school shall be available to all persons over sixteen (16) years of age, who for any cause are unable to attend the public day schools of such school corporation.

That section two thousand five hundred eighty-three (2583) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 4. The board of directors in any independent school district situated in whole or in part in any city having a population of twelve thousand (12,000) or over, in which there shall reside or be employed, or both, fifteen (15) or more children over fourteen (14) years of age and under sixteen (16) years of age, who are not in regular attendance in a full time day school, shall establish and maintain part time schools, departments or classes for such children. In districts situated in whole or in part in cities having less than twelve thousand (12,000) population, the board may establish and maintain such schools. When such part time schools have been established, all persons having custody of such children shall cause them to attend the same.

Approved February 15, 1924.

CHAPTER 73

EDUCATION

H. F. 104

AN ACT to amend, revise, and codify sections two thousand five hundred ninety-seven (2597) to two thousand five hundred ninety-nine (2599), inclusive, and two thousand six hundred one (2601) 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 five hundred ninety-seven (2597) to two thousand five hundred ninety-nine (2599), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Special meetings of voters- notice. The secretary of the board shall give the same notice of all special meetings of the voters as is required by law for regular meetings, and the notice shall state the objects of the meeting.

That section two thousand six hundred one (2601) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec.2. Reports of secretary. He shall notify the county superintendent when each school is to begin and its length of term, and, ten (10) days after the regular July meeting in each year, file with the county superintendent a report which shall give the number of persons of school age in the corporation, distinguishing the sexes, the number of schools and branches taught, the number of scholars enrolled and the average attendance in each school, the number of teachers employed and the average compensation paid per month, distinguishing the sexes, the length of school in days, and the average cost of tuition per month for each scholar, the textbooks used, number of volumes in library, the value of apparatus belonging to the corporation, the number of schoolhouses and their estimated value, the name, age, and postoffice address of each person resident of the corporation, without regard to age, so blind as to be unable to acquire an education in the common schools, of each person between the ages of five (5) and thirty-five (35) whose faculties with respect to speech and hearing are so deficient as to prevent him from obtaining an education in the common schools, and of each feeble minded person of school age.

Approved January 22, 1924.

CHAPTER 73

EDUCATION

S. F. 105

AN ACT to amend, revise, and codify sections two thousand six hundred six (2606) to two thousand six hundred eight (2608), inclusive, 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 six (2606) to two thousand six hundred eight (2608), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Library fund. The treasurer of each school township and of each rural independent district in this state shall withhold annually, from the money received from the apportionment for the several school districts, not less than five (5) nor more than fifteen cents (15c), as may be ordered by the board for each person of school age residing in such school corporation, as shown by the annual report of the secretary, for the purchase of books as hereinafter provided.

Sec. 2. Purchase of books - distribution. Between the third Monday of September and the first day of December in each year, the president and secretary of the board, with the assistance of the county superintendent, shall expend all money withheld by the treasurer as provided in the preceding section, in the purchase of books for the use of the school district. In school townships the secretary shall distribute the books thus selected to the librarians among the several subdistricts.

Sec. 3. State board of educational examiners to prepare lists. The state board of educational examiners shall prepare at its discretion lists of books suitable for use in school district libraries, and furnish copies of such lists to each county superintendent, and to the president and secretary of each school corporation, as often as the same shall be published or revised.

Approved January 31, 1924.

CHAPTER 74

EDUCATION

H. F. 108

AN ACT to amend, revise, and codify sections two thousand six hundred thirty-five (2635) to two thousand six hundred thirty-eight (2638), inclusive, 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 thirty-five (2635) to two thousand six hundred thirty-eight (2638), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Petition for election. Before such indebtedness can be contracted in excess of one and one-quarter per cent (1 1/4%) of the actual value of the taxable property, a petition signed by a number equal to twenty-five per cent (25%) of those voting at the last annual school election shall be filed with the president of the board of directors, asking that an election be called, stating the amount of bonds proposed to be issued and the purpose for which the indebtedness is to be created, and that the necessary schoolhouse or schoolhouses cannot be built and equipped, or that sufficient land cannot be purchased to add to a site

already owned, within the limit of one and one-quarter per cent (1 1/4%) of the valuation.

Sec. 2. Election called. The president of the board of directors on receipt of such petition shall, within ten (10) days, call a meeting of the board which shall call such election, fixing the time and place thereof, which may be at the time and place of holding the regular school election.

Sec. 3. Notice. Notice of such election shall be given by publication once each week for four (4) weeks in some newspaper published in the district, or, if there is none, in some newspaper published in the county and of general circulation in the district. The notice shall state the date of the election, the hours of opening and closing the polls and the exact location thereof, and the questions to be submitted. At such election the ballot shall be prepared and used in substantially the form for submitting special questions at general elections.

Sec. 4. Date of election - ballots. The election shall be held on a day not less than five (5) nor more than twenty (20) days after the last publication of notice.

Sec. 5. Bonds. If a majority of the qualified voters voting at such election vote in favor of the issuance of such bonds, the board of directors shall issue the same and make provision for the payment thereof.

Approved January 30, 1924.

CHAPTER 75

EDUCATION

S. F. 109

AN ACT to amend, revise, and codify sections two thousand six hundred forty-one (2641), two thousand six hundred forty-three (2643), and two thousand six hundred forty-six (2646) to two thousand six hundred forty-eight (2648), inclusive, of the compiled code of Iowa, and sections two thousand six hundred thirty-nine (2639), two thousand six hundred forty (2640), and two thousand six hundred forty-two (2642) of the supplement to said code, relating to education.

Be It Enacted by the General Assembly of the State of Iowa:

That sections two thousand six hundred forty-one (2641) and two thousand six hundred forty-three (2643) of the compiled Code of Iowa, and sections two thousand six hundred thirty-nine (2639), two thousand six hundred forty (2640), and two thousand six hundred forty-two (2642) of the supplement to said Code are amended, revised, and codified to read as follows:

Section 1. Schoolhouse site. The board of each school corporation may fix the site for each schoolhouse, which shall be upon some public highway already established or procured by such board and not in any public park, and except in cities, towns, and villages, not less than thirty (30) rods from the residence of any land owner who objects thereto. In fixing such site, the board shall take into consideration the number of scholars residing in the various portions of the school corporation and the geographical location and convenience of any proposed site.

Sec. 2. Ground for schoolhouse site. Except as hereinafter provided, any school corporation may take and hold as much real estate as may be required for such site, for the location or construction thereon of schoolhouses, and the convenient use thereof, but not to exceed two (2) acres exclusive of public highway.

Sec. 3. Schoolhouse sites. Any school corporation including a city, town, village, or city under special charter, may take and hold an area equal to two (2) blocks exclusive of the street or highway, for a schoolhouse site, and not exceeding five (5) acres for school playground or other purposes for each such site.

Sec. 4. Schoolhouse sites in consolidated districts. Consolidated districts may take and hold not to exceed ten (10) acres for any one (1) site, and any school corporation may acquire additional ground by donation.

Sec. 5. Tax for schoolhouse sites. The directors in any independent district whose territory is composed wholly or in part of territory occupied by any city or city under special charter may, at their regular meeting in July, or at a special meeting called for that purpose, between the time designated for such regular meeting and the third Monday in August, certify an amount not exceeding four (4) mills to the board of supervisors, who shall levy the amount so certified, and the tax so levied shall be placed in the schoolhouse fund and used only for the purchase of sites in and for said school district.

Sec. 6. Condemnation--referees. If the owner of real estate desired for any purpose for which any school may be authorized to take and hold real estate refuses to convey the same, or is dead or unknown or cannot be found, or if in the judgment of the board of directors of the corporation they cannot agree with such owner as to the price to be paid therefor, such real estate shall be appraised by a board of referees, which shall be organized upon the application of either party in interest.

Sec. 6-a. Board of referees. Such board shall consist of:

1. One freeholder appointed by the county superintendent.
2. One freeholder appointed by the owner of the real estate.

If such owner cannot be found the county auditor shall appoint a freeholder for him.

3. One freeholder selected by the two freeholders appointed under the two preceding paragraphs of this section.

All the members of the board shall be residents of the county and shall not be interested in the same or like question.

Sec. 7. Notice--to whom--service. The county superintendent shall give notice of the time and place of making the assessment of damages, to the persons in possession of the real estate and to the owner as shown by the transfer books in the office of the county auditor, or if the owner is so shown to be deceased, to the owners of the beneficial interest therein. Notice shall be given for the same length of time and in the same manner as for the commencement of actions in the district court.

Sec. 8. Assessment of damages--report. The referees shall inspect the grounds proposed to be taken, fix the damage sustained, as nearly as may be, on the basis of the value of the real estate appropriated, and the damage caused by the taking

thereof, and report in writing to the county superintendent their doings and findings, which report shall be filed and preserved in his office.

Sec. 9. Appeal--costs. Within ten (10) days after receiving notice of the award made, either party may appeal from the assessment to the district court by giving notice thereof as in the case of taking private property for works of internal improvement. If no appeal is taken, the assessment shall be final. Upon appeal the school corporation shall not be liable for costs unless the owner shall be allowed a greater sum than given by the referees, but all costs of making the referees' assessment shall be paid by the school corporation.

Sec. 10. Possession. The board may at any time after the award is made by the referees take possession of the property upon depositing with the county treasurer the amount of the award, and if this deposit is not made within sixty (60) days after the final determination of the proceedings, they shall be void.

Sec. 11. Erection or repair of schoolhouse. Before erecting a schoolhouse, the board of directors shall consult with the county superintendent as to the most approved plan for such building and secure his approval of the plan submitted. No schoolhouse shall be erected or repaired at a cost exceeding three hundred dollars (\$300.00), save under an express contract reduced to writing, and upon proposals therefor, invited by advertisement for four (4) weeks in some newspaper published in the county in which the work is to be done, and the contract shall be let to the lowest responsible bidder, bonds with sureties for the faithful performance of the contract being required, but the boards may reject any and all bids and advertise for new ones.

That sections two thousand six hundred forty-six (2646) to two thousand six hundred forty-eight (2648), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 12. Fence around schoolhouse sites. Each board of directors in school districts where the school grounds adjoin cultivated or improved lands, shall build and maintain a lawful fence between said grounds and cultivated or improved lands, and the owner of lands adjoining any such site shall have the right to connect the fence on his land with the fence around the school grounds, but he shall not be liable to contribute to the maintenance of such fence.

Sec. 13. Barbed wire. No fence provided for in the preceding section shall be constructed of barbed wire, nor shall any barbed wire fence be placed within ten (10) feet of any school grounds. Any person violating the provisions of this section shall be punished by a fine not exceeding twenty-five dollars (\$25.00).

Approved January 31, 1924.

CHAPTER 76

EDUCATION

S. F. 111

AN ACT to amend, revise, and codify chapter thirty-one (31) of title ten (10) of the compiled code of Iowa and of the supplement to said code, relating to education.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter thirty-one (31) of title ten (10) of the compiled Code of Iowa and of the supplement to said Code are amended, revised, and codified to read as follows:

Section 1. Compulsory education of normal children. Any person having control of any child over seven (7) and under sixteen (16) years of age, in proper physical and mental condition to attend school, shall cause said child to attend some public or private school for at least twenty-four consecutive school weeks in each school year, commencing with the first week of school after the first day of September, unless the Board of School Directors shall determine upon a later date, which date shall not be later than the first Monday in December. The Board may, by resolution, require attendance for the entire time when the schools are in session in any school year. Reading, writing, spelling, arithmetic, grammar, geography, physiology, United States History and the principles of American Government shall be taught in all such schools. In lieu of such attendance such child may attend upon equivalent instruction by a competent teacher elsewhere than at school.

Sec. 2. Exceptions. The preceding section shall not apply to any child:

1. Who is over the age of fourteen (14) and is regularly employed.
2. Whose educational qualifications are equal to those of pupils who have completed the eighth grade.
3. Who is excused for sufficient reason by any court of record or judge.
4. While attending religious services or receiving religious instructions.

Sec. 3. Reports—private schools. Within ten (10) days from receipt of notice from the secretary of the school corporation within which any private school is conducted, the principal of such school shall, once during each school year, and at any time when requested in individual cases, furnish to such secretary a certificate and report in duplicate of the names, ages and number of days' attendance of each pupil of such school over seven (7) and under sixteen (16) years of age the course of study pursued by each such child, the texts used, and the names of the teachers, during the preceding year and from the time of the last preceding report to the time at which a report is required. The secretary shall retain one (1) of the reports and file the other in the office of the county superintendent.

Sec. 4. Reports—private instruction. Any person having the control of any child over seven (7) and under sixteen (16) years of age, who shall place such child under private instruction, not in a regularly conducted school, upon receiving notice from the secretary of the school corporation, shall furnish a certificate stating the name and age of such child, the period of time during which such child has been under said private instruction, the details of such instruction, and the name of the instructor.

Sec. 5. Proof of abnormality. Any person having the control of any child over seven (7) and under sixteen (16) years of age, who is physically or mentally unable to attend school shall furnish proofs by affidavit as to the physical or mental condition of such child.

Sec. 6. Penalty. Any person who shall violate any of the provisions of the five (5) preceding sections shall be fined not less than five dollars (\$5.00) nor more than twenty dollars (\$20.00) for each offense.

Sec. 7. Custody of records. All such certificates, reports, and proofs shall be filed and preserved in the office of the secretary of the school corporation as a part of the records of his office, and he shall furnish certified copies thereof to any person requesting the same.

Sec. 8. Truant defined. Any child over seven (7) and under sixteen (16) years of age, in proper physical and mental condition to attend school, who fails to attend school regularly as provided in this chapter, without reasonable excuse for his absence shall be deemed to be a truant.

Sec. 9. Truant schools--rules for punishment of truants. The board of directors may provide for the confinement, maintenance, and instruction of truant children and may for that purpose establish truant schools or set apart separate rooms in any public school building; and it shall prescribe reasonable rules for the punishment of truants.

Sec. 10. Truancy officers--appointment--compensation. The board of each school corporation may and, in school corporations having a population of twenty thousand (20,000) shall appoint a truancy officer who may be the school nurse. In districts having therein a city or town, the board may appoint a member of the police force or marshal as such officer, and other districts may appoint a constable or other suitable person. Such officers shall be paid a reasonable compensation by the board, but where a police officer of a city under twenty thousand (20,000) or a town is employed, he shall be paid not to exceed five dollars (\$5.00) per month for his services.

Sec. 11. Duties of truancy officer. The truancy officer shall take into custody without warrant any apparently truant child and place him in the charge of the teacher in charge of the public school designated by the board of directors of the school corporation in which said child resides, or of any private school designated by the person having legal control of the child; but if it is other than a public school, the instruction and maintenance of the child therein shall be without expense to the school corporation. The truancy officer shall promptly institute criminal proceedings against any person violating any of the provisions of the truancy law.

Sec. 12. Neglect of duty by truancy officer. Any truancy officer or any director neglecting his duty to enforce the truancy law after written notice so to do served upon him by any citizen of the county or by the county superintendent shall be liable to a fine not exceeding twenty-five dollars (\$25.00) and be removed from such office. The county attorney shall prosecute such persons upon request of the county superintendent.

Sec. 13. Incurribles. If the child is placed in a school other than a public school and does not properly conduct himself, the board may cause his removal to a public or to a truant school. If a truant placed in a public school fails to attend or properly conduct himself, he may be placed in a truant school, or the person in charge of the school may file information in the juvenile court, which may commit said child to a suitable state institution.

Sec. 14. Discharge from truant school. Any child placed in a truant school may be discharged therefrom at the discretion of the board under such rules as it may prescribe.

Sec. 15. Reports by school officers and employees. All school officers and employees shall promptly report to the secretary of the school corporation any violations of the truancy law of which they have knowledge, and he shall inform the president of the board of directors who shall, if necessary, call a meeting of the board to take such action thereon as the facts justify.

Sec. 16. Census by school officer. All school officers empowered to take the school census shall ascertain the number of children over seven (7) and under sixteen (16) years of age, in their respective districts, the number of such children who do not attend school, and so far as possible the cause of

the failure to attend.

Sec. 17. Blind and deaf children--assessor to record. The assessor shall, at the time of making assessments, record on suitable blanks furnished for that purpose by the secretary of state to the county auditor, the names, ages, sex, and postoffice addresses of all deaf or blind persons within the assessment district. The county auditor shall forward to the secretary of the state board of education such returns of the assessor within thirty (30) days after the same are filed in his office.

Sec. 18. Compulsory education--deaf and blind children. Children over seven (7) and under nineteen (19) years of age who are so deaf or blind as to be unable to obtain an education in the common schools shall be sent to the proper state school therefor, unless exempted, and any person having such a child under his control or custody shall see that such child attends such school during the scholastic year.

Sec. 19. Proceeding against parent. Upon the failure of any person having the custody and control of such child to require its attendance as provided in the preceding section, the state board of education may make application to the district court of the county in which such person resides for an order requiring such person to compel the attendance of such child at the proper state institution.

Sec. 19-a1. Order. If, upon hearing, the court determines that the person required to appear has the custody and control of a child who should be required to attend a state school under the second preceding section, the court shall make an order requiring such person to keep such child in attendance at such school.

Sec. 19-a2. Contempt. A failure to comply with the order of the court shall subject the person against whom the order is made to punishment the same as in ordinary contempt cases.

Sec. 20. Deaf and blind children excused--when. Attendance at the state institution may be excused when the superintendent thereof is satisfied:

1. That the child is in such bodily or mental condition as to prevent or render futile attendance at the school.
2. That the child is so diseased or possesses such habits as to render his presence a menace to the health or morals of other pupils.
3. That the child is efficiently taught for the scholastic year in a private or other school devoted to such instruction or by a private tutor, in the branches taught in public schools.

Sec. 21. Agent of state board of education. The state board of education may employ an agent to aid in the enforcement of law relative to the education of deaf and blind children. The agent shall seek out children who should be in attendance at the state schools but who are not, and require such attendance. He shall institute proceedings against persons who violate the provisions of said law. The agent shall be allowed compensation at a rate fixed by the board of education, and his necessary traveling and hotel expenses while away from home in the performance of his duty.

Sec. 22. Appropriation. For the purpose of carrying out the provisions of law relative to the compulsory education of deaf and blind children there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated two thousand dollars (\$2000.00) annually for the biennium ending June

thirtieth, nineteen hundred twenty-five (1925), and warrants against the same shall be drawn by the auditor of state on certification by the state board of education when passed by the state board of audit.

Approved March 12, 1924.

CHAPTER 77

EDUCATION

H. F. 114

AN ACT to amend, revise, and codify sections two thousand seven hundred twenty-eight (2728) to two thousand seven hundred forty-five (2745), inclusive, two thousand seven hundred forty-six (2746), two thousand seven hundred forty-seven (2747), two thousand seven hundred forty-nine (2749) to two thousand seven hundred fifty-three (2753), inclusive, two thousand seven hundred fifty-six (2756) to two thousand seven hundred sixty-four (2764), inclusive, two thousand seven hundred sixty-seven (2767), and two thousand seven hundred sixty-eight (2768) of the compiled code of Iowa, and section two thousand seven hundred forty-eight (2748) of the supplement to said code, relating to education.

Be It Enacted by the General Assembly of the State of Iowa:

That sections two thousand seven hundred twenty-eight (2728) to two thousand seven hundred forty-five (2745), inclusive, two thousand seven hundred forty-six (2746), two thousand seven hundred forty-nine (2749), and two thousand seven hundred sixty-three (2763) of the compiled Code of Iowa, and section two thousand seven hundred forty-eight (2748) of the supplement to said Code are amended, revised, and codified to read as follows:

Section 1. State library. The state library shall consist of a law section, an economics and sociological section, a medical section, and a general section.

Sec. 2. Historical, memorial, and art department. The historical, memorial, and art department shall consist of the historical and art collections, materials gathered for historical research, the museum and the public archives.

Sec. 3. Board of trustees. The state library and the historical, memorial, and art department shall be under the control of the board of trustees consisting of the governor, who shall be president of the board, the judges of the supreme court, the secretary of state, and the superintendent of public instruction.

Sec. 4. Powers of board-rules. The board may make and enforce rules not in conflict with law for keeping the records and for the management and care of the property of the state library and the historical, memorial, and art department. It shall designate some officer, assistant, or employee to act as its secretary.

Sec. 5. Powers of board-space in historical building. The board shall have control of the historical building and may assign space therein to be occupied by the historical, memorial, and art department and each of the several sections of the state library, except the law and legislative reference sections.

Sec. 6. Librarians-curator-terms-vacancies-removal. The board shall appoint a state librarian, and a curator, whose regular terms of office shall be for six (6) years, and may remove any of them by a two-thirds (2/3) vote, and fill all vacancies by a majority vote of the board.

Sec. 7. Duties of state librarian. The state librarian shall:

1. Charge of library. Have general charge of the state library, which shall always be available for free use by the public under proper rules.
2. When library open. Give his personal attention to the library, and keep the library open every day except Sundays and legal holidays, during such hours as the board may direct.
3. Catalogue-publication. Label and catalogue the books of said library and prepare and publish such catalogues as the board may direct.
- 3-a. Law librarian. Appoint an expert law librarian who shall have charge of the law library, including the legislative reference bureau thereof.
4. Medical librarian. Appoint an expert librarian trained in medicine and surgery and in the terms in which medical and surgical literature is most commonly written and published.
- 4-a. Economics and sociology. Appoint an expert trained in economics and sociology, who shall have charge of the section on economics and sociology.
5. Report to governor. Report to the governor biennially, giving the history of said library for the preceding two (2) years.
7. Report to board. Report to the board semiannually, or oftener if required, all matters pertaining to the condition of the library.
8. Other duties. Perform such other duties as may be imposed upon him by law or prescribed by the rules of the board.

Sec. 8. Location of medical section-no discrimination. The medical section shall be separately catalogued and shelved in suitable rooms in connection with the general section. No preference shall be given to any school of medicine, but all shall be treated alike; and books, periodicals, and pamphlets shall be secured for any and every legally recognized school without discrimination.

Sec. 9. Location of law section. The law section shall be maintained in the capitol or elsewhere in rooms convenient to the supreme court.

Sec. 11. Taking out books. Members of the general assembly and of congress, judges of the supreme, federal, district, superior, and municipal courts, state officers, and attorneys in attendance upon the supreme court, shall be permitted, under proper restrictions, penalties, and forfeitures, and upon executing a receipt therefor, to take from the state library any books to be used in connection with their official business at the seat of government, save those which the trustees may determine ought not to be removed.

Sec. 12. Lending of books. The state librarian with the approval of the board may loan from the general section to the Iowa library commission for relending to the libraries of the state, such books and pamphlets as in his judgment may be so loaned without impairing the usefulness of the general section.

Sec. 13. Liability for lost books. Any person injuring, defacing, destroying or losing a book shall pay to the librarian twice the value thereof; if it be one of a series, he shall be liable to pay the value of such series, and the librarian shall collect the same by suit if necessary, unless, within a reasonable time to be fixed by him, such person shall replace the book so injured or lost.

Sec. 14. Fines. All fines, penalties, and forfeitures imposed by the rules of the board for any violation of the same may be recovered in an action in the name of the state and applied to the use of the library, under the direction of the board.

That sections two thousand seven hundred forty-seven (2747), two thousand seven hundred fifty (2750) to two thousand seven hundred fifty-three (2753), inclusive, two thousand seven hundred fifty-six (2756) to two thousand seven hundred sixty-two (2762), inclusive, two thousand seven hundred sixty-four (2764), two thousand seven hundred sixty-seven (2767) and two thousand seven hundred sixty-eight (2768) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 15. Duties of curator. The curator shall:

1. Custody of historical building. Under the direction of the board be custodian of the historical building and collection therein, and shall keep the rooms assigned to the department and the collections open for inspection by the public during such hours of each day as the board may direct, but the curator shall cause the same to be kept open on Sunday afternoons during the sessions of the general assembly.
2. Custody, display, and publications of material belonging to department. Under the direction of the board, collect, preserve, organize, arrange, and classify works of art, books, maps, charts, public documents, manuscripts, newspapers, and other objects and materials illustrative of the natural and political history of the territory and state and of the central west, and of the traditions and history of the Indian tribes and prior occupants of the region, and publish such matter and display such material as may be of value and interest to the public.
3. Collection of memorials and mementoes. With the approval of the board, collect memorials and mementoes of the pioneers of Iowa and the soldiers of all our wars, including portraits, specimens of arms, clothing, army letters, commissions of officers, and other military papers and documents.
4. Ethnology and archaeology. Receive and arrange in cases, objects, illustrative of the ethnology and prehistoric archaeology of this and surrounding states.
5. Inventory of property of department. As soon as practicable, prepare a classified index and inventory of all the property belonging to the department or in its custody, and determine through the aid of experts the money value thereof, so far as practicable, and when done a summary of the same shall be included in his biennial report, and thereafter such reports shall be set forth all additions thereto with their money value, if any, and give a list of items lost or dropped from the collections. His report shall also contain a separate statement of materials obtained by gift and by purchase during each biennium.
6. Subscription for newspapers. Subscribe for and preserve files of at least two (2) newspapers of each county in the state containing the official publications, and cause the same to be bound at the end of each four-year period.
7. Custodian of works of art. Except as otherwise specifically provided, be custodian of and care for and preserve the monuments, memorials, and works of art on the grounds and in the buildings at the seat of government, and report from time to time to the proper officer or board the condition and his recommendations in respect thereto.
8. Report to governor. Report to the governor biennially all collections made and the progress and condition of the department under his charge, and such other matters as he may deem of value in maintaining and building up the department.
9. Report to board. Report to the board semiannually or oftener as required, all matters pertaining to the condition of the department.
10. Other duties. Perform such other duties as may be imposed upon him by law or prescribed by the rules of the board.

Sec. 16. Curator authorized to accept gifts. The curator is hereby authorized and empowered, as trustee for the state, to accept gifts of property, real, personal or mixed, for the benefit or endowment of the historical, memorial, and art department, or for the commemoration of the lives of worthy citizens, or for the purpose of perpetuating records of historic events, or for scientific purposes. Any gift accepted shall be immediately reported to the board of trustees; but any gift imposing unusual monetary obligations on the department shall be approved by the board before acceptance.

Sec. 17. Investments-rules. The curator and the board of trustees shall have authority and power to invest, in accordance with the provisions of the trust, any such gifts or endowments, and establish and enforce rules for the purpose of governing and maintaining such endowments or memorials, as may be created, or established under and pursuant to the preceding section.

Sec. 18. Custodian of archives-archives defined. He shall be the trustee and custodian of the archives of Iowa and of such county and municipal archives as are voluntarily deposited. The term "archives" shall mean those manuscripts and materials originating under or passing through the hands of public officials in the regular course and performance of their duties, over ten (10) years old, and not in current use; but the executive council shall have power and authority to order the transfer of such archives or any part thereof at any time prior to the expiration of the ten (10) years, or cause them to be retained in the respective offices beyond such limit if in its judgment the public interests or convenience shall require it.

Sec. 19. Records delivered. The several state, executive, and administrative departments, officers, or offices, councils, boards, bureaus, and commissioners, are hereby authorized and directed to transfer and deliver to the historical, memorial, and art department such of the public archives as are designated in the preceding section, except such as in the judgment of the executive council should be retained longer in the respective offices, and the curator is authorized to receive the same.

Sec. 20. Removal of original. After any public archives have been received into the division of public archives by the curator, they shall not be removed from his custody without his consent, except in obedience to a subpoena of a court of record or a written order of the officer from whose office they were received.

Sec. 21. Certified copies-fees. Upon request of any person, the curator shall make a certified copy of any document contained in said archives, and when such copy is properly authenticated by him it shall have the same legal effect as though certified by the officer from whose office it was obtained or by the secretary of state. Said curator shall charge and collect for such copies the fees allowed by law to the official in whose office the document originates for such certified copies, and all such fees shall be turned into the state treasury.

Sec. 22. Bonds. Bonds of the state librarian, the law librarian, and the curator shall be approved by the board.

Sec. 23. Appropriations. There is hereby appropriated annually for the biennium ending June thirtieth, nineteen hundred twenty-five (1925), from any money in the state treasury not otherwise appropriated, for the use of the state library, and the historical, memorial, and art department, as follows:

1. Two thousand dollars (\$2,000.00) for the purchase of books and periodicals and for other uses deemed necessary to the upbuilding of the medical section, and for the purchase and transmission of material and information to the physicians and surgeons of the state.

2. Six thousand dollars (\$6,000.00) for the use of the law section and the legislative reference bureau.

3. Six thousand dollars (\$6,000.00) for the use of the general section.

4. Six thousand dollars (\$6,000.00) for the use of the historical, memorial, and art department.

5. The appropriation of two thousand dollars (\$2,000.00) for the legislative reference bureau provided for in section 20 of chapter 307, acts of the fortieth general assembly, shall be used hereafter for the support of the economic and sociological section provided for herein.

Approved April 19, 1924.

CHAPTER 78

EDUCATION

H. F. 116

AN ACT to amend, revise, and codify sections two thousand seven hundred eighty-eight (2788) to two thousand seven hundred ninety-three (2793), inclusive, of the compiled code of Iowa, relating to education and the Iowa geological survey.

Be It Enacted by the General Assembly of the State of Iowa:

That sections two thousand seven hundred eighty-eight (2788) to two thousand seven hundred ninety-three (2793), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Board. The geological survey of the state shall be under the direction of the geological board, consisting of the governor, the auditor of state, and the presidents of the agricultural college, the state university, and the Iowa academy of science.

Sec. 2. State geologist and assistants. Such board shall appoint and fix the salaries of state geologist, and such expert assistants and other employees, recommended by him, as may be necessary.

Sec. 3. Survey. The state geologist shall be director of the survey and shall make a complete survey of the natural resources of the state in all their economic and scientific aspects, including the determination of the order, arrangement, dip, and comparative magnitude of the various formations; the discovery and examination of all useful deposits, including their richness in mineral contents and their fossils; and the investigation of the position, formation, and arrangement of the different ores, coals, clays, building stones, glass sands, marls, peats, mineral oils, natural gases, mineral and artesian waters, and such other mineral or other materials as may be useful, with particular regard to the value thereof for commercial purposes and their accessibility.

Sec. 4. Investigations - cabinet. The state geologist shall investigate the characters of the various soils and their capacities for agricultural purposes; the growth of timber, the animal and plant life of the state, the streams and water powers, and other scientific and natural history matters that may be of practical importance and interest. A complete cabinet collection may, at the option of the board, be made to

illustrate the natural products of the state, and the board may also furnish suites of materials, rocks, and fossils for colleges and public museums within the state, if it can be done without impairing the general state collection.

Sec. 5. Authority to enter lands. For the purpose of carrying on the aforesaid investigations the state geologist and his assistants and employes shall have authority to enter and cross all lands within the state; provided that in so doing no damage is done to private property.

Sec. 6. Detailed reports. The state geologist and his assistants shall make detailed maps and reports of counties and districts as fast as the work is completed, which reports shall embrace such geological, mineralogical, topographical, and scientific details as are necessary to make complete records thereof, which may include the necessary illustrations, maps, charts and diagrams. The state geologist shall, annually, at the time provided by law, make to the governor a full report, approved by the board, of the work in the preceding year, which report shall be accompanied by such other reports and papers as may be considered desirable for publication.

Sec. 7. Cooperation. The state geologist shall cooperate with the United States geological survey, with other federal and state organizations, and with adjoining state surveys in the making of topographic maps and the study of geologic problems of the state when, in the opinion of the geological board, such cooperation will result in profit to the state.

Sec. 8. Publication of reports. The board may direct the preparation and publication of special reports and bulletins of educational and scientific value or containing information of immediate use to the people.

Sec. 9. Distribution of reports. All publications of the geological survey shall be distributed by the state as are other published reports of state officers when no special provision is made. When such distribution has been made the board shall retain a sufficient number of copies to supply probable future demands and any copies in excess of such number shall be sold to persons making application therefor at the cost price of publication, the money thus accruing to be turned into the treasury of the state.

Sec. 10. Expenses - appropriation. The members of the board shall serve without compensation, but such board and its assistants shall be allowed their actual and necessary expenses incurred in the performance of their duties. The actual and necessary field expenses of the state geologist and his assistants shall be audited and paid as provided by law. The entire expenses provided for under this chapter, not including office expenses, shall not exceed the sum of eight thousand dollars (\$8,000.00) per annum, which amount is hereby appropriated annually until July 1, 1925.

Approved February 15, 1924.

CHAPTER 79

STATE HIGHWAY COMMISSION

S. F. 119

AN ACT to amend, and codify chapter three (3) of title eleven (11) of the compiled code of Iowa, relating to the state highway commission and other offices charged with duties relating to highways.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter three (3) of title eleven (11) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. State highway commission—term—location. The state highway commission shall be composed of the dean of engineering of the state college of agriculture and mechanic arts, and of two (2) appointive members who shall belong to different political parties, and serve for four (4) years from July first of the year of appointment. The offices of said commission shall be located in the city of Ames, Iowa.

Sec. 2. Temporary provision. The present members serving by appointment shall continue to serve, respectively, until their terms expire on July first of the years nineteen hundred twenty-five (1925) and nineteen hundred twenty-seven (1927).

Sec. 3. Appointment. The governor shall, within sixty (60) days after the convening of the general assembly in nineteen hundred twenty-five (1925) and nineteen hundred twenty-seven (1927), and each four (4) years thereafter, appoint, with the approval of two-thirds of the members of the senate in executive session, a successor to the appointive member whose term will expire on July first following.

Sec. 4. Vacancies. Vacancies occurring while the general assembly is in session shall be filled for the unexpired portion of the term as full term appointments are filled. Vacancies occurring while the general assembly is not in session shall be filled by the governor, but such appointments shall terminate at the end of thirty (30) days after the convening of the next general assembly. Vacancies shall be filled from the same political party from which the vacancy occurs.

Sec. 5. Compensation. Each appointive member shall receive ten dollars (\$10.00) per day for each day actually employed in the work of the commission, provided said compensation, for each commissioner, shall not exceed two thousand dollars (\$2,000.00) per annum. Each member shall receive all actual necessary expenses incurred in the performance of his duties.

Sec. 6. Duties. Said commission shall:

1. Devise and adopt standard plans of highway construction and maintenance, and furnish the same to the counties.
2. Furnish information and instruction to, answer inquiries of, and advise with, highway officers on matters of highway construction and maintenance and the reasonable cost thereof.

3. Appoint all assistants necessary to carry on the work of the commission, define their duties, fix their compensation, and provide for necessary bonds and the amounts thereof. The term of employment of all such assistants may be terminated by the commission, at any time and for any cause.

4. Investigate highway conditions in any county, and report all violations of duty to the attorney general.

5. Make surveys, plans, and estimates of cost, for the elimination of danger at railroad crossings on highways, and to confer with local, and railroad officials, and with the Iowa railroad commission with reference to such elimination.

6. Assist the board of supervisors and the attorney general in the defense of suits wherein infringement of patents, relative to highway construction, is alleged.

7. Make surveys for the improvement of highways upon or adjacent to state property when requested by the board of control of said lands.

8. Record all important operations of said commission and, at the time provided by law, report the same to the governor.

9. Incur no expense to the state by sending out road lecturers.

10. Establish a system of uniform guide and warning signs to provide for convenience and safety of travel upon the primary road system; also to adopt rules and regulations for the location, erection and maintenance of the same, said signs to be erected by the board of supervisors under said rules and regulations.

Such signs shall be furnished by the highway commission, to the several counties making application therefor at actual cost and paid for, from the county's allotment of the primary road fund.

Upon the failure of the board of supervisors of any county to complete the marking by August 1, 1925, the commission shall proceed to erect such guide and warning signs. Where primary roads are now well marked, such uniform marking shall be deferred until the present markings need renewing.

Sec. 7. Counsel. The attorney general shall act as attorney for said commission on all matters pertaining to their duties, and take such action as may be deemed advisable by him in order to correct violations of the laws relative to highway matters.

Approved April 3, 1924.

CHAPTER 80

PATROLLING OF HIGHWAYS

H. F. 122

AN ACT to amend, revise, and codify chapter eight (8) of title eleven (11) of the compiled code of Iowa, relating to the patrolling of public highways.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter eight (8) of title eleven (11) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Road patrolmen. The board of supervisors shall cause all highways under their jurisdiction to be patrolled, throughout each roadworking season, and at such other times as they may direct, and to this end shall appoint such number of patrolmen as may be necessary to perform such duty.

Sec. 2. Tenure and salary. Such patrolmen shall receive such compensation as the board may determine, shall be subject to the orders of the board, and shall hold their positions at the pleasure of the board.

Sec. 3. Bonds. Said patrolmen shall give bond for the faithful performance of their duties, and in such sums as the board may order. Said bonds shall be approved by the board.

Sec. 4. Tools. The said board shall supply said patrolmen with all necessary tools and equipment, and the patrolmen shall be responsible upon their bond for the care of the same.

Sec. 5. Duties. Each road patrolman shall:

1. Devote his entire time to his duties.
2. Personally inspect, at least once each week, and oftener if notified of defect in roads or bridges, all roads assigned to him.
3. Seasonably drag, or cause to be dragged, after each rain, and at such other times as may be necessary, all roads assigned to him.
4. Keep all sluices, culverts, and bridges and the openings thereof and all side ditches of the road free from obstructions.
5. Provide such side ditches with ample outlets.
6. Remove loose stones and other impediments from the traveled part of the highway.
7. Fill depressions and keep the road free from ruts, water pockets, and mud holes.
8. Repair the approaches to bridges and culverts and keep such approaches smooth and free from obstruction.
9. Perform such other duties as the board may direct.

Approved January 22, 1924.

CHAPTER 81

TOWNSHIP ROAD SYSTEM

S. F. 123

AN ACT to amend, revise, and codify chapter nine (9) of title eleven (11) and section twenty-nine hundred sixty-two (2962) of the compiled code of Iowa, relating to the township road system, the repair and improvement of the same, and the duties of the officers having jurisdiction thereover.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter nine (9) of title eleven (11) and section twenty-nine hundred sixty-two (2962) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Township system defined. The township road system shall embrace all highways of the township which are outside the limits of cities and towns and which are not a state road or a part of the primary road system or of the county road system.

Sec. 2. Duty of trustees. The township trustees are charged with the duty to repair and improve the roads of said system in their township, and to equitably and judiciously expend the funds of the township, including road poll taxes, for the specific purposes for which authorized.

They shall not incur debts for said purposes unless funds have been provided for the payment thereof by an authorized levy.

They may let by contract, to the lowest responsible bidder, any part of the township work for the current year.

Sec. 3. Streets in villages. All public streets of villages are a part of the road; and all road superintendents or persons having charge of the same, shall work the same as provided by law.

Sec. 4. Township line roads. The system of work on township roads which separate adjoining townships or townships and cities or towns in the same or different counties, shall be apportioned and carried on under such mutual arrangement as the different governing boards may enter into.

Sec. 5. Weeds. The trustees shall cause all weeds growing on the township roads to be cut as provided by law.

Sec. 6. Dragging roads--selection. At every February meeting, or as soon thereafter as possible, the township trustees shall select from the township road system the roads to be dragged for the year. Such selection shall include all school bus routes leading to consolidated schools, all mail routes, and all main traveled roads.

Sec. 7. Payment for dragging. The township trustees shall not allow any bills for dragging, maintenance, or repair work, nor shall warrants in payment therefor be drawn by the township clerk, until verified itemized bills therefor have been certified to by the township road superintendent. A violation of this section shall render the township clerk liable on his bond of the amount of said warrant.

Sec. 8. Superintendent of roads. The trustees shall, at their February meeting, employ a superintendent or superintendents, not exceeding four (4) in number, for the township road system. The term of office, and compensation of each superintendent, shall be at the discretion of the trustees. The compensation of the superintendent shall be paid out of the township road fund.

Sec. 9. Duties of superintendents. Each superintendent shall:

1. Have general supervision of all maintenance and repair work on the township road system, including the placing of temporary culverts, and collect the road poll tax.

2. Maintain the approaches to all bridges on said roads in such manner as to present smooth and uniform surfaces, and when notified that such culverts and bridges are unsafe, it shall be his duty to put up barriers on the roads approaching such bridges and culverts.

3. Keep the openings to all culverts and ditches free from weeds, brush, and other obstructing materials.

4. Have charge of all draggable roads, and see that they are properly dragged at such times as may be necessary to maintain them in a smooth condition.

5. Contract on behalf of the township, for the necessary dragging of said roads at such reasonable prices as the trustees may authorize.

6. Furnish to the trustees, at least once each year, and oftener if demanded by the trustees, a written report of all work done under or by him.

7. Pay to the township clerk all moneys received by him.

Sec. 9-a1. Poll road tax list. The township assessor shall, on or before the fifteenth (15) day of April each year, furnish the township clerk a written list of all able-bodied male citizens who are between the ages of twenty-one (21) and forty-five (45) years, and who are residents of the township outside the limits of cities and towns. Said clerk shall deliver said list or a copy thereof to each superintendent of roads.

Sec. 10. Day's work defined. Eight (8) hours' service for a man, or for a man and team, shall be required for a day's work, but except on extraordinary occasions no person shall be required to go more than three (3) miles from his place of residence to work.

Sec. 11. Shade trees--timber--drainage. The road superintendent shall not cut down or injure any tree growing by the wayside which does not obstruct the road, or tile drains or which stands in front of any town lot, farmyard, orchard or feed lot or any ground reserved for any public use, or destroy or injure the ingress or egress to any property, or turn the natural drainage of the surface water to the injury of adjoining owners; but it shall be his duty to use strict diligence in draining the surface water from the public road in its natural channel, and to this end he may enter upon the adjoining lands for the purpose of removing obstructions from such natural channel that impedes the flow of such water.

Sec. 12. Liability of superintendent--removal of obstructions. The road superintendent shall, on receiving written notice of the unsafe condition of any bridge within his township, erected or maintained by the county, obstruct the passage thereon, and notify at least one (1) member of the board of supervisors, of its condition. If he fails to obstruct and notify, he shall be liable for all damages growing out of the unsafe condition thereof, occurring after the time he is so notified and while he neglects to obstruct such passage. Any person who shall remove such obstruction shall be liable for all damages resulting therefrom.

Sec. 13. Township work--survey--payment of bills. Before beginning any work upon the township road system, other than repair work, the trustees shall make application to the board of supervisors, who shall furnish them with an engineer, to be paid out of the county fund, who shall survey and lay off such roads according to the plans and specifications as provided for the county road system, and the work shall be done in accordance therewith. The trustees may contract with the board of supervisors for the construction of any work on the township road system, and the county shall not make any charge for the use of the county's road equipment except the actual cost of operating the same.

Sec. 14. Highway levies. The township trustees shall, at their April meeting, make the following levies:

1. A township road levy of not to exceed six (6) mills.
2. A road drag levy of not less than one (1) nor more than two (2) mills.

3. A road drainage levy, if necessary, of not to exceed five (5) mills. They shall also at their April meeting determine the amount that shall be allowed for a day's labor by a man and by a man and team on the road.

Sec. 15. Township road fund. The township road fund shall be used:

1. For the building and repair of township roads.
2. For the installation and repair of culverts.
3. For filling culverts, and grading approaches to bridges, constructed by the county on township roads.
4. For the purchase of tools, road drags and machinery.
5. For the elimination of dangers at railroad crossings on township roads in cooperation with the board of supervisors and railway company.
6. For any other purpose authorized by law.

Sec. 16. Drag fund. The drag fund shall be used only for the purpose of dragging the township roads.

Sec. 17. Replenishing drag fund. Should the drag fund become exhausted the trustees may replenish the same from the township road fund in such amount as will best maintain the township road system.

Sec. 18. Drainage fund. The township road drainage fund shall be used for the payment of drainage assessments against the township on account of benefits to highways. Any surplus of said tax may be employed in draining the township highways, but if such drainage is in cooperation with those owning land in the township and the expenses exceeds fifty dollars (\$50.00) in any one (1) place, the trustees shall, before paying for any part of said drainage, have, on file, a report of a competent civil engineer approving of said drainage and specifying the amount which the township should justly pay on said drainage improvement, and the trustees shall pay no greater sum. In townships where the road drainage fund is insufficient to pay drainage assessments due, any monies remaining in the township road fund at the time of the November meeting of the trustees may be transferred to the road drainage fund, and in townships where the road drainage fund has an excess over the amount required for road drainage, the township may transfer such money to the township road fund, but in townships where no drainage fund is needed no levy shall be made therefor.

Sec. 19. Clerk to certify levies. All said levies shall be immediately certified by the township clerk to the county auditor who shall enter them on the tax books and the county treasurer shall collect the entire tax at the first semiannual payment of taxes.

Sec. 20. Taxes paid to clerk. The county treasurer shall, on the last Monday in April and October in each year, pay to the township clerk all the road, drag, and drainage taxes belonging to his township which are at such time in his hands, taking the duplicate receipts of such clerk therefor, one (1) of which receipts shall be forthwith delivered by the treasurer to the trustees.

Sec. 21. Duty of clerk. The township clerk shall have charge of, and properly preserve and keep in repair, tools, implements, and machinery belonging to the township, and may determine at what time the superintendent may have the use of the same or any part thereof, and he shall be responsible for the safe keeping of the same when not in the custody of some one of the superintendents.

Sec. 22. Report by township clerk. Not later than the first day of January, or at any time upon the demand of the township trustees, the township clerk shall report the work accomplished on the township road system in his township, including number of culverts installed, location thereof, and the number and size of culverts on hand and not installed.

Sec. 23. Trustees' annual report. The clerk of each township shall file with the board of supervisors on or before the first Monday in each year a full, itemized, and verified account, showing each item of money received and disbursed during the preceding year for road purposes. The trustees shall certify to the correctness of said report. Said report shall remain on file with the county auditor, and, omitting certifications and verifications of township officers, a synopsis thereof showing the names of all persons to whom money has been paid and the amount paid to each shall be published in connection with the proceedings of the January session of the board of supervisors. Standard blanks for said reports shall be prepared by the state highway commission.

Sec. 24. Report by superintendent. The superintendent of the township shall report to the township clerk on the first Monday of April, August and November of each year, which report shall be sworn to and embrace the following items:

1. The names of all persons in his district required to perform labor on the public road, and the amount of money paid or work performed by each.
2. The names of all persons against whom actions have been brought, and the amount collected of each.
3. The amount of all moneys coming into his hands by virtue of his office, and from what sources.
5. The number of days he has been employed in the discharge of his duty.
6. The condition of the roads in his district, and such other items and suggestions as he may wish to make.

Sec. 25. Annual settlements. The trustees shall, at the November meeting, settle with the township clerk, road superintendent, and with all parties with whom contracts have been made for work in repairing or dragging the roads.

Sec. 26. Compensation of trustees. The trustees shall receive the same compensation per day for time necessarily spent in looking after the roads as they do for other township business.

Sec. 27. Compensation of clerk. The township clerk shall receive, from the township road fund, such compensation for the discharge of his duties pertaining to township roads, as the trustees shall fix.

Sec. 28. Qualifications and bonds. The township clerk and road superintendents shall qualify by taking the oath required of civil officers of the county and by giving bond for the faithful performance of their duties in such sum as the township trustees may order. No trustees shall be surety on any such bond.

Approved April 5, 1924.

DESTRUCTION OF WEEDS ON PRIVATE LANDS AND PUBLIC HIGHWAYS

S. F. 125

AN ACT to amend, revise, and codify chapter eleven (11) of title eleven (11) of the compiled code of Iowa, and of the supplement to said code, relating to the destruction of weeds on private lands and public highways.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter eleven (11) 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:

Section 1. Duty to enforce. The provisions of this chapter shall be enforced:

1. By the board of supervisors as to all county and primary roads.
2. By the councils and commissioners of all cities and towns, irrespective of their local form of government, as to all roads, streets, and other lands within said cities and towns.
3. By the township trustees as to all township roads and as to all other lands, including railroad lands, within the township not embraced in paragraphs one (1) and two (2) hereof.

Sec. 2. Noxious weeds. The following weeds are hereby declared to be noxious weeds, namely: quack grass (*agropyron repens*), Canada thistle (*cirsium arvense*), cocklebur (*xanthium canadense*), wild mustard (*brassica arvensis*), sour or curled dock (*rumex crispus*), smooth dock (*rumex altissimus*), buckhorn or ribbed plantain (*plantago lanceolata*), wild parsnip (*pastinaca sativa*), horse nettle (*solanum carolinense*), velvetweed or buttonweed (*abutilon theophrasti*), burdock (*arctium lappa*), shoofly (*hibiscus trionum*), wild carrot (*daucus carota*), sow thistle (*souchus arvensis*), and Russian thistle (*Salsola Kali, L. Var. Tagrus*).

Sec. 3. Duty to destroy. Each owner and each person in the possession or control of any lands, including railroad lands, shall:

1. Cut, burn, or otherwise destroy, all noxious weeds thereon, as defined in this chapter, at such times in each year and in such manner as shall prevent said weeds from blooming or coming to maturity, and keep said lands free from such growth of other weeds as shall render the streets or highways adjoining said lands unsafe for public travel, or shall interfere in any manner with the proper construction or repair of said streets or highways.
2. Cause all weeds on the streets or highways adjoining said lands to be cut or destroyed in the manner and the time prescribed by the board of supervisors. Nothing herein shall prevent the land owner from harvesting, in proper season, the grass grown on the road along his land.

Sec. 4. Extent of duty. The duty of one who owns, controls, or occupies land to destroy weeds within a public highway shall only extend to the line in the highway to which the abutting land would extend in case no highway existed.

Sec. 5. Order for destruction. The board of supervisors of each county shall, at their April meeting of each year, by resolution make an order fixing the time for destruction of noxious weeds and may fix different times for the destruction of different varieties of weeds.

Sec. 6. Notice of order. Notice of aforesaid order shall be given by one publication in the official newspapers of the county and shall be directed to all property owners. Said notice shall state:

1. Time for destruction.
2. Manner of destruction if other than cutting above the surface of the ground.

3. That unless said order is complied with the trustees (or council or commissioners as the case may be) will cause said weeds to be destroyed and the cost thereof to be taxed to the owner of the property.

Sec. 7. Destruction. The trustees, council, commissioners, or board of supervisors, as the case may be, shall forthwith, in case of a substantial failure to comply with said order, cause said weeds to be destroyed. The expense of such destruction, including costs of serving said notice and the costs, if any, of any special meetings, may be advanced from the township road fund, or from the town or city general fund, or from the county road fund, as the case may be.

Sec. 8. Assessments of costs. The trustees, council, commissioners, or board of supervisors shall assess all of said costs against the said land and the owner thereof by a special tax shall be certified to the county treasurer by the clerk of the governing body, placed upon the tax books and collected, together with interest and penalty after due, in the same manner as other unpaid taxes. When collected, said funds shall be paid into the fund upon which said warrants were drawn.

Sec. 9. Notice of assessment. Before making said assessment, thirty (30) days notice shall be given such owner of the time and place of meeting of the trustees, council, commissioners, or board of supervisors, which notice shall also contain a statement of the work done and the expense thereof with costs, and shall be given by posting a copy thereof on the premises affected and by mailing a copy thereof by registered mail to the last known address of the person owning or controlling the same. At such time and place such owner may appear with the same rights given by law before boards of review upon increase in assessments.

Sec. 10. Duty to make complaint. It shall be the duty of all officers directly responsible for the care of public highways to make complaint to the proper township trustees or town councils or commissioners or board of supervisors, as the case may be, whenever it shall appear that the provisions of section 3 hereof may not be complied with in time to prevent the blooming and maturity of noxious weeds or the unlawful growth of weeds, whether in the streets or highways for which they are responsible or upon lands adjacent to the same.

Sec. 10-a1. Report--to whom made. It shall be the duty of the township clerk, between the fifteenth and thirtieth days of October of each year, to make report to the board of supervisors of the county in which his township is situated as to the presence and location of noxious weeds that have been reported or found within the township and the steps taken to bring about the destruction thereof, a copy of which report shall be forwarded to the board of supervisors to be kept on file and a copy of the same to be forwarded by them to the secretary of agriculture not later than the first day of December following.

Sec. 10-a2. Complaint--duty of county attorney. It shall be the duty of the county attorney, upon complaint of any citizen that any officer charged with the enforcement of the provisions of this chapter has neglected or failed to perform his duty, to enforce the performance of such duty.

Sec. 11. Penalty. Any officer referred to in this chapter who neglects or fails to perform the duties incumbent upon him under the provisions of this chapter shall be punished by a fine not exceeding one hundred dollars (\$100.00).

Approved April 19, 1924.

CHAPTER 93

PUBLIC HIGHWAYS

N. F. 126

AN ACT to amend, revise, and codify chapter thirteen (13) of title eleven (11) of the compiled code of Iowa and of the supplement to said code, relating to the removal of obstructions from public highways and to advertising signs and billboards which obstruct the view of public highways and railway tracks.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter thirteen (13) 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:

Section 1. Removal. The board of supervisors and township trustees shall cause all obstructions in highways under their jurisdiction, to be removed.

Sec. 2. Fences and electric transmission poles. Poles used for telephone, telegraph, or other transmission purposes, shall not be removed until notice, in writing, of not less than thirty (30) days, has been given to the owner or company operating such lines, and in case of fences, notice in writing, of not less than sixty (60) days has been given to the owner, occupant or agent of the land enclosed by said fence.

Sec. 3. Notice. Said notice shall with reasonable certainty, specify the line to which such fences or poles shall be removed, and shall be served in the same manner that original notices are required to be served.

Sec. 4. Refusal to remove. All such fences and poles shall, within the time named, be removed to such line on the highway as the county engineer may designate. If there be no county engineer, the board of supervisors shall designate said line. If not so removed the public authorities may forthwith remove them.

Sec. 5. New lines. New lines, or parts of lines hereafter constructed, shall be located by the county engineer upon written application filed with the county auditor and shall thereafter be removable according to the provisions of

this chapter. If there be no county engineer, the board of supervisors shall designate said location.

Sec. 6. Cost of removal - liability. Any removal made in compliance with the foregoing sections shall be at the expense of the owners of said fences or poles. All removals shall be without liability on the part of any officer ordering or effecting such removal.

Sec. 7. Duty of road officers. It shall be the duty of all officers responsible for the care of public highways, outside cities and towns, to remove from the traveled portions of the highways within their several jurisdictions, all open ditches, water breaks, and like obstructions, and to employ labor for this purpose in the same manner as for the repair of highways.

Sec. 8. Nuisance. Any person, partnership or corporation who makes, or causes to be made, any obstruction mentioned in the preceding section, in such traveled way, and any officer responsible for the care of such highway who knowingly fails to remove said obstructions, shall be deemed to have created a public nuisance and be punished accordingly.

Sec. 9. Injunction to restrain obstructions. Boards of supervisors and township trustees may, as to roads under their respective jurisdictions, maintain suits in equity aided by injunction to restrain obstruction in such highways, and, in such action, may cause the legal boundary lines of such highway to be adjudicated provided all interested parties are impleaded, including the county in case the action be brought by the trustees.

Sec. 10. Duty of county attorney - other counsel. The county attorney shall, when the interests of the county and township are not antagonistic, appear for the trustees and prosecute such actions brought by them, but the trustees may employ counsel in all such actions and may levy a tax sufficient to defray any expense incurred and accrued under the preceding section.

Sec. 11. Billboards and signs. Billboards and advertising signs, whether on public or private property, which so obstruct the view of any portion of a public highway or of a railway track as to render dangerous the use of a public highway are public nuisances and may be abated, and the person or persons responsible for the erection and maintenance may be punished, as provided in the chapter on nuisances.

Sec. 12. Enforcement. Boards of supervisors and county attorneys within their respective counties, and boards of trustees within their respective townships, shall enforce the last preceding section by appropriate civil or criminal proceeding or by both such proceedings.

Sec. 13. Billboards and signs in public highways. Billboards and advertising signs shall not hereafter be placed or erected within the boundary lines of the public highways.

Sec. 14. Right and duty to remove. All billboards and advertising signs now placed or erected within the boundary lines of public highways shall, without liability in damages, be removable:

1. By the state highway commission or board of supervisors in case of primary roads.
2. By the board of supervisors in case of county roads.
3. By the township trustees in case of township roads.

Approved March 26, 1924.

CHAPTER 34

ROAD IMPROVEMENT ASSOCIATIONS

S. F. 127

AN ACT to amend, revise, and codify chapter fourteen (14) of title eleven (11) of the compiled code of Iowa, relating to road improvement associations.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter fourteen (14) of title eleven (11) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Road improvement associations. Boards of supervisors and township trustees may receive donations of money, labor, or materials for improvements on any of the roads, or parts thereof, which are under their jurisdiction. Such donations, when made for the improvement of any specified road, or specified part thereof, must be used for that purpose and the work shall be done under the same supervision and in the same manner as other county or township work is done.

Approved January 25, 1924.

CHAPTER 85

PRIVATE USE OF HIGHWAYS

H. F. 128

AN ACT to amend, revise, and codify sections three thousand thirty-five (3035) to three thousand thirty-seven (3037), inclusive, and three thousand forty (3040) of the compiled Code of Iowa, relating to the use of public highways.

Be It Enacted by the General Assembly of the State of Iowa:

That sections three thousand thirty-five (3035) to three thousand thirty-seven (3037), inclusive, and three thousand forty (3040) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Water and gas mains and cattleways. Boards of supervisors, on written application designating the particular highway and part thereof, the use of which is desired, may grant permissions:

1. To lay gas and water mains in highways outside cities and towns.
2. To construct and maintain cattleways, over or under such highways, provided they do not obstruct watering at any running stream, or that the grade of the road over the cattleway shall not exceed one foot in ten feet.

Sec. 2. Term of grant. Such grant shall be on such reasonable conditions as the board may exact, and on such as the general assembly may hereafter prescribe. Grants for gas or water mains shall not exceed twenty years.

Sec. 3. Conditions - damages. Such mains, pipes, and cattleways shall be so erected and maintained as not to interfere with public travel or with the future improvement of the highway. The owner of such mains, pipes, and cattleways shall be responsible for all damages arising from the laying,

maintenance, or erection of the same or from the same not being kept in a proper state of repair, the location of such mains or pipes shall be changed on reasonable notice, when such change shall be necessary in the improvement or maintenance of the highway.

Sec. 4. Failure to maintain. Failure of the grantee to comply with the terms of the grant shall be ground for forfeiture of the grant.

Sec. 5. Penalty. Failure to comply with any of the conditions of said grant, whether made such by statute or by agreement, or the laying of any such mains, or the constructing of any such cattleways, without having secured the grant of permission as provided by law shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00). It shall be the duty of the board of supervisors and the county attorney to enforce the provisions of this section and the laws relating thereto.

Approved February 20, 1924.

CHAPTER 86

BOARDS OF SUPERVISORS

S. F. 129

AN ACT to amend, revise, and codify sections thirty-one hundred fifteen (3115), thirty-one hundred twenty-four (3124), seven hundred thirteen (713) and thirty-one hundred twenty-seven (3127) of the compiled code of Iowa, relating to boards of supervisors.

Be It Enacted by the General Assembly of the State of Iowa:

That section thirty-one hundred fifteen (3115) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Number of members. The board of supervisors in each county shall consist of three (3) persons, except where the number has been or may hereafter be increased in the manner provided by this chapter. They shall be qualified electors, and be elected by the qualified voters of their respective counties, and shall hold their office for three (3) years.

Sec. 2. Number increased by vote. When petitioned to do so by one-fourth (1/4) of the qualified electors of said county, the board of supervisors shall submit to the qualified electors of the county, at any regular election, one (1) of the following propositions as may be requested in said petition, or the board may, on its own motion, by resolution, submit either of said propositions:

1. Shall the proposition to increase the number of supervisors to five (5) be adopted?

2. Shall the proposition to increase the number of supervisors to seven (7) be adopted?

If the majority of the votes cast shall be for the proposition so submitted, then at the next general election the requisite additional supervisors shall be elected, and one-half of the additional supervisors shall hold office for three (3) years and one-half for two (2) years. The length of term

for which any person is a candidate and the time when the term begins shall be indicated on the ballot.

Sec. 3. Number reduced by vote. In any county where the number of supervisors has been increased to five (5) or seven (7), the board of supervisors, on the petition of one-fourth (1/4) of the qualified electors of the county, shall submit to the qualified voters of the county, at any regular election, one (1) of the following propositions, as the same may be requested in such petition:

1. Shall the proposition to reduce the number of supervisors to five (5) be adopted?

2. Shall the proposition to reduce the number of supervisors to three (3) be adopted?

If a majority of the votes cast shall be for the decrease, then the number of supervisors shall be reduced to the number indicated by such vote.

Sec. 4. When reduction takes effect. If the proposition to reduce the number of members of the board carries, the board shall consist of the same number of members as at the time the proposition to reduce was submitted, until the second secular day in January following the next general election, at which time the terms of all members of the board shall expire.

Sec. 5. Election of new members. At the next general election following the one at which the proposition to reduce the number of members of the board was carried there shall be elected the number of members required by such proposition, and where such proposition reduces the board to five (5) members, two persons shall be elected as members of the board for two (2) years, two for three (3) years, and one for four (4) years; and in counties where the proposition reduces the board to three (3) members, one person shall be elected as member of the board for two (2) years, one for three (3) years, and one for four (4) years. The length of term for which any person is a candidate and the time when the term begins shall be indicated on the ballot.

That section thirty-one hundred twenty-four (3124) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 6. Special sessions - how called - what business done. Special sessions of the board of supervisors shall be held only when requested by the chairman or a majority of the board, which request shall be in writing addressed to the county auditor, shall fix the date of meeting and shall specify the objects thereof, which may include the doing of any act not required by law to be done at a regular meeting.

Sec. 7. Auditor to give notice. The auditor shall immediately give notice in writing or by telephone to each of the supervisors personally, or by leaving notice thereof at his residence, at least six (6) days before the date set for such meeting, stating the time and place where the meeting will be held and the objects thereof as stated in the written request. No business shall be transacted at such session, except that stated in the request and notice.

That sections seven hundred thirteen (713) and thirty-one hundred twenty-seven (3127) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 8. Unliquidated claims--how presented. All unliquidated claims against counties and all claims for fees or compensation, except salaries fixed by statute, shall, before being audited or paid, be so itemized as to clearly

show the basis of any such claim and whether for property sold or furnished the county, or for services rendered it, or upon some other account, and shall be duly verified by the affidavit of the claimant, filed with the county auditor for presentation to the board of supervisors; and no action shall be brought against any county upon any such claim until the same has been so filed and payment thereof refused or neglected.

Sec. 9. Compensation of supervisors. The members of the board of supervisors shall each receive five dollars (\$5.00) per day for each day actually in session, and five dollars (\$5.00) per day exclusive of mileage when not in session but employed on committee service, and ten cents (10c) for every mile traveled in going to and from the regular, special, and adjourned sessions thereof and in going to and from the place of performing committee service. When the board is in continuous session, mileage for only one trip in going to and from the session shall be allowed.

Sec. 10. Number of days per annum compensation allowed. Except as provided in the next section, members of such board shall not receive compensation for a greater number of days of session service each year than specified in the following schedule. In counties having a population of:

1. Ten thousand (10,000) or less, thirty (30) days.
2. More than ten thousand (10,000) and less than twenty-three thousand (23,000), forty-five (45) days.
3. Twenty-three thousand (23,000) and less than forty thousand (40,000), fifty-five (55) days.
4. Forty thousand (40,000) and less than sixty thousand (60,000), sixty-five (65) days.
5. Sixty thousand (60,000) and less than eighty thousand (80,000), seventy-five (75) days.
6. Eighty thousand (80,000) and less than ninety thousand (90,000), ninety (90) days.
7. Ninety thousand (90,000) and over, one hundred (100) days.

Sec. 11. Time spent with drainage matters-- how paid. The time spent by the board of supervisors as a ditch or drainage board and in considering drainage matters as a single board or jointly with one (1) or more other boards, shall not be counted in computing the number of days which any board has been in session, but the members of the board shall be entitled to compensation at the same rate for the time spent in ditch and drainage matters, except the drainage of highways, in addition to the compensation allowed as hereinbefore set forth, but in no case shall said board be allowed more than fifty (50) days' additional time in any year for time spent in drainage matters. If on the same day, the board considers matters involving two (2) or more drainage districts, their per diem shall be equitably apportioned by them among such districts. If on the same day the board acts both as a county board and also for the purpose of considering drainage matters, the board shall be paid for one (1) day only, and from the general fund or drainage fund as the board may order.

Approved January 26, 1924.

CHAPTER 87

POWERS AND DUTIES OF SUPERVISORS

H. F. 130

AN ACT to amend, revise, and codify section thirty-one hundred thirty-one (3131) of the compiled code of Iowa, and sections thirty-one hundred thirty (3130) and thirty-two hundred forty-one-a three (3241-a3) of the supplement to

said code, relating to the powers and duties of boards of supervisors.

Be It Enacted by the General Assembly of the State of Iowa:

That sections thirty-one hundred thirty-one (3131) of the compiled Code of Iowa, and thirty-one hundred thirty (3130) of the supplement to said Code are amended, revised, and codified to read as follows:

Section 1. General powers of board of supervisors. The board of supervisors at any regular meeting shall have power:

1. To appoint one (1) of its number, chairman in the absence of the regular chairman, and a clerk, in the absence of the auditor and his deputy.
2. To make such rules not inconsistent with law, as it may deem necessary for its own government, the transaction of business, and the preservation of order.
3. To adjourn from time to time, as occasion may require.
4. To make such orders concerning the corporate property of the county as it may deem expedient, and not inconsistent with law.
5. To examine and settle all accounts of the receipts and expenditures of the county, and to examine, settle, and allow all claims against the county, unless otherwise provided by law.
6. To represent its county and have the care and management of the property and business thereof, in all cases where no other provision is made.
7. To manage and control the school fund of its county, as provided by law.
8. To require any county officer to make a report to it, under oath, on any subject connected with the duties of his office and to give such bonds as shall be necessary for the faithful performance of his duties.
9. To remove from office by a majority vote any officer who shall refuse or neglect to make any report or give any bond mentioned in the preceding subsection, within twenty (20) days after being required so to do.
10. To fix the compensation for all services of county and township officers not otherwise provided by law, and to provide for the payment of the same.
11. To cause the county buildings to be insured in the name of the county, or otherwise, for its benefit, and in case there are no county buildings, to provide suitable rooms for county purposes.
12. To purchase, for the use of the county, any real estate necessary for county purposes; to change the site of, or designate a new site for any building required to be at the county seat, when such site shall not be beyond the limits of the city or town at which the county seat is located at the time of such change; and to change the site of and designate a new site for the erection of any building for the care and support of the poor.
13. When any real estate, buildings, or other property are no longer needed for the purposes for which the same were acquired by the county, to sell the same at a fair valuation.
14. To make appropriations not exceeding three hundred dollars (\$300.00) in any one (1) year for the growing, under the direction of the board, of experimental crops on lands owned by the county.
15. To build, equip, and keep in repair the necessary buildings for the use of the county and of the courts.

16. To permit any person to use any portion of the lands owned by the county for ornamental purposes, or for the erection of any monument or fountain under such restrictions as the board may from time to time enact, when such use will not interfere with the use for which such real estate was originally acquired by the county.

17. To lease or sell to school districts, real estate owned by the county and not needed for county purposes.

Sec. 2. Erection of buildings - contract. No building shall be erected or repaired when the probable cost thereof will exceed two thousand dollars (\$2,000.00) except under an express written contract and upon proposals therefor, invited by advertisement for four (4) weeks in all the official newspapers of the county in which the work is to be done.

Sec. 3. Advertisement for bids - bond - plans and specifications. Contracts for buildings and repairs specified by the preceding section shall be let to the lowest responsible bidder at a time and place which shall be distinctly stated in the advertisement. The board may on the day fixed for letting such contract adjourn the hearing to some later date and place, of which all parties shall take notice. The board may reject any and all bids and advertise for new ones. The detailed plans and specifications for such improvements shall be on file and open to public inspection in the office of the auditor of the county in which the work is to be done before advertisement for bids.

Sec. 4. Office quarters to be furnished. The board of supervisors shall furnish the clerk of the district court, sheriff, recorder, treasurer, auditor, county attorney, county superintendent, and county surveyor or engineer, with offices at the county seat, but in no case shall any such officer, except the county attorney, be permitted to occupy an office also occupied by a practicing attorney.

Sec. 5. Office supplies. The board of supervisors shall also furnish each of said officers with fuel, lights, blanks, books, and stationery necessary and proper to enable them to discharge the duties of their respective offices, but nothing herein shall be construed to require said board to furnish any county attorney with law books or library.

That section thirty-two hundred forty-one-a three (3241-a3) of the supplement to the compiled Code is amended, revised, and codified to read as follows:

Sec. 6. Unallowable claims. No claim shall be allowed or warrant issued or paid for the expense incurred by any county officer in attending any convention of county officials.

Approved February 26, 1924.

CHAPTER 88

COUNTY RECORDERS

S. F. 133

AN ACT TO Amend, revise, and codify sections thirty-one hundred eighty (3180) and thirty-one hundred eighty-six (3186) of the compiled code of Iowa, relating to county recorders.

Be It Enacted by the General Assembly of the State of Iowa:

That sections thirty-one hundred eighty (3180) and thirty-one hundred eighty-six (3186) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Fees to be collected. The recorder shall charge and collect the following fees:

1. For recording each instrument containing four hundred (400) words or less, fifty cents (50c).
2. For every additional hundred (100) words or fraction thereof, ten cents (10c).

Sec. 2. Fee book of recorder. In addition to the other requirements of the law the recorder shall enter in his fee book the exact time of filing each instrument, the number and character thereof, and the names of the grantors and grantees therein. In numbering said instruments, he shall start with number one (1), immediately after the date of his settlement with the board of supervisors each year, and continue to number them consecutively till his next settlement with said board. Where not otherwise already required by law the recorder shall also enter in the index book the exact time of the filing of each instrument.

Approved January 8, 1924.

CHAPTER 89

COUNTY ATTORNEYS

H. F. 134

AN ACT to amend, revise, and codify section thirty-one hundred eighty-nine (3189), thirty-one hundred ninety (3190), thirty-one hundred ninety-two (3192), thirty-one hundred ninety-three (3193), ninety-two hundred eighty-one (9281), ninety-two hundred ninety-two (9292), and ninety-two hundred ninety-three (9293), of the compiled code of Iowa, relating to county attorneys.

Be It Enacted by the General Assembly of the State of Iowa:

That sections thirty-one hundred eighty-nine (3189), thirty-one hundred ninety (3190), thirty-one hundred ninety-two (3192) and thirty-one hundred ninety-three (3193) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

CHAPTER 6

COUNTY ATTORNEY

Section 1. Qualification of county attorney. County attorneys shall be qualified electors of their respective counties, duly admitted to practice as attorneys and counselors in the courts of this state as provided by law. No person shall be qualified for such office while his license to practice remains revoked or suspended.

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

1. To diligently enforce or cause to be enforced in his county, all of the laws of the state, actions for a violation of which may be commenced or prosecuted in the name of the state of Iowa, or by him as county attorney, except as otherwise specially provided.

2. To appear for the state and county in all cases and proceedings in the courts of his county to which the state or county is a party, except cases brought on change of venue from another county, and to appear in the supreme court in all cases in which the county is a party, and also in all cases transferred on change of venue to another county, in which his county or the state is a party.

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

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

5. To enforce all forfeited bonds and recognizances, and to prosecute all proceedings necessary for the recovery of debts, revenues, moneys, fines, penalties, and forfeitures accruing to the state or his county, or to any school district or road district in his county; also to prosecute all suits in his county against public service corporations, which are brought in the name of the state of Iowa.

6. To commence, prosecute and defend all actions and proceedings in which any county officer, in his official capacity, or the county, is interested, or a party.

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

8. To attend the grand jury whenever necessary for the purpose of examining witnesses before it, or of giving it legal advice, or to procure subpoenas or other process for witnesses, to prepare all informations and bills of indictment.

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

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

12. To perform other duties enjoined upon him by law.

That section ninety-two hundred eighty-one (9281) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 3. Filing by county attorney. The county attorney may, at any time when the grand jury is not actually in session, file in the district court, either in term time or in vacation, an information charging a person with an indictable offense.

That section ninety-two hundred ninety-two (9292) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 4. Motion to set aside - grounds. A motion to set aside the information may be made on one or more of the following grounds:

1. When it is not indorsed "a true information", and the indorsement signed by the county attorney.
2. When the minutes of evidence have not been filed with the information.
3. When the names of the witnesses named in such minutes of evidence are not indorsed on the information.
4. When the information has not been verified or filed in the manner herein required.
5. When the information has not been approved as required.

That section ninety-two hundred ninety-three (9293) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 5. Time of making motion - rulings of court. Such motion must be made before a plea is entered by the accused. If not so made, the objection shall be deemed waived. If an objection is shown to be true, the court shall sustain said motion, unless the defects are corrected within such time as the court may order.

Sec. 6. Testimony. The clerk of the district court, on application of the county attorney, shall issue subpoenas for such witnesses as the county attorney may require, and in such subpoenas shall direct the appearance of said witnesses before the county attorney at a specified time and place; provided that no subpoena shall issue unless an order authorizing same shall have been first made by the court or a judge thereof.

Sec. 7. Oath. The county attorney shall have authority to administer oaths to said witnesses.

Sec. 8. Refusal. In case a witness refuses to appear in obedience to said subpoena, or refuses to testify, the county attorney shall cause said witness to be taken before some judge of the district court of the county who shall proceed with such refusal as though the said refusal had occurred before said judge in a trial in said court.

Sec. 9. Clerk of grand jury. The county attorney in the taking of testimony, shall be entitled to the services of the clerk of the grand jury in those counties in which such clerk is regularly employed.

Sec. 10. Witness fees. The witnesses aforesaid shall receive the same fees and mileage as is allowed witnesses in the district court, and shall be paid in the same manner in which witnesses before the grand jury are paid except that such fees and mileage shall be certified only by the county attorney.

Sec. 12. Substitute in case of disability - compensation. In case of absence, sickness, or disability of the county attorney and his deputies, the court before whom it is his duty to appear, and in which there may be business requiring his attention, may appoint an attorney to act as county attorney, by order to be entered upon the records of the court, and he shall receive out of the compensation allowed to the county attorney, when such appearance is before a justice of the peace, such sum as the board of supervisors shall determine to be reasonable for the services rendered, and, when it is before a court of record, such sum as the judge

shall determine to be a reasonable compensation, and while acting under said appointment, he shall have all the authority and be subject to all the responsibilities herein conferred upon county attorneys.

Sec. 13. Substitute - notice before appointment. In criminal cases less than a felony, a justice of the peace or magistrate can not appoint an attorney at the expense of the county or county attorney; and no justice of the peace shall appoint an attorney to act as county attorney in any case, wherein a felony is charged, unless reasonable notice in writing has been given the county attorney that his services will be required before such justice at a time therein named, and he has failed to appear in response thereto.

Sec. 14. Prohibitions. No county attorney shall accept any fee of reward from or on behalf of anyone for services rendered in any prosecution or the conduct of any official business, nor shall he, or any member of a firm with which he may be connected, be directly or indirectly engaged as an attorney or otherwise for any party other than the state or county in any action or proceeding pending or arising in his county, based upon substantially the same facts upon which a prosecution or proceeding has been commenced or prosecuted by him in the name of the county or state; nor shall any attorney be allowed to assist the county attorney in any criminal action, where such attorney is interested in any civil action brought or to be commenced, in which a recovery is or may be asked upon the matters and things involved in such criminal prosecution.

Approved April 14, 1924.

CHAPTER 90

SHERIFF

S. F. 135

AN ACT to amend, revise, and codify sections thirty-two hundred five (3205) of the compiled code of Iowa, and thirty-two hundred six (3206) of the supplement to said code, relating to the sheriff.

Be It Enacted by the General Assembly of the State of Iowa:

That section thirty-two hundred five (3205) of the compiled Code of Iowa, and thirty-two hundred six (3206) of the supplement to said Code, are amended, revised, and codified to read as follows:

Section 1. Fees to be collected. The sheriff shall charge and be entitled to collect the following fees:

1. For serving a notice and making return thereof, for the first person served, fifty cents (50c), and each additional person, twenty-five cents (25c).
2. For each warrant served, two dollars (\$2.00), and the repayment of necessary expenses incurred, in executing such warrant, as sworn to by the sheriff; if service of the warrant can not be made, the repayment of all necessary expenses actually incurred by the sheriff while attempting in good faith to serve such warrant.

3. For serving and returning a subpoena, for each person served, twenty cents (20c), and the necessary expenses incurred while serving subpoenas in criminal cases or insane process.

4. For summoning a grand or trial jury, all necessary and actual expenses incurred by him.

5. For summoning a jury to assess the damages to the owners of lands taken for works of internal improvement, and attending them, five dollars (\$5.00) per day, and necessary expenses incurred. This subsection shall not be so construed as to allow a sheriff to make separate charges for different assessments, which can be made by the same jury and completed in one (1) day of ten (10) hours.

6. For serving an execution, attachment, or order for the delivery of personal property, injunction, or any order of court, and making return thereof, two dollars (\$2.00).

7. For making and executing a certificate or deed for lands sold on execution, or a bill of sale for personal property sold, one dollar (\$1.00).

8. For the time necessarily employed in making an inventory of personal property attached or levied upon, fifty cents (50c) per hour.

9. For a copy of any paper required by law, made by him, for each one hundred (100) words or fraction thereof, ten cents (10c).

10. Mileage in all cases required by law, going and returning, ten cents (10c) per mile, provided that this subsection shall not apply where provision is made for expenses, and in no case shall the law be construed to allow both mileage and expenses for the same services and for the same trip.

11. For boarding a prisoner, a compensation of twenty cents (20c) for each meal, and not to exceed three (3) meals in twenty-four (24) consecutive hours; and fifteen cents (15c) for each night's lodging. But the amount allowed a sheriff for lodging prisoners shall in no event exceed in the aggregate the sum of two hundred fifty dollars (\$250.00) for any calendar year.

12. For waiting on and washing for prisoners, the sum of five cents (5c) per prisoner per day.

13. For attending sale of property, for each day, one dollar (\$1.00).

14. For conveying one (1) or more persons to any state, county, or private institution by order of court, or commission, he shall be allowed his necessary expenses, for himself and such person or persons, and in addition thereto, forty cents (40c) per hour for the time necessarily employed in going to and from such institution, same to be charged and accounted for as fees. Should the sheriff need any assistance in taking any person to any such institution, the same shall be furnished at the expense of the county.

15. For serving any warrant for the seizure of intoxicating liquors, one dollar (\$1.00); for the removal and custody of such liquor, actual and reasonable expenses; for the destruction of such liquor under the order of the court, one dollar (\$1.00) and his actual and reasonable expenses; for posting and leaving notices in such cases, one dollar (\$1.00) for his actual expenses.

Sec. 2. Certain fees in addition to salary. The amounts allowed by law for mileage and for actual, necessary expenses paid by him and for board, washing, and care of prisoners may be retained by him in addition to his salary.

Approved January 26, 1924.

CHAPTER 91.

SUBMISSION OF QUESTIONS TO VOTERS

H. F. 138

AN ACT to amend, revise, and codify chapter ten (10) of title twelve (12) of the compiled code of Iowa, and of the supplement to said code, relating to the submission of questions to voters.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter ten (10) of title twelve (12) of the compiled Code of Iowa, and of the supplement to said Code, is amended, revised, and codified to read as follows:

CHAPTER 10

SUBMISSION OF QUESTIONS TO VOTERS

Section 1. Expenditures for improvements - when vote necessary. The board of supervisors shall not order the erection of a courthouse, jail, or county home when the probable cost will exceed ten thousand dollars (\$10,000.00), or any other building, except as otherwise provided, when the probable cost will exceed five thousand dollars (\$5,000.00), nor the purchase of real estate for county purposes exceeding ten thousand dollars (\$10,000.00) in value, until a proposition therefor shall have been first submitted to the legal voters of the county, and voted for by a majority of all persons voting for and against such proposition at a general or special election, notice of the same being given as in other special elections.

Sec. 1-a. Expenditure in special cases. Where a courthouse has been destroyed by fire and not less than one hundred thousand dollars (\$100,000.00) has been donated to the county for the purpose of erecting a courthouse, the board of supervisors may, without authorization from the voters, use the amount so donated for the construction of the courthouse and in addition thereto may appropriate from the general fund for such purpose a sum not exceeding one-half (1/2) of the amount donated, provided there is in the general fund, unappropriated for other purposes, an amount sufficient to pay such appropriation.

Sec. 2. Questions to be submitted to voters. The board of supervisors may submit to the people of the county at any regular election, or at any special election called for that purpose, the question whether money may be borrowed to aid in the erection and equipment of any public buildings, or the procuring of a site or grounds for such public buildings, or for both such site and buildings, and either or both of said propositions and other local or police regulations may be submitted at the same general or special election.

Sec. 3. Additional tax - when. When the warrants of a county are at a depreciated value, it may, in like manner, submit the question whether a tax of a higher rate than that provided by law shall be levied.

Sec. 4. Manner of submitting questions to vote. The mode of submitting questions to the people shall be the following: The whole question, including the sum desired to be raised, or the amount of tax desired to be levied, or the rate per annum, and the whole regulation, including the time of its taking effect or having operation, if it be of a nature to be set forth, and the penalty for its violation if there be one, shall be embraced in a notice of the election and shall be published once each week for at least four (4) weeks in some newspaper published in the county. Such notice shall name the time when such question will be voted upon, and the form in which the question shall be submitted, and a copy of the question to be submitted shall be posted at each polling place during the day of election.

Sec. 5. Voting of tax - when required. When any question submitted involves the borrowing or the expenditure of money the same must be accompanied by a provision to levy a tax for the payment thereof, in addition to other taxes, as directed in the following section, and no vote adopting the question proposed will be of effect unless it adopt the tax also.

Sec. 6. Rate of such tax. The rate of such tax shall in no case be more than one per cent (1%) on the county valuation in any one (1) year. When the object is to borrow money for the erection and equipment of public buildings, or for the procuring of sites or grounds therefor, or for both, the rate shall be such as to pay the debt in a period not exceeding ten (10) years; but in counties having a population of twenty-five thousand (25,000) or over, or in any county where one hundred thousand dollars (\$100,000.00) or more has been or is proposed to be expended, the rate of levy shall be such as to pay the debt in not exceeding twenty-five (25) years.

Sec. 7. Bonds - when to mature. In issuing bonds for such indebtedness, when voted, the board of supervisors may cause portions of said bonds to become due at different definite periods. But none of such bonds so issued shall be due and payable in less than five (5) or more than twenty-five (25) years from date. When the object is to construct, or to aid in constructing, any highway or bridge, the annual rate shall not be less than one (1) mill on the dollar of the assessed valuation; and any of the above taxes becoming delinquent shall draw the same interest as ordinary taxes.

Sec. 8. Tax for successive years. When it is apparent that the levy of one (1) year will not pay the entire amount, the proposition and the vote must be to continue the levy at the same rate from year to year until the amount is paid.

Sec. 9. Result of vote to be published. The board of supervisors, on finding from a canvass of the returns that a majority of the votes were cast in favor of the proposition, shall cause the result of the vote to be entered at large in the minute book, and the proposition shall take effect and be in force thereafter. Notice of such adoption shall be published for the same time and in the same manner as above provided for publishing the notice of election.

Sec. 10. Rescission by subsequent vote. Propositions thus adopted may be rescinded in like manner and upon like notice, by a subsequent vote taken thereon, but neither contracts made under them, nor taxes voted for carrying them into effect, can be rescinded.

Sec. 11. Board must submit questions on petitions. The board shall submit the question of the adoption or rescission of such a measure when petitioned by one-fourth ($\frac{1}{4}$) of the legal voters of the county, or by such different parties as may be prescribed by law in any special case.

Sec. 12. Regularity presumed. The record of the adoption or rescission of any such measure shall be presumptive evidence that all the proceedings necessary to give the vote validity have been regularly conducted.

Sec. 13. Surplus of tax - disposition of. In case the amount produced by the rate of tax proposed and levied exceeds the amount required for the specific object, it shall not for that reason be held invalid, but the excess shall go into the general county fund.

Approved January 23, 1924.

CHAPTER 92

COUNTY BONDS

S. F. 139

AN ACT to amend, revise, and codify chapter eleven (11) of title twelve (12) of the compiled code of Iowa and section thirty-two hundred sixty-one (3261) of the supplement to said code, relating to county bonds.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter eleven (11) of title twelve (12) of the compiled Code of Iowa and section thirty-two hundred sixty-one (3261) of the supplement to said Code, is amended, revised, and codified to read as follows:

CHAPTER 11

COUNTY BONDS

Section 1. Funding and refunding county bonds. When the outstanding indebtedness of any county on the first day of January, April, June or September in any year exceeds the sum of five thousand dollars (\$5,000.00), the board of supervisors, by a two-thirds ($\frac{2}{3}$) vote of all its members, may fund or refund the same, and issue the bonds of the county therefor in sums not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) each, payable at a time stated, not more than twenty (20) years from their date.

Sec. 2. Refunding bonds in certain counties. Indebtedness incurred by any county in making and repairing bridges may be refunded whenever such outstanding indebtedness equals or exceeds the sum of five thousand dollars (\$5,000.00), and the tax to pay such bonds and interest shall be levied as hereinafter provided; except that no part of said tax shall be levied on property within any city which is authorized by law to levy its own bridge tax.

Sec. 3. Rate of interest - form of bond. Said bonds shall bear interest not exceeding five per cent (5%) per annum, payable semiannually, and be substantially in the following form, but subject to changes that will conform them to the resolution of said board, to wit:

No. Iowa,
 The county of in the state of Iowa, for value received,
 promises to pay to bearerdollars, lawful money of the
 United States of America, on, with interest on said sum from
 the date hereof until paid at the rate of per cent per annum, payable
 annually on the first days of and in each
 year, on presentation and surrender of the interest coupons hereto attached. Both
 principal and interest payable at

This bond is issued by the board of supervisors of said county pursuant to
 the provisions of section thirty-two hundred sixty-one, chapter eleven, title
 twelve of the Code of Iowa, and in conformity to a resolution of said board duly
 passed.

And it is hereby certified and recited that all acts, conditions, and things
 required by the laws and constitution of the state of Iowa to be done precedent to
 and in the issue of this bond have been properly done, happened and been performed
 in regular and due form, as required by law, and that the total indebtedness of
 said county, including this bond, does not exceed the constitutional or statutory
 limitations.

In testimony whereof, said county, by its board of supervisors, has caused
 this bond to be signed by the chairman of the board and attested by the auditor,
 with the county seal attached, this day of

 Chairman Board of Supervisors.

Attest:

 County Auditor, County, Iowa.
 (Form of Coupon)

The treasurer of county, Iowa, will pay to bearer
 dollars, on at
 for..... annual interest on itsbond, dated

 No.

 County Auditor.

Sec. 4. Provisions to be followed. In making sale of such county bonds
 the county treasurer shall comply with and be governed by all the provisions of
 chapter twenty-five-A (25-A), title four (4) of the supplement to the compiled
 Code of Iowa.

Sec. 5. Bonds - negotiation of - duties of treasurer. When bonds issued
 under this chapter shall be executed, numbered consecutively, and sealed, they
 shall be delivered to the county treasurer and his receipt taken therefor, and
 he shall stand charged on his official bond with all bonds delivered to him and
 the proceeds thereof, and he shall sell the same, or exchange them, on the best
 available terms, for any legal indebtedness of the county outstanding on the
 first day of January, April, June, or September next preceding the resolution of
 the board authorizing their issue, but in neither case for a less sum than the
 face value of the bonds and all interest accrued on them at the date of such
 sale or exchange.

Sec. 6. Proceeds - how applied. If any portion of said bonds are sold for
 money, the proceeds thereof shall be applied exclusively for the payment of
 liabilities existing against the county at and before the date above named. When
 they are exchanged for warrants and other legal evidences of county indebtedness,
 the treasurer shall at once proceed to cancel such evidences of indebtedness by
 indorsing on the face thereof the amount for which they were received, the word
 "canceled" and date of cancellation.

Sec. 7. Record of bonds sold and transferred. He shall also keep a record of bonds sold or exchanged by him by number, date of sale, amount, date of maturity, and the name and postoffice address of purchasers, and, if exchanged, what evidences of indebtedness were received therefor, which record shall be open at all times for inspection by the public. Whenever the holder of any bond shall sell or transfer it, the purchaser shall notify the treasurer of such purchase, giving at the same time the number of the bond transferred and his postoffice address, and every such transfer shall be noted on the records.

Sec. 8. Treasurer to report bonds sold. The treasurer shall also report under oath to the board, at each regular session, a statement of all bonds sold or exchanged by him since the preceding report, and the date of such sale or exchange; and, when exchanged, a list or description of the county indebtedness exchanged therefor, and the amount of accrued interest received by him on such sale or exchange, which latter sum shall be charged to him as money received on bond fund, and so entered by him on his books; but such bonds shall not be exchanged for any indebtedness of the county except by the approval of the board of supervisors of said county.

Sec. 9. Unconstitutional issue forbidden. Any member of a board of supervisors who shall vote to order an issue of bonds under the provisions of this chapter in excess of the constitutional limit, shall be held personally liable for the excess of such issue.

Sec. 10. Tax for bonded indebtedness. The board of supervisors shall not in any one (1) year levy a tax of more than three (3) mills on the dollar for the payment of bonded indebtedness or judgments rendered therefor, except as provided in this chapter, unless the vote authorizing the issuance of the bonds provided for a higher rate.

Sec. 11. Levy to pay interest and principal. The board of supervisors shall cause to be assessed and levied each year upon the taxable property in the county, in addition to the levy authorized for other purposes, a sufficient sum to pay the interest on outstanding bonds issued in conformity with the provisions of this chapter, accruing before the next annual levy, and such proportion of the principal that, at the end of eight (8) years, the sum raised from such levies shall equal at least fifteen per cent (15%) of the amount of bonds issued; at the end of ten (10) years, at least thirty per cent (30%) of the amount; and at or before the date of maturity of the bonds, shall be equal to the whole amount of the principal and interest.

Sec. 12. Bond fund - separate account - exact condition shown. The money arising from such levies shall be known as the bond fund, and shall be used for the payment of bonds and interest coupons, and for no other purpose whatever; and the treasurer shall open and keep in his books a separate account thereof, which shall at all times show the exact condition of said bond fund.

Sec. 13. Redemption - notice - interest stopped. When the amount in the hands of the treasurer belonging to the bond fund, after setting aside the sum required to pay interest maturing before the next levy, is sufficient to redeem one (1) or more bonds, which by their terms are subject to redemption, he shall notify the owner of such bond or bonds, in the manner hereinbefore prescribed, that he is prepared to pay the same, with all the interest accrued thereon. If not presented for payment or redemption within thirty (30) days after the date of such notice, the interest on such bond shall cease, and the amount due thereon shall be set aside for its payment whenever presented. All redemptions shall be made in the order of their numbers.

Sec. 14. Transfer of balance to particular fund. If after the payment of all bonds and interest as hereinbefore provided, there remains any money in said bond fund, the board of supervisors may by resolution transfer said funds to the particular fund or funds on account of which the indebtedness arose for which said bonds were issued.

Sec. 15. Failure to levy tax - registry with state auditor. If the board of supervisors of any county which has issued bonds under the provision of this chapter shall fail to make the levy necessary to pay such bonds or interest coupons at maturity, and the same shall have been presented to the county treasurer and the payment thereof refused, the owner may file the bond, together with all unpaid coupons, with the auditor of state, taking his receipt therefor, and the same shall be registered in the auditor's office.

Sec. 16. State tax levied - payment. The executive council shall at its next session as a board of equalization, and at each annual equalization thereafter, add to the state tax to be levied in said county a sufficient rate to realize the amount of principal or interest past due and to become due prior to the next levy upon any such registered bonds, and the same shall be levied and collected as a part of the state tax, and paid into the state treasury, and passed to the credit of such county as bond tax, and shall be paid by warrant, as the payments mature, to the holder of such registered obligations, as shown by the register in the office of the state auditor, until the same shall be fully satisfied and discharged; any balance then remaining being passed to the general account and credit of said county; but nothing in this chapter shall be construed to limit or postpone the right of any holder of any such bonds to resort to any other remedy which such holder might otherwise have.

Sec. 17. Additional tax to pay interest. In any county wherein county bonds are issued in pursuance of a vote of the people to obtain money for the erection of any public building and wherein the annual tax named in the proposition so submitted for the purpose of paying the annual interest accruing upon such bonds is insufficient to pay the same as it matures, the board of supervisors is authorized to levy for said purpose, a tax, not exceeding one (1) mill on the dollar, until said bonds are paid; but this provision shall not prevent the levy of a greater tax than above mentioned, if any such proposition authorized such higher levy.

Sec. 18. The provisions of this chapter shall not be so construed as to limit in any way the application of the provisions of Sections thirty-two hundred forty-one-a one (3241-a1) and thirty-two hundred forty-one-a two (3241-a2) of the supplement to the compiled Code.

Sec. 19. County not to become stockholder. No county shall, in its corporate capacity, or by its supervisors or officers, directly or indirectly, subscribe for stock, or become interested as a partner, shareholder or otherwise, in any banking institution, plank road, turnpike, railway, or work of internal improvement; nor shall it issue any bonds, bills of credit, scrip, or other evidence of indebtedness for any such purposes; and all such evidences of indebtedness for said purposes are hereby declared void, and no assignment of the same shall give them validity; but this section shall not be so construed as to prevent counties from lawfully erecting their necessary public buildings and bridges, laying off highways, streets, alleys and public grounds, or other local works in which such counties may be interested.

Sec. 20. Actions on bonds. - county not estopped. In all section now pending or hereafter brought, in any court in this state, on any bond or coupon issued, or purporting to be issued, by any county for the purposes prohibited in this chapter, a former recovery against such corporation on any one or more or any part of such bonds or coupons shall not bar or estop such corporation from setting

up any defense it has made, or could have made, to such bonds or coupons in the action in which such former recovery was had, but the county may allege and prove any matter of defense in such action to the same extent, and with the same effect, as though no former action had been brought, or former recovery had.

Sec. 21. Breach of duty - misdemeanor. Any officer of any county, or any deputy or employee of such officer, who violates any of the provisions of the two preceding sections, shall be guilty of a misdemeanor, and fined not less than one hundred dollars, nor more than five hundred dollars, for each offense.

Approved January 11, 1924.

CHAPTER 94

SUPPORT OF THE POOR

H. F. 140

AN ACT to amend, revise, and codify sections thirty-two hundred seventy-eight (3278), thirty-two hundred seventy-nine (3279), thirty-two hundred eighty-three (3283), thirty-two hundred eighty-seven (3287), thirty-two hundred eighty-nine (3289) and thirty-two hundred ninety-three (3293) of the compiled code of Iowa, relating to the support of the poor.

Be It Enacted by the General Assembly of the State of Iowa:

That sections thirty-two hundred seventy-eight (3278) and thirty-two hundred seventy-nine (3279) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Notice - hearing. At least ten (10) days' notice in writing of the application shall be given to the parties sought to be charged, service thereof to be made as often original notice, in which proceedings the county shall be plaintiff and the parties served defendants. No order shall be made affecting a person not served, but, as to such, notice may be given at any stage of the proceedings. The court may proceed in a summary manner to hear all the allegations and proofs of the parties, and order any one or more of the relatives who shall be able, to relieve or maintain him or her, charging them as far as practicable in the order above named, and for that purpose may bring in new parties when necessary.

Sec. 2. Order for entire or partial support. The order may be for the entire or partial support of the applicant, may be for the payment of money or the taking of the applicant to a relative's house, or may assign him or her for a certain time to one and for another period to another, as may be just and right, taking into view the means of the several relatives liable, but no such assignment shall be made to one who is willing to pay the amount necessary for support. If the order be for relief in any other form than money, it shall state the extent and value thereof per week, and the time such relief shall continue; or the order may make the time of continuance indefinite, and it may be varied from time to time by a new order as circumstances may require, upon application to the court by the trustee, the poor person, or the relative affected, ten (10) days' notice thereof being given to the party or parties concerned.

Sec. 3. Payment - appeal. When money is ordered to be paid, it shall be paid to such person as the court may direct. If support be not rendered as ordered, the court upon such fact being shown by the affidavit of one (1)

or more of the proper trustees, may render judgment and order execution for the amount due, rating any support ordered in kind at the valuation previously made. An appeal may be taken from the judgment rendered to the supreme court. Support for later periods under the same order may be, as it becomes due, applied for and obtained in the same manner.

Sec. 4. Abandonment - order as to property. When father or mother abandons any child, husband his wife, or wife her husband, leaving them a public charge or likely to become such, the trustees of the township, upon application to them may make complaint to the district court or judge thereof in the county in which such abandoned person resides, or in which any property of such father, mother, husband, or wife is situated, for an order to seize such property, and, upon proof of the necessary facts, the court or judge shall issue an order, directed to the sheriff of the county, to take and hold possession of said property, subject to the further orders of the court, which order shall be executed by taking possession of chattel property wherever found, and shall entitle the officer serving the same to collect and hold the rents accruing upon real property.

Sec. 5. Lien entered in incumbrance book. Statement of the issuance of the order and a description of any real estate sought to be affected thereby, shall be entered in the incumbrance book, and from the date thereof shall be superior in right to any conveyance or lien created by the owner thereafter, and return shall be made of said order to the proper court, where the order of seizure, upon investigation, may be discharged or continued; if continued, the entire matter shall be subject to the control of the court, and it shall from time to time make such orders as to the disposition of the personal property seized, and the application of it or the proceeds thereof, as it may deem proper, and of the disposition of the rents and profits of the real estate. Should the party against whom the order issued thereafter resume his or her support of the person abandoned, or give bond with sureties, to be approved by the clerk, conditioned that such person shall not become chargeable to the county, the order shall be by the clerk discharged and the property remaining restored.

That section thirty-two hundred eighty-three (3283) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 6. Settlement - how acquired. A legal settlement in this state may be acquired as follows:

1. Any adult person residing in this state one (1) year without being warned to depart as provided in this chapter acquires a settlement in the county of his residence.

2. A married woman has the settlement of her husband, if he has one in this state; if not, or if she lives apart from, or is abandoned by him, she may acquire a settlement as if she were unmarried. Any settlement which the wife had at the time of the marriage may at her election be resumed upon the death of her husband or if she be divorced or abandoned by him, if both settlements were in this state.

3. Legitimate minor children take the settlement of the father, if there be one, if not, then that of the mother.

4. Illegitimate minor children take the settlement of their mother, or, if she has none, then that of their putative father.

5. A minor without a settlement in this state, by residing one (1) year in any county of the state, acquires a settlement therein.

Sec. 7. Settlement continues until new one acquired. A legal settlement once acquired continues until lost by acquiring a new one.

That section thirty-two hundred eighty-seven (3287) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 8. Contest as to settlement. When relief is granted to a poor person having a settlement in another county, the auditor shall at once by mail notify the auditor of the county of his settlement of such fact, and, within fifteen (15) days after receipt of such notice, such auditor shall inform the auditor of the county granting relief if the claim of settlement is disputed. If it is not, the poor person, if able, may be removed to the county of his settlement, or, at the request of the auditor or board of supervisors of the county of his settlement, he may be maintained where he then is at the expense of such county, and without affecting his legal settlement.

Sec. 9. Method of trial. If the alleged settlement is disputed, then, within thirty (30) days after notice thereof as above provided, a copy of the notices sent and received shall be filed in the office of the clerk of the district court of the county against which claim is made, and a cause docketed without other pleadings, and tried as an ordinary action, in which the county affording the relief shall be plaintiff, and the other defendant, and the burden of proof shall be upon the county granting the relief or making the removal.

That section thirty-two hundred eight-nine (3289) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 10. Relief by trustees - overseer of the poor. The township trustees of each township, subject to general rules that may be adopted by the board of supervisors, shall provide for the relief of such poor persons in their respective townships as should not, in their judgment, be sent to the county home. But where a city is embraced, in whole or in part, within the limits of any township, the board of supervisors may appoint an overseer of the poor, who shall have within said city, or part thereof, all the powers and duties conferred by this chapter on the township trustees.

Sec. 11. Form of relief - condition. The relief may be either in the form of food, rent or clothing, fuel and lights, medical attendance, or in money, and shall not exceed two dollars (\$2.00) per week for each person for whom relief is thus furnished, exclusive of medical attendance. They may require any able-bodied person to labor faithfully on the streets or highways at the prevailing local rate per hour in payment for and as a condition of granting relief; said labor shall be performed under the direction of the officers having charge or working streets and highways.

Sec. 12. Medical services - rate of payment. When medical services are rendered by order of the trustees or overseers of the poor, no more shall be charged or paid therefor than is usually charged for like services in the neighborhood where such services are rendered. No supervisor, trustee, or employee of the county, shall be directly or indirectly interested in any supplies furnished the poor.

That section thirty-two hundred ninety-three (3293) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 13. Application for relief - where made. The poor must make application for relief to the trustees of the township where they may be, and, if the trustees are satisfied that the applicant is in such a state of want as requires

relief at the public expense, they may afford such relief, subject to the approval of the board of supervisors, as the necessities of the person require, and shall report the case forthwith to the board of supervisors, who may continue or deny relief, as they find cause.

Sec. 14. Allowance by board of supervisors. The board of supervisors may examine into all claims, including claims for medical attendance, allowed by the township trustees for the support of the poor, and if they find the amount allowed by said trustees to be unreasonable, exorbitant or for any goods or services other than for the necessaries of life, they may reject or diminish the claim as in their judgment would be right and just, and this section shall apply to all counties in the state, whether there are county homes established in the same or not. This and the preceding section shall apply to acts of overseers of poor in cities as well as to township trustees.

Approved February 20, 1924.

CHAPTER 95

HOSPITALS FOR CONTAGIOUS DISEASES

H. F. 142

AN ACT TO amend, revise, and codify chapter fourteen (14) of title twelve (12) of the compiled code of Iowa, and of the supplement to said code, relating to county public hospitals and detention hospitals for contagious diseases.

Be It Enacted by the General Assembly of the State of Iowa

That chapter fourteen (14) of title twelve (12) of the compiled Code of Iowa, and of the supplement to said Code is amended, revised, and codified to read as follows:

CHAPTER

COUNTY PUBLIC HOSPITALS

Section 1. County public hospitals - petition - requirements. When it is proposed to establish in any county a county public hospital, a petition shall be presented to the board of supervisors, signed by two hundred (200) or more resident freeholders of such county, at least one hundred fifty (150) of whom shall not be residents of the city, town, or village where it is proposed to locate such hospital, requesting said board to submit to the electors the proposition to issue bonds for the purpose of procuring a site, and erecting, equipping, and maintaining such hospital, and specifying the amount of bonds proposed to be issued for such purpose, which shall not exceed one hundred thousand dollars (\$100,000.00).

Sec. 2. Submission to vote. Upon the presentation of such petition, the board of supervisors shall submit to the voters of the county at the next general election the question of issuing bonds and levying a tax for such hospital in the form and manner required for the submission of public measures in the title on elections.

Sec. 3. Submission at special election. Should said petition so request and the board of supervisors unanimously so order, said proposition may be submitted at a special election to be called by said board in the manner provided by law for submitting propositions at special elections.

Sec. 4. Bonds issued. Should a majority of all the votes cast upon the proposition at a general election be in favor of establishing such hospital, the board of supervisors shall proceed to issue bonds of the county not to exceed the amount specified in said proposition, in denominations of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), drawing interest at a rate not to exceed five per cent (5%) per annum, payable annually or semiannually. Said bonds shall be due and payable in twenty (20) years from date of issuance, but at the option of the county payable at any time after five (5) years from such date, and shall be substantially in the form provided for county bonds, and shall show on their face that they are county public hospital bonds payable only from the county public hospital fund as provided for in the following section.

Sec. 4-a. Vote required at special election. Said proposition when presented at a special election shall not be deemed carried unless the number of votes cast at such special election is not less than a majority of the total number of votes cast at the last preceding general election in said county for governor, and unless said proposition receives at said special election a majority of the votes cast.

Sec. 5. Tax levy for county public hospital fund. If the hospital is established, the board of supervisors at the time of levying ordinary taxes, shall levy a tax at the rate voted, not to exceed two (2) mills in any one (1) year, for the erection and equipment thereof, and also a tax not to exceed two (2) mills for the maintenance of the hospital as certified by the board of hospital trustees. The proceeds of such taxes shall constitute the county public hospital fund.

Sec. 6. County treasurer to sell bonds. The county treasurer shall dispose of the bonds in the same manner as other county bonds, and the same shall not be sold for less than par with accrued interest.

Sec. 7. Hospital trustees - appointment - terms of office. When it has been determined by the voters of a county to establish a county public hospital, the board shall appoint seven (7) trustees chosen from among the resident citizens of the county with reference to their fitness for such office, three (3) of whom may be women, and not more than four (4) of such trustees shall be residents of the city, town, or village at which such hospital is located. Such trustees shall hold office until the following general election, at which time their successors shall be elected, two (2) for a term of two (2) years, two (2) for four (4) years, and three (3) for six (6) years, and they shall determine by lot their respective terms, and thereafter their successors shall be elected for regular terms of six (6) years each, none of whom shall be physicians or licensed practitioners.

Sec. 8. Vacancies - how filled. Vacancies in the board of trustees shall be filled in the same manner as original appointments, such appointees to hold office until the following general election.

Sec. 9. Organization of board - meetings - quorum. Said trustees shall, within ten (10) days after their appointment or election, qualify by taking the usual oath of office, but no bond shall be required of them, and organize by the election of one (1) of their number as chairman and one (1) as secretary. Said board shall meet at least once each month. Four (4) members of said board shall constitute a quorum for the transac-

tion of business. The secretary shall keep a complete record of its proceedings.

Sec. 10. County treasurer to handle funds. The county treasurer shall receive and disburse all funds under the control of said board of trustees, the same to be paid out only upon warrants drawn by the county auditor by direction of the board of supervisors after the claim for which the same is drawn has been certified to be correct by the said board of trustees.

Sec. 11. Powers and duties of trustees. Said board of hospital trustee shall:

1. Purchase, condemn, or lease a site for such public hospital, and provide and equip suitable hospital buildings.
2. Cause plans and specifications to be made and adopted for all hospital buildings and equipment, and advertise for bids as required by law for other county buildings, before making any contract for the construction of any such building or the purchase of such equipment.
3. Have general supervision and care of such grounds and buildings.
4. Employ a superintendent, a matron, and necessary assistants and employees, and fix their compensation.
5. Have control and supervision over the physicians, nurses, attendants, and patients in the hospital.
6. Cause one (1) of its members to visit and examine said hospital at least twice each month.
7. Provide a suitable room for detention and examination of persons brought before the commissioners of insanity of the county, if such hospital is located at the county seat.
8. Determine whether or not any applicant is indigent and entitled to free treatment therein, and to fix the price to be paid by other patients admitted to such hospital for their care and treatment therein.
9. Fix at its regular August meeting in each year, the amount necessary for the improvement and maintenance of the hospital during the ensuing year, and cause the president and the secretary to certify the same to the county auditor before September first of each year.
10. File with the board of supervisors during the first week in January of each year, a report covering their proceedings with reference to such hospital, and a statement of all receipts and expenditures during the preceding calendar year.
11. Accept property by gift, devise, bequest, or otherwise.

Sec. 12. Optional powers and duties of trustees. The board of hospital trustee may:

1. Adopt by-laws and rules for its own guidance and for the government of the hospital.
2. Establish and maintain in connection with said hospital a training school for nurses.
3. Establish as a department in connection with said hospital a suitable building for the isolation and detention of persons afflicted with contagious diseases subject to quarantine.
4. Determine whether or not, and if so upon what terms, it will extend the privileges of the hospital to nonresidents of the county.
5. Adopt some suitable name other than county public hospital for hospitals either operating now, in process of construction, or to be established hereafter.
6. Operate said hospital as a tuberculosis sanatorium or provide as a department of such hospital such accommodation and means for the

care of persons afflicted with tuberculosis.

7. Formulate rules and regulations for the government of tuberculosis patients and the protection of other patients, nurses, and attendants from infection.

Sec. 13. Trustees - pecuniary interest prohibited. No trustee shall have, directly or indirectly, any pecuniary interest in the purchase or sale of any commodities or supplies procured for or disposed of by said hospital.

Sec. 14. Who entitled to hospital benefits - terms. Any resident of the county who is sick or injured shall be entitled to the benefits of such hospital, but every such person, except such as may have been found to be indigent and entitled to free care and treatment, shall pay to the board of hospital trustees reasonable compensation for care and treatment according to the rules and regulations established by the board. To be entitled to hospital benefits, patient must at all times observe the rules of conduct prescribed by the board of hospital trustees.

Sec. 14-a. Duty of trustees as to collections. It shall be the duty of the trustees either by themselves or through the superintendent to make collections of all accounts for hospital services rendered for others than indigent patients. Such account shall be payable on presentation to the person liable therefor, of an itemized statement and if not paid or secured within sixty (60) days after such presentation the said trustees shall proceed to enforce collections by such legal proceedings as they may deem necessary. All legal services for such purpose shall be performed by the county attorney without additional compensation.

Sec. 15. No discrimination. In the management of such hospital, no discrimination shall be made against the practitioners of any recognized school of medicine; and each patient shall have the right to employ at his expense any physician of his choice; and any such physician, when so employed by the patient, shall have exclusive charge of the care and treatment of the patient; and attending nurses shall be subject to the direction of such physician.

Sec. 16. Trustees - compensation - expenses. No trustee shall receive any compensation for his service performed under this chapter, but he shall be reimbursed for any cash expenditures actually made for personal expenses incurred in the performance of his duties. An itemized statement of such expenses, verified by the oath of each such trustee, shall be filed with the secretary, and the same shall only be allowed by an affirmative vote of all trustees present at the meeting of the board.

Sec. 17. Municipal jurisdiction. When such hospital is located on land outside of, but adjacent to a city or town, the ordinances of such city or town relating to fire and police protection and control, sanitary regulations, and public utility service, shall be in force upon and over such hospital and grounds and such city or town shall have jurisdiction to enforce such ordinances.

Sec. 18. County wards in public or private hospitals. The board of supervisors of any county in which no county hospital has been established may, in its discretion, establish one or more wards in any public or private hospital situated in the county for the use of the county under such regulations as may be agreed upon with the board having such hospital in charge. For such purpose the board of supervisors may levy a tax not

exceeding one-half of one (1) mill.

Sec. 19. Persons entitled to occupy county wards. All questions as to the character of patients who shall occupy said wards so established and all rules regulating the occupancy thereof shall be determined by the board of supervisors in the same manner and with the same force and effect as in the case of patients assigned to the county hospital in counties having such.

CHAPTER INDIGENT TUBERCULAR PATIENTS

Sec. 20. Care for indigent tubercular patients. The board of supervisors of each county shall provide suitable care and treatment for indigent persons suffering from tuberculosis, and where no other suitable provision has been made, they may contract for such care and treatment with the board of trustees of any hospital, not maintained for pecuniary profit.

Sec. 21. May provide separate building. Said board of supervisors may construct, or otherwise provide, and equip suitable buildings in connection with any hospital in the county for the segregation, care, and treatment of patients afflicted with tuberculosis. No institution, hospital, or building for the care and treatment of persons afflicted with tuberculosis shall be established at any county home.

Sec. 22. Payment for construction. The board may, in counties having a population of over fifteen thousand (15,000) and, under sixty-seven thousand (67,000), appropriate a sum not exceeding five thousand dollars (\$5,000.00), and in counties of less than fifteen thousand (15,000), a sum not to exceed two thousand dollars (\$2,000.00) for acquiring, constructing and equipping sites and buildings, without submitting the question to a vote.

Sec. 23. Allowance for support. The board of supervisors shall allow, from the poor fund of the county, for the care and support of each tuberculous patient cared for in any such institution, a sum not exceeding fifteen dollars (\$15.00) per week.

Sec. 24. Inspection powers of board of control. Any such department shall be inspected and approved by the board of control, which board shall have the power to require alternations in buildings and equipment, and such changes in treatment as may be necessary in order to make the institution and treatment conform to modern and accepted methods for the treatment of tuberculosis.

Sec. 25. Commitment to state sanatorium. Any person suffering from tuberculosis, who shall persistently refuse to obey or comply with the rules of any institution for the care of tuberculosis patients, may, by order of the district court of the county in which such institution is located, be committed to the state sanatorium, subject to the rules of admission at said institution, or to any county sanatorium or other institution where tuberculous patients are treated.

Sec. 26. Tuberculous patients violating laws and regulations. If any patient being treated for tuberculosis at the state sanatorium, or any county sanatorium or other institution where tuberculosis is cared for,

shall refuse to comply with the laws of the state or rules for the government of the institutions named herein, and shall persistently, or carelessly, or maliciously, violate such laws or rules so as to menace the welfare of said institution or to interfere with the administration, order or peace of said institution, then upon complaint of the superintendent or any institution herein designated, such person may, by order of the district court, be segregated and forcibly detained in a ward or room, for such purpose, and for such period of time as may be deemed advisable by the court, to the end that such person may be properly treated, and the population of such institution may be protected and the decorum maintained.

CHAPTER

DETENTION HOSPITAL FOR CONTAGIOUS DISEASES

Sec. 27. Contagious disease detention hospitals. When the board of supervisors of any county shall be presented with a petition signed by three hundred (300) resident freeholders of the county, of whom two hundred (200) shall be residents of the city, town, or village where it is proposed to establish and equip a hospital for the detention of persons suffering from any infectious or contagious disease, the board, when authorized by the vote of the people at any election called and held as provided in the chapter relating to county public hospitals, shall order the erection and equipment of such hospital, at a cost of not more than the amount voted, which shall in no event exceed the sum of forty thousand dollars (\$40,000.00).

Sec. 28. Detention hospital bonds - tax levy. The board of supervisors shall issue the bonds of the county covering the cost of the erection and equipment of said hospital, which bonds shall be payable at the option of the county at any time within fifteen (15) years, and shall draw interest at the rate of not more than five per cent (5%) per annum, payable annually. The board shall make such levy as will pay the said bonds and interest thereon as they come due. Such funds shall be used for no other purpose.

Sec. 29. Management and control - statutes applicable. The establishment, maintenance, and control of such hospital shall be in accordance with the provisions of the chapter relating to county public hospitals, so far as applicable.

Approved March 12, 1924.

CHAPTER 96

RELIEF FOR SOLDIERS, SAILORS, AND MARINES

H. F. 144

AN ACT to amend, revise, and codify sections thirty-three hundred forty-two (3342) to thirty-three hundred forty-four (3344), inclusive, thirty-three hundred forty-six (3346) and thirty-three hundred forty-seven (3347) of the compiled code of Iowa, and section thirty-three hundred forty-five (3345) of the supplement to said code, relating to relief for soldiers, sailors, marines, and nurses.

Be It Enacted by the General Assembly of the State of Iowa

That sections thirty-three hundred forty-two (3342) to thirty-three hundred forty-four (3344), inclusive, thirty-three hundred forty-six (3346) and thirty-three hundred forty-seven (3347) of the compiled Code of Iowa, and section thirty-three hundred forty-five (3345) of the supplement to said Code, are amended, revised, and codified to read as follows:

CHAPTER 16

RELIEF FOR SOLDIERS, SAILORS, AND MARINES

Section 1. Tax for relief. A tax not exceeding one-half ($1/2$) mill on the dollar may be levied by the board of supervisors upon all taxable property within the county, to be collected at the same time and in the same manner as other taxes, to create a fund for the relief of, and to pay the funeral expenses of honorably discharged, indigent United States soldiers, sailors, marines, and nurses who served in the military or naval forces of the United States in any war and their indigent wives, widows, and minor children, not over fourteen (14) years of age if boys, nor sixteen (16) if girls, having a legal residence in the county.

Sec. 2. Control of fund - present commissioners - expiration of term. Said fund shall be expended for the purpose aforesaid by the joint action and control of the board of supervisors and the relief commission hereinafter provided for. The term of office of members of said commission now serving shall expire on the first day of September next after the taking effect of this code at which time the board of supervisors shall appoint a new commission under the next section.

Sec. 3. Disbursement of relief. Said fund shall be disbursed by the soldiers' relief commission, which shall consist of three (3) persons, two (2) of whom shall be honorably discharged soldiers, sailors, marines, or nurses of the United States who served in the military or naval forces of the United States in any war. Members of said commission shall be appointed by said board at the regular meeting in September, and the first appointees shall hold their office for one (1), two (2), and three (3) respectively, and until their successors shall be appointed and qualify, and thereafter one (1) shall be appointed each year for a term of three (3) years. Any appointee may be removed at any time by said board for neglect of duty or maladministration. Vacancies shall be filled by appointment by the board.

Sec. 4. Qualification - organization of commission. They shall qualify by taking the usual oath of office, and give bond in the sum of five hundred dollars (\$500.00) each, conditioned, for the faithful discharge of their duties with sureties to be approved by the county auditor. The commission shall organize by the selection of one (1) of their number as chairman, and one (1) as secretary.

Sec. 5. Meetings - report to supervisors - disbursements. The commission shall meet annually at the county auditor's office on the second Monday in September, and at such other times as may be necessary. At the annual meeting it shall determine who are entitled to relief and the probable amount required to be expended therefor, which sum it shall certify to the board, together with a list of those found to be entitled to relief, and the sum to be paid in each case. The board at its regular September meeting shall levy a sufficient tax to raise such amount.

Sec. 6. Names certified to township clerk - relief changed - report. Upon the filing of the list with the board of supervisors, the county auditor shall, within twenty (20) days thereafter, transmit to the town-

ship clerks in the county the names of those, if any, to whom relief has been awarded, and the amount. The amount awarded to any person may be increased, decreased, or discontinued by the commission at any regular meeting. New names may be added and certified thereat, and it shall, at the close of each year, make annual detailed reports to the board of its work, which shall be accompanied with the proper vouchers for all moneys disbursed by it.

Sec. 7. Disbursement of relief. On the first Monday of each month after the fund is ready for distribution, the auditor shall issue his warrant to the commission for the sums thus awarded, and it shall proceed to disburse the same to the parties named in the list, or disbursements may be made in any other manner the commission may direct. Receipts shall be taken for all payments.

Sec. 8. Burial of soldiers, sailors, marines, wives, and widows. The board shall designate some suitable person in each township to cause to be decently interred in a suitable cemetery and not in any cemetery or part thereof used exclusively for the burial of the pauper dead, the body of any honorably discharged soldier, sailor, marine, or nurse of the United States, who served in the military or naval forces of the United States during any war, or his wife, widow, or child if any such person has died without leaving sufficient means to defray the funeral expenses. The commission shall pay such expenses in a sum not exceeding one hundred dollars (\$100.00) in any case.

Sec. 9. Headstones - name and organization. The grave of each soldier, sailor, marine, or nurse shall be marked by a headstone, showing his name and the organization to which he belonged or in which he served. The headstone shall be of such design and material as may be approved by the board of supervisors, and shall cost not more than fifteen dollars (\$15.00). If however, a headstone of the above general description shall be provided by the national government or if a tombstone shall be furnished by private persons for such grave, the headstone herein provided for need not be provided at county expense.

Sec. 10. Expenses and audit thereof. The expenses of such burial and headstone shall be paid by the county in which such person died. If such person is a resident of a different county at the time of death, the latter county shall reimburse the county wherein he died for the cost of such burial and headstone. In either case, the board of supervisors of such respective counties shall audit the account and pay the same from the funds provided for in this chapter in such manner as other claims are audited and paid.

Sec. 11. Markers for graves - how paid for. The soldiers' relief commission in any county shall, upon the petition of five (5) reputable freeholders of any township or municipality in their county, procure for and furnish to said petitioners some suitable and appropriate metal marker, at a cost not exceeding one dollar (\$1.00) each, for for the grave of each honorably discharged soldier, sailor, marine, or nurse of the United States, who served in the military or naval forces of the United States during any war, who is buried within the limits of said township or municipality, to be placed at his grave to permanently mark and designate said grave for memorial purposes. The expenses thereof shall be paid from any funds raised as provided in this chapter.

Approved March 19, 1924.

CHAPTER 97

OFFICIAL NEWSPAPERS

S. F. 145

AN ACT to amend, revise, and codify chapter seventeen (17) of title twelve (12) of the compiled code of Iowa, relating to official newspapers.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter seventeen (17) of title twelve (12) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

CHAPTER 17

OFFICIAL NEWSPAPERS

Section 1. Official newspapers - time of selection. The board of supervisors shall, at the January session each year, select the newspapers in which the official proceedings shall be published for the ensuing year.

Sec. 2. Source of selection. Such selection shall be from newspapers published, and having the largest number of bona fide yearly subscribers, within the county. When counties are divided into two (2) divisions for district court purposes, each division shall be regarded as a county.

Sec. 3. Number to be selected. The number of such newspapers to be selected shall be as follows:

1. In counties having a population of less than fifteen thousand (15,000), two (2) such newspapers, or one (1), if there be but one (1) published therein.

2. In all other counties, three (3) such newspapers, not more than two (2) of which shall be published in the same city or town.

Sec. 4. Application - contest. Any publisher who desires that his newspaper be so selected may make written application therefor to the board of supervisors at any time prior to the making of the selection. If more applications are filed than there are newspapers to be selected, a contest shall exist.

Sec. 5. Contest - verified statements. In case of a contest, each applicant shall deposit with the county auditor, in a sealed envelope, a statement, verified by him, showing the names of his bona fide yearly subscribers living within the county and the place at which each such subscriber receives such newspaper, and the manner of its delivery.

Sec. 6. Determination of contest. The county auditor shall, on the direction of the board while it is in session, open said envelopes. The board may receive

other evidence of circulation. In counties in which two (2) newspapers are to be selected, the two (2) newspapers showing the largest number of bona fide yearly subscribers living within the county shall be selected as such official newspapers. In counties in which three (3) newspapers are to be selected, the three (3) showing the largest number of such subscribers shall be selected except when such three (3) newspapers are all published in the same city or town, in which case the two (2) newspapers in such city or town having the largest lists of such subscribers and the newspaper having the next largest list of such subscribers and published outside such city or town shall be selected as such official newspapers.

Sec. 7. Tie lists. When newspapers are, by equality of circulation, equally entitled to such selection, the board shall, in the presence of the contestants, determine the question by lot.

Sec. 8. Fraudulent lists. No newspaper shall be selected as an official newspaper when it is made to appear that the verified list deposited by the applicant contains the names of persons who are not bona fide subscribers within the county and that such names were knowingly and wilfully entered on such list by the applicant, or at his instance, with intent to deceive the board.

Sec. 9. New date fixed if all rejected. If all certified statements are rejected under the provisions of the preceding section, the board shall fix a new date for the selection of official newspapers and nothing herein shall be construed to prevent the applicants so rejected from filing new certified statements.

Sec. 10. Appeal - bond for costs - notice. Any applicant may, within twenty (20) days after the selection of official newspapers, appeal to the district court from the decision of the board of supervisors as to the selection of any or all newspapers so selected by filing in the office of the county auditor a bond for costs, in a sum and with sureties to be approved by said auditor, and by serving upon each applicant, whose selection he desires to contest, and the county auditor, a notice of appeal.

Sec. 11. Transcript. The auditor shall forthwith file with the clerk of the district court a transcript of all the proceedings before the board, together with all papers filed in connection with said matter.

Sec. 12. Trial of appeal. Said appeal shall be for trial de novo as an equitable action without formal pleadings at the first term following the filing of such transcript.

Sec. 13. Publication pending contest. After the selection by the board of supervisors of official newspapers, no publisher shall receive pay for publishing official proceedings until the contest is finally determined, in so far as he is concerned.

Sec. 14. Division of compensation - by agreement. If in any county the publishers of two (2) or more newspapers, at least one (1) of which by reason of its location and circulation is entitled to be selected as a county official newspaper, have entered into an agreement to publish the official proceedings or have united in a request to have their publications selected for such purposes, and such agreement or request has been filed with the board of supervisors prior to the naming of the official newspapers, the board of supervisors shall designate each of them a county official newspaper, but the combined compensation of the newspapers so requesting or agreeing, added to that of the other official newspaper or newspapers, if any, shall not exceed the combined compensation allowed by law to two (2) official newspapers in counties having a population below fifteen thousand (15,000) or to three (3) official newspapers in counties having a population of fifteen thousand (15,000) or more.

Sec. 15. What to be published - auditor to furnish copy. There shall be published in each of said official newspapers at the expense of the county during the ensuing year:

1. The proceedings of the board of supervisors, including their proceedings as a canvassing board of the various elections as provided by law.
2. The schedule of bills allowed by said board.
3. The reports of the county treasurer, including a schedule of the receipts and expenditures of the county.
4. A synopsis of the expenditures of township trustees for road purposes as provided by law.

Sec. 16. Cost of official publication. The cost of official publications provided for in the preceding section shall not exceed thirty-three and one-third cents (33-1/3c) and each ten (10) lines of brevier type or its equivalent for each insertion. Provided no such official publication shall be printed in type smaller than six-point.

Sec. 17. Designation of newspapers. The clerk of the district court, sheriff, auditor, treasurer, and recorder shall designate the newspapers in which the notices pertaining to their respective offices shall be published and the board of supervisors shall designate the newspapers in which all other county notices and proceedings, not required to be published in the official county newspapers, shall be published.

Sec. 18. Publications to be in English. All notices, proceedings, and other matter whatsoever, required by law or ordinance to be published in a newspaper, shall be published only in the English language and in newspapers published wholly in the English language.

Sec. 19. Penalty. Any person who is in any manner a party to a violation of the preceding section shall be guilty of a misdemeanor.

Approved January 25, 1924.

CHAPTER 98

CHANGING NAMES OF VILLAGES

H. F. 148

AN ACT to amend, revise, and codify chapter twenty (20) of title twelve (12) of the compiled code of Iowa, relating to changing names of villages.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter twenty (20), of title twelve (12) of the compiled Code of Iowa

is amended, revised, and codified to read as follows:

CHAPTER 12

CHANGING NAMES OF VILLAGES

Section 1. Changing names of villages. The board of supervisors may change the names of villages within their respective counties in the manner herein prescribed.

Sec. 2. Petition - requirements. There shall be filed in the office of the auditor of the county in which such village or the major portion thereof is situated, a petition for that purpose, which must be signed by at least two-thirds ($2/3$) of the qualified electors of said village, setting forth its name and location and giving the name by which they desire it to be known.

Sec. 3. Notice. Notice of the filing and object of the petition and the time and place of hearing on the same shall be given by publication for at least four (4) successive weeks in one (1) of the official newspapers of the county, and the last publication shall be at least ten (10) days prior to the regular meeting of the board at which the same is to be considered; or by posting a copy of the petition in at least three (3) public places in the village, and on the front door of the courthouse, for at least four (4) weeks before such meeting.

Sec. 4. Hearing. At the first regular meeting of said board after publication of notice is completed, it shall consider any remonstrances against the proposed change, and shall hear and determine said petition, unless the same is for good cause continued until the next meeting.

Sec. 5. Order of board. If on the hearing it shall appear that two-thirds ($2/3$) of the qualified electors of said village have in good faith signed said petition for change of name, then the said board shall order said name to be changed as prayed for.

Sec. 6. When order takes effect - publication. The order of the board shall thereupon be entered of record, giving the name of said village as set forth in said petition, the new name given, the time when the change shall take effect, which shall not be less than thirty (30) days thereafter.

Sec. 7. Notice of change - proof preserved. Notice of said change shall be published in at least one (1) newspaper of general circulation published in the county at least ten (10) days prior to the date fixed for the change to take effect. Proof of such publication, by the affidavit of the publisher, shall be filed in the office of the auditor and entered of record, whereupon the change shall be complete.

Sec. 8. Costs. In cases arising under the provisions of this chapter, where there is no opposition to said petition, the petitioners shall pay all costs; in all other cases costs shall abide the result of the proceeding, and be taxed to either party, in the discretion of the board, or divided equitably between the parties.

Approved December 19, 1923.

LAND SURVEYS

S. F. 149

AN ACT to amend, revise, and codify sections thirty-three hundred eighty-five (3385) and thirty-three hundred eighty-nine (3389) of the compiled code of Iowa, relating to land surveys.

Be It Enacted by the General Assembly of the State of Iowa:

That section thirty-three hundred eighty-five (3385) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. County surveyor - appointment and duties. A county surveyor may be appointed by the board of supervisors and shall hold office during the pleasure of said board. Said surveyor shall make all surveys of land within his county which he may be called upon to make, and the field notes and plats made by him shall be transcribed into a well bound book, under his supervision, at the expense of the person requesting the survey, which book shall be kept in the county auditor's office, and his surveys shall be held as presumptively correct.

That section thirty-three hundred eighty-nine (3389) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 2. Record to be furnished - presumptive evidence. The county surveyor shall, when requested, furnish the person for whom the survey is made with a copy of the field notes and plat of the survey, and such copy, certified by him, and also a copy from the record, certified by the county auditor with the seal, shall be presumptive evidence of the survey and of the facts herein required to be set forth, and which are stated accordingly, between those persons who join in requesting it. Such field notes and plat of survey shall not however, be presumptive evidence in any action in court as opposed to the field notes and plat of survey made by any other competent surveyor at the instance of any party not joining in the request for the survey by the county surveyor.

Approved February 27, 1924.

CHAPTER 100

TOWNSHIPS AND TOWNSHIP OFFICERS

S. F. 151

AN ACT to amend, revise, and codify sections thirty-four hundred twenty-four (3424) to thirty-four hundred thirty-five (3435), inclusive, thirty-four hundred forty (3440), thirty-four hundred forty-one (3441), thirty-four hundred forty-five (3445), thirty-four hundred forty-six (3446), thirty-four hundred forty-nine (3449), thirty-four hundred fifty (3450), thirty-four hundred fifty-three (3453), thirty-four hundred fifty-four (3454), thirty-four hundred fifty-eight (3458) and thirty-four hundred fifty-nine (3459) of the compiled code of Iowa, and sections thirty-four hundred forty-five-a one (3445-a1) and thirty-four hundred forty-five-a two (3445-a2) of the supplement to said code, relating to townships and township officers.

Be It Enacted by the General Assembly of the State of Iowa:

That sections thirty-four hundred twenty-four (3424) and thirty-four hundred twenty-eight (3428) to thirty-four hundred thirty-five (3435), inclusive, of

the compiled Code of Iowa, are amended, revised, and codified to read as follows:

Section 1. Supervisors divide county into townships. The board of supervisors shall divide the county into townships, as convenience may require, defining the boundaries thereof, and may, from time to time, make such alterations in the number and boundaries of the townships as it may deem proper.

Sec. 2. School townships and districts divided. The board shall not change the lines of any civil township so as to divide any school township or district, unless a majority of the voters of said school township or district shall petition therefor, except in cases where such boundary lines are changed to conform to congressional township lines.

Sec. 3. Boundaries conformed to city boundaries. Where the boundaries of any city have been changed, the board of supervisors of the county in which the same is situated shall have power to change the boundary lines of townships so as to make them conform to the boundaries of the city, and to make such other changes in township lines, and the number of townships, as it may deem necessary; but no action shall be taken affecting the boundaries or existing conditions of school districts.

Sec. 4. Boundaries to be recorded. The description of the boundaries of each township, and all alterations in them, and of all new townships, shall be recorded in full in the records of the board of supervisors, and of the township.

Sec. 5. Divisions where city included. When any township has within its limits a city or town with a population exceeding fifteen hundred (1,500), the electors of such township residing without the limits of such city or town may, at any regular session of the board of supervisors of the county, petition to have such townships divided into two (2) townships; the one to embrace the territory without, and the other the territory within, such corporate limits.

Sec. 6. Petition accompanied by affidavit - remonstrance. Such petition shall be accompanied by the affidavit of three (3) electors, to the effect that all the signatures to such petition are genuine, and that the signers thereof are all legal voters of said township, residing outside said corporate limits. Remonstrances signed by such legal voters may also be presented at the hearing before the board of supervisors hereinafter provided for, and if the same persons petition and remonstrate, they shall be counted on the remonstrance only.

Sec. 7. Notice. Notice of the time when such petition will be heard shall be given by publication, once each week, for two (2) consecutive weeks in a newspaper published in the township, the last of which publications shall be at least ten (10) days prior to the time fixed for such hearing; or if no paper is published in such township, or such papers refuse to make such publication, the notice shall be given by posting in five (5) public places in the township, two (2) of which shall be without, and three (3) within such corporate limits, at least ten (10) days prior to such hearing.

Sec. 8. Division - effect. If such petition is signed by a majority of the electors of the township residing without the corporate limits of such city or town, the board of supervisors shall divide such township into two (2) townships, as prayed; but, except for election purposes, including the appointment of all judges and clerks of election rendered necessary by the change, such division shall not take effect until the second secular day of January following the next general election.

Sec. 9. Restoration to former township. When the citizens of any township so set off desare to dissolve their township organization and return again to the township from which they were taken, they may do so by the same proceedings as provided for the division thereof, except that said petition shall be signed by a majority of the electors of both townships.

Sec. 10. New township - first election. When a new township is formed, in which township officers are to be elected, the board of supervisors shall call the first township election, to be held at such place as it may designate, on the day of the next general election. If at any time a new township has been created in a year in which no general election is held, the board may call a special election for the election of the township officers of the new township, who shall continue in office until their successors are elected and qualified.

Sec. 10-a1. Officers to be elected. At said election there shall be elected one trustee for a term of two (2) years, one trustee for a term of three (3) years, and one trustee for a term of four (4) years, and other officers as provided by law.

Sec. 11. Auditor to issue an order for election. The auditor shall issue an order for such first election, stating the time and place of the same, the officers to be elected, and any other business to be transacted and no business not named in such order shall be transacted at such election.

Sec. 12. Service and return. Such order may be directed to any constable of the county, or to any citizen of the same township, by name, and shall be served by posting up copies thereof, in three (3) of the most public places in the township, fifteen (15) days before the day of the election; the original order shall be returned to the presiding officer of the election, to be returned to the clerk when elected, with a return thereon of the manner of service, verified by oath, if served by any other than an officer.

That sections thirty-four hundred twenty-five (3425) to thirty-four hundred twenty-seven (3427), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 13. Changing township name - petition - notice. Any township desirous of changing its name may petition the board of supervisors and, if it shall appear to said board that a majority of the actual resident voters of such township are in favor of such change, such board shall cause notices, attested by the auditor, to be posted up in three (3) of the most public places of such township, for at least thirty (30) days previous to the next regular session of said board, which notice shall state the fact that a petition has been presented to said board by the citizens of said township, praying for a change of the name of the same and recite the name prayed for in said petition, and that, unless those interested in the change of such name shall appear at the next regular session of said board and show cause why said name shall not be changed, there will be an order made granting such change.

Sec. 14. Hearing - order. If, at the time fixed for the hearing of said petition, the board is satisfied that there is a majority in favor of such change of name, it shall make an order granting the same, which shall be attested by the auditor, and recorded in the office of the recorder of the county.

Sec. 15. Petition dismissed - when. If it appears to said board that a majority of the citizens of such township are opposed to such change, such petition shall be dismissed. The cost of the proceeding in all cases shall be taxed against the petitioners.

That sections thirty-four hundred forty (3440) and thirty-four hundred forty-one (3441) of the compiled Code of Iowa are amended, revised and codified to read as follows:

Sec. 16. Trustees - duties - meetings. The board of township trustees in each township shall consist of three (3) qualified electors of the township. The trustees shall act as overseers of the poor, fence viewers, the local board of health, and shall constitute the township board of equalization. The board of trustees shall meet on the first Monday in February, April, and November in each year.

Sec. 17. County attorney may act - when - other counsel. In counties having a population of less than twenty-five thousand (25,000), where the trustees institute, or are made parties to, litigation in connection with the performance of their duties, as provided in this chapter, the county attorney, as a part of his official duties, shall appear in behalf of the township trustees, except in cases in which the interests of the county and those of the trustees are adverse.

Sec. 18. Trustees may employ counsel. When litigation shall arise in any case not covered by the preceding section, involving the right of duty of township trustees with reference to any matter within their jurisdiction, and the trustees become or are made parties to such litigation, they shall have authority to employ attorneys in behalf of said township, and to levy the necessary tax to pay for their services, and to defray the expenses of such litigation.

That sections thirty-four hundred forty-five (3445), thirty-four hundred forty-six (3446), thirty-four hundred forty-nine (3449), thirty-four hundred fifty-three (3453) and thirty-four hundred fifty-four (3454) of the compiled Code of Iowa, and sections thirty-four hundred forty-five-a one (3445-a1) and thirty-four hundred forty-five-a two (3445-a2) of the supplement to said Code are amended, revised, and codified to read as follows:

Sec. 19. Tax to pay for cemeteries and parks. They shall, at the regular meeting in April, levy a tax sufficient to pay for any lands so condemned or purchased, or for the necessary improvement and maintenance of cemeteries thus established, and for the necessary improvement and maintenance of public parks acquired by gift, devise, or bequest under the preceding section, or for the maintenance and improvement of cemeteries so established in adjoining townships, in case they deem such action advisable.

Sec. 20. Power and control whether owner or not. They shall control any such cemeteries, or appoint trustees for the same, or sell the same to any private corporation for cemetery purposes, and may levy a tax not to exceed one (1) mill to improve and maintain any cemetery not owned by the township, provided the same is devoted to general public use.

Sec. 21. Levy may cover city or town property - when. The levy authorized in the two (2) preceding sections may be extended to property within the limits of any city or town so far as same is situated within the township, unless such city or town is already maintaining a cemetery, or has levied a tax in support thereof. The said tax may be so expended for the support and maintenance of any such cemetery after the same has been abandoned and is no longer used for the purpose of interring the dead.

Sec. 22. Cemetery funds - use outside of township. Cemetery tax funds of a township may be used for the maintenance and support of cemeteries in adjoining counties and townships and in cities and towns if such cemeteries are utilized for

burial purposes by the people of the township.

Sec. 22-a. Joint city and township board. A city or town council and the trustees of a township may join in the common purpose of improving, maintaining, and supporting a township cemetery. In such case the two official bodies shall constitute a joint cemetery board and shall have equal voting power.

Sec. 23. Regulations for cemeteries. The trustees, board of directors, or other officers having the custody and control of any cemetery in this state, shall have power, subject to the by-laws and regulations of such cemetery, to enclose, improve and adorn the ground of such cemetery; to construct avenues in the same; to erect proper buildings for the use of said cemetery; to prescribe rules for the improving or adorning the lots therein, or for the erection of monuments or other memorials of the dead upon such lots; and to prohibit any use, division, improvement or adornment of a lot which they may deem improper.

Sec. 24. Watchmen appointed - oath. Such trustees, directors, or other officers may appoint as many day and night watchman of their grounds as they may think expedient, and such watchman, and also all their sextons, superintendents, gardeners and agents, stationed upon or near said grounds are hereby authorized to take and subscribe, before any mayor of a city or justice of the peace of the township where such cemetery is situated, an oath of office, similar to that required by law of constables.

Sec. 25. Powers of police officers. Upon the taking of such oath, such watchman, sextons, superintendents, gardeners and agents shall have and exercise all powers of police officers within and adjacent to the cemetery grounds and each shall have power to arrest any and all persons engaged in violating the laws of this state, and to bring such person so offending before any justice of the peace within such township, to be dealt with according to law.

Sec. 26. Cemeteries - plat - record. Where there is located in any township one (1) or more cemeteries, the owner of the same, or any party owning an interest therein may cause the same to be surveyed, platted, and laid out into subdivisions and lots, numbering the same by progressive numbers, giving the length and breadth, also the location with reference to known or permanent monuments to be made. The plat shall accurately describe all the subdivisions of the tract of land used, or designed to be used as a cemetery, and shall be recorded in the office of the county recorder, and filed with and recorded by the township clerk, and preserved by him among the records of his office.

Sec. 27. Conveyance of lots - record of. All conveyances of subdivisions or lots of a cemetery thus platted shall be by deed from the proper owner, which deed shall be recorded with the township clerk in a book kept by him for that purpose, for the recording of which the said clerk shall be entitled to a fee of fifty cents (50c) for each instrument recorded, to be paid by the party desiring the record made.

This section thirty-four hundred fifty (3450) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 28. Clerk to keep record. The township clerk shall keep a record of all the proceedings and orders of the trustees, and of all acts done by him, including the filing of certificates of official oaths having been taken before other officers, and perform such other acts as may be required of him by law. Each township clerk shall receive, collect, preserve, and disburse, under the orders of the township trustees, all funds belonging to his township, including the cemetery fund, and those which are now or may hereafter be by law created or authorized.

Sec. 29. Funds placed at interest - how checked out. He shall deposit all funds coming into his hands by virtue of his office in a bank conveniently located, each deposit to be in the name of his township and at a rate of interest not less than two and one-half per cent (2 1/2%) per annum on ninety per cent (90%) of the daily balances, payable at the end of each month, which interest shall accrue to the benefit of the township road fund. No check shall be drawn upon said township bank account by the township clerk, except it be in payment of bills which have come before and have been properly authorized and audited by the township trustees.

Sec. 29-a1. Bond. Before such deposit is made, such bank shall file with the clerk a bond with sureties to be approved by the clerk and the township trustees in double the amount which will probably be deposited, conditioned to indemnify the township against loss by reason of such deposit or deposits. The clerk or his successor in office shall have a right to bring action on said bond in case of a breach thereof.

That sections thirty-four hundred fifty-eight (3458) and thirty-four hundred fifty-nine (3459) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 30. Compensation of clerk. The township clerk shall receive:

1. For each day of eight (8) hours necessarily engaged in official business, where no other compensation or mode of payment is provided, to be paid from the county treasury, three dollars (\$3.00).
2. For all money coming into his hands by virtue of his office, except from his predecessor in office, unless otherwise provided by law, two per cent (2%).
3. For filing each application for a drain or ditch, fifty cents (50c).
4. For making out and certifying the papers in any appeal taken from an assessment by the trustees of damages done by trespassing animals, such additional compensation as the board of supervisors may allow.

Sec. 31. Compensation of assessor. Each township assessor shall receive in full for all services required of him by law, a sum to be paid out of the county treasury, and fixed annually by the board of supervisors at its January session, for the current year, on the basis of three and one-half dollars (\$3.50) for each day of eight (8) hours which said board determines may necessarily be required in the discharges of all official duties of such assessor. Provided, however, in townships having a population of thirty thousand (30,000) or over and situated entirely within the limits of a city acting under special charter, such compensation shall be four dollars (\$4.00) per day.

Approved February 2, 1924.

CHAPTER 101

MUNICIPAL CORPORATIONS

S. F. 153

AN ACT to amend, revise, and codify sections three thousand four hundred seventy-one (3471) to three thousand four hundred seventy-three (3473) inclusive and three thousand five hundred nineteen (3519), also three thousand four hundred seventy-nine (3479) to three thousand four hundred eighty-one (3481) inclusive, three thousand four hundred eighty-four (3484) and three thousand four hundred

eighty-six (3406) to three thousand four hundred ninety-seven (3497) inclusive, and three thousand five hundred four (3504) 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 four hundred seventy-one (3471) to three thousand four hundred seventy-three (3473), inclusive, and three thousand five hundred nineteen (3519) of the compiled Code of Iowa are amended, revised and codified to read as follows:

Section 1. Election of officers. If a majority of the ballots cast at such election be in favor of the incorporation and the result has been confirmed and approved, the court, or in vacation a judge thereof, shall order the election of a mayor, treasurer, assessor, and council. The commissioners shall give notice for two (2) consecutive weeks of the time and place of holding the election, by publication once each week in a newspaper published and of general circulation in the county where the court is held, and by posting the same in five (5) public places within the limits of such town. At said election the qualified voters residing within the limits of the town shall elect the officers. The election shall be conducted, so far as practicable, in the manner of municipal elections, and the commissioners shall act as judges and clerks of election.

Sec. 2. Report of commissioners - judgement. The commissioners shall promptly report the results of the election to the court, and it, or in vacation a judge thereof, may confirm and approve the election and report, or set the same aside and order a new election with the same or other commissioners. Upon the confirmation of the election and report, a judgment shall be entered of record, declaring the town duly incorporated and confirming and approving the first election of officers. Should any officer fail to qualify, the court or judge shall declare the office vacant and appoint some other person to fill the vacancy.

Sec. 3. Record - payment of costs. The clerk of the court shall enter the proceedings in the matter of the incorporation and election of officers in the complete record book and file a certified copy of the entry in the office of the secretary of state and in the office of the recorder, who shall record the same. The costs of all the proceedings for the incorporation shall be paid by the town if established, otherwise they shall be paid by the petitioners, and judgment shall be entered accordingly.

Sec. 4. Terms of officers elected. The officers elected shall hold office until their successors are elected at the general city election held in the second March thereafter, and have qualified, but the term of the assessor shall begin on the first day of January succeeding his election.

Sec. 5. Discontinuance - how affected. Upon a petition of the voters equaling twenty-five per cent (25%) of the number voting at the last preceding municipal election, to the district court of the county wherein a municipal corporation is situated, for the discontinuance of the same, the court shall, thirty (30) days prior to the next regular city or town election, cause notice to be given, that the question of discontinuing such corporation will be submitted to the legal voters thereof at the said election, by publication once a week for two (2) weeks in a newspaper published in said city or town; if none be so published then in one published in the county or counties in which said city or town is situated, and by posting the same in five (5) public places therein. The proposition submitted shall be: "Shall the proposition to discontinue the corporation of (inserting name) be adopted?" The clerk of the city or town shall cause the proposition to be printed on the ballots.

That sections three thousand four hundred eighty-one (3481) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 6. Cities or towns may unite. When any city or town desires to be annexed to another contiguous city or town, the council of each shall appoint three (3) commissioners who shall meet and fix the terms upon which the proposed annexation shall be made, and make report thereof to their respective councils. If both councils approve the proposed terms, they shall by identical ordinances so declare, and therein determine whether the question shall be voted upon at a special election, fixing the date thereof, or at the next regular city election. Thereupon a copy of the ordinances, together with a statement that both councils have adopted the same, shall be published once in a newspaper, if any be published in either of said cities or towns, but when none be so published in one or both of said cities or towns; then in a newspaper published in the county or counties in which said city or town is situated and of general circulation in both cities or towns, and be posted in five (5) public places therein, at least ten (10) days prior to the election specified in the ordinance.

Sec. 7. Question submitted - proceedings thereafter. The proposition to be submitted at the election shall be: "Shall the proposition for the annexation of (naming the city or town) to (naming the city or town) be adopted?" If a majority of the votes cast in each city or town is in favor of annexation, the council of each shall, by ordinance, so declare. A certified copy of the whole proceedings for the annexation shall be filed with the clerk of the city or town to which such annexation is made, who shall file a certified copy thereof with the secretary of state, and in the recorder's office of the county, who shall record the same.

That sections three thousand four hundred seventy-nine (3479), three thousand four hundred eighty (3480), three thousand four hundred eighty-four (3484) and three thousand four hundred eighty-six (3486) to three thousand four hundred ninety-six (3496) inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 8. Platted territory adjoining any city or town may be annexed thereto and become a part thereof by proceeding as follows:

1. The council of the city or town desiring to annex adjoining territory may so provide by resolution, therein describing the territory proposed to be annexed and directing the mayor to institute therefor a suit in equity against the owners of such property.

2. The petition shall contain:

(a) A description of the entire property proposed to be annexed and of that portion thereof owned by each defendant.

(b) The facts constituting the desirability of such annexation.

(c) A plat of such territory showing its relation to the corporate limits.

3. If the court finds in favor of the annexation it shall enter a decree accordingly, and if not the petition shall be dismissed. No costs shall be taxed against any defendant who fails to make defense.

Sec. 8-a. Annexation of territory not platted - procedure. Territory, not platted, adjoining any city or town may be annexed thereto and become a part thereof by proceeding as follows:

1. The council may provide by resolution adopted at least one month before any regular election, for the annexation of territory described therein.

2. The proposition shall be submitted to the voters at said election in the following form:

"Shall the proposition to annex the territory described in the resolution adopted by the council of the city or town of _____ on the _____ day of _____ be approved?" Notice of the submission of said proposition shall be given by publication in a newspaper of general circulation in said city or town once each week for four consecutive weeks preceding said election.

3. If the proposition is adopted by a majority of those voting thereon, the council shall cause to be filed in the district court a suit in equity against the owners of the property proposed to be annexed describing in the petition such property and attaching thereto a plat thereof showing its location in reference to the limits of such city or town.

4. Like proceedings shall be had as provided in section eight (8) hereof.

Sec. 8-a2. In case any territory adjoining any city or town has been platted into tracts of less than ten acres and has been substantially built up and the inhabitants thereof are enabled to secure the benefits of the city or town government in the way of police and fire protection, or may be furnished with light and water by said city or town or under a franchise granted thereby the council of the city or town may by resolution incorporate such territory into the city or town.

Sec. 8-a3. Application for annexation. All the owners of any territory adjoining any city or town may make application, in writing, to the council of such city or town, attaching thereto a plat of such territory showing the situation thereof with reference to the existing limits of such city or town, and if the council thereof, by resolution, assent thereto, such territory shall thereafter be and become a part of such city or town.

Sec. 8-a4. Ten per cent (10%) of the inhabitants of any platted territory adjoining any city or town may petition the council thereof to have such territory annexed thereto. The council may consent to such annexation or submit the matter to the voters of said city or town, and if the council consent or the proposition carries at the election the proceedings shall be the same as provided in section eight (8) hereof, except that the petitioners shall be plaintiffs and the city or town and all the owners of property in the territory, other than the petitioners, shall be defendants.

Sec. 8-a5. Severance of territory. Territory may be severed from any city or town by proceeding as follows:

1. A majority of the resident property owners of such territory or the city or town may bring suit in equity in the district court therefor and the proceedings shall so far as applicable be the same as provided in section eight (8) hereof. Notice of suit shall be such as the court may direct.

2. If the court finds that such territory, or any part thereof, shall be severed from any city or town, it shall thereupon appoint three disinterested persons as commissioners to examine into the matter and the equitable distribution of the assets, and equitable distribution and assumption of the liabilities of such city or town which have accrued during the time such territory has been a part thereof, as between such city or town and the severed territory.

3. The commissioners shall receive evidence on the question from the parties interested and submit their findings to the court at the next term thereof and any interested party may file objections thereto and the court shall determine the matter by trial de novo and enter a decree in

accordance with the very right of the matter.

Sec. 8-a6. Filing of records. When any territory has been annexed to or severed from any city or town the clerk thereof shall make and certify a transcript of such part of the records of such city or town as shows the final action of the council and shall file the same for record in the office of the recorder of the county in which the city or town is located and also in the office of the secretary of state. And in like manner the clerk of the district court shall make and file a certified copy of the record of the final action of the court on such proceedings and when such certified copies have been filed the annexation or severance, as the case may be, shall be complete and all persons shall be bound to take notice thereof.

That section three thousand four hundred ninety-seven (3497) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 9. Changing name - question submitted. The corporate name of any city or town may be changed as follows: The council may, by resolution, propose such change of name, setting forth therein the proposed new name, which shall not be the same as that of any city, town, or postoffice existing in the state at the time of the passage of such resolution. The question shall then be submitted to a vote of the qualified electors at the next regular city or town election, or at a special election, as the council may provide. Notice that a change of name is to be voted on at any election shall be published in a newspaper published in said city or town; if none be republished then in one published in the county or counties in which said city or town is situated.

That section three thousand five hundred four (3504) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 10. Officers elected - ordinances - resubmission. If a majority of the votes cast be in favor of the adoption of the proposition, the charter shall be abandoned. Prior to the holding of the next succeeding city election, the mayor shall issue his proclamation and an election shall be held and officers chosen in the city or town under the provisions of the chapter relating to the election of officers for cities or towns, of the class to which the corporation will belong when the charter is abandoned. Upon the election and qualification of such officers, the charter of the city or town shall be deemed abandoned, and it shall be held organized under this chapter. All ordinances in force at the time of the abandonment of the charter not inconsistent or in conflict with the laws of the state shall remain in force until amended or repealed. If a majority of the votes be against the abandonment of the charter, the question shall not be again submitted until after the expiration of one (1) year from the time of such election.

Approved April 21, 1924.

CHAPTER 102

25

MUNICIPAL CORPORATIONS

H. F. 154

AN ACT to amend, revise, and codify sections three thousand five hundred eight (3508), three thousand five hundred nine (3509), three thousand five hundred eleven (3511) to three thousand five hundred eighteen (3518), inclusive,

three thousand five hundred twenty-one (3521), three thousand five hundred twenty-two (3522), three thousand five hundred thirty (3530) to three thousand five hundred thirty-three (3533), inclusive, three thousand five hundred thirty-five (3535), three thousand five hundred thirty-six (3536), three thousand five hundred forty-one (3541), three thousand five hundred fifty (3550), three thousand five hundred fifty-one (3551), three thousand five hundred fifty-three (3553), three thousand five hundred fifty-four (3554), three thousand six hundred forty (3640), and three thousand seven hundred sixty-six (3766) of the compiled code of Iowa and section thirty-five hundred eleven-a one (3511-a1) of the supplement to said code, relating to municipal corporations.

Be It Enacted by the General Assembly of the State of Iowa:

That sections three thousand five hundred eight (3508) and three thousand five hundred nine (3509) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Change of class - loss of population. Within six (6) months after the publication of any state or federal census, the executive council shall cause a statement and list of each city or town affected thereby in its class as a corporation to be published in some newspaper at the seat of government and in each city or town, the class of which is changed. No city shall be affected in its classification by a subsequent loss of population, unless, in a city of the second class, it shall have dropped below fifteen hundred (1,500) or in a city of the first class, below ten thousand (10,000).

Sec. 2. Necessary ordinances to be passed. Before the next election in a city or town after a change of class, the council shall make and publish such ordinances as may be necessary to perfect such organization in respect to the election, duties, and compensation of officers. All assets and property of the corporation shall be held and administered as provided by law for its new class as a corporation. Upon the change of a town to a city, the council shall, for the purpose of holding the first election, divide the same into wards.

That sections three thousand five hundred eleven (3511) to three thousand five hundred eighteen (3518), inclusive, three thousand five hundred fifty-three (3553), and three thousand five hundred fifty-four (3554) of the compiled Code of Iowa and section thirty-five hundred eleven-a one (3511-a1) of the supplement to said Code, are amended, revised, and codified to read as follows:

Sec. 3. Regular elections - qualifications of voters. Regular city and town elections shall be held on the last Monday in March, and elective officers shall be chosen biennially to succeed officers whose terms expire. The voting places shall be fixed by the council, at least one (1) polling place for each precinct or ward as the case may be, and the election shall be conducted in the manner provided by law for general elections.

Sec. 3-a1. Residence in precinct - exception. Each qualified elector may vote at said election, who, for ten (10) days has been a resident of the precinct in which he offers to vote. Electors who are registered, and otherwise qualified and who change residence from the precinct where registered to another precinct within ten (10) days preceding the election, may vote in the precinct where registered except at elections when council-

men are to be elected by the voters of a ward or district.

Sec. 4. Tie votes - contesting elections. A tie vote for any city or town office shall be determined as provided in the title on elections. The election of any person to a city or town office may be contested on the same grounds and in the same manner provided for contesting elections to county offices, so far as applicable. The mayor shall be the presiding officer of the court, but if his election is contested, the council shall select one (1) of its members to act in his place.

Sec. 5. Qualifications of officers. Every officer elected or appointed in a city or town shall be a qualified voter thereof, and every officer elected by any ward or district of a city or town shall reside within the limits of said ward or district.

Sec. 6. Council - how composed - election. Councils shall be composed in towns, of five (5) councilmen at large, and in cities, except as otherwise provided, of two (2) councilmen at large and one (1) councilman from each ward; but if any city embraces within its limits the whole or part of two (2) or more townships, two (2) of which parts contain one thousand (1,000) or more electors, only one (1) councilman at large shall be chosen from any one (1) township.

Sec. 7. Officers elected by entire electorate. In all cities and towns, the mayor, treasurer, and assessor, and in cities of the first class, the solicitor, auditor, city engineer, and where there is no municipal or superior court, the police judge, shall be elected by the entire electorate.

That section three thousand five hundred twenty-one (3521) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 8. Officers appointed by the mayor. The officers to be appointed by the mayor shall be:

1. A marshal, and such police and other officers as may be provided by ordinance; and in emergencies such special policemen as he may think proper, reporting such appointments to the council at its next regular meeting. Such special appointments shall continue in force until such meeting, unless sooner terminated by the mayor.

2. A health physician.

3. A street commissioner, but if there is a board of public works, such board shall make such appointment.

4. In cities of the first class, when necessary, a wharfmaster.

That sections three thousand five hundred thirty (3530) to three thousand five hundred thirty-three (3533), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 9. Depository - daily balances - interest. Treasurers of cities and towns shall, with the approval of the council as to place and amount of deposit, by resolution entered of record, deposit city and town funds in any bank or banks in the city or town to which the funds belong, at interest at the rate of not less than two and one-half per cent ($2\frac{1}{2}\%$) per annum on ninety per cent (90%) of the daily balances, payable at the end of each month. Interest shall accrue to the benefit of the general fund.

Sec. 10. Bond - action on bond. Before such deposit is made in any bank, it shall file a bond in a sum to be fixed by the council, which shall

not be less than double the amount which it is estimated will be on deposit at any one (1) time, with sureties to be approved by the treasurer and city council and conditioned to hold the treasurer harmless from all loss by reason thereof, provided that in case an approved surety company's bond is furnished, such bond may be accepted in an amount ten per cent in excess of the estimated deposits. All bonds shall be filed with the city clerk and action thereon may be brought by the treasurer or the city, as the council may elect.

Sec. 11. Failure of local bank to accept funds. If no such bank will accept said deposits, under the conditions set forth, then said funds may be deposited in any bank in the state which will accept them under said conditions.

Sec. 12. Private use of funds prohibited. No treasurer shall loan or in any manner use for private purposes any funds coming into his hands as treasurer.

Sec. 13. Expense of bond. If the treasurer request it, the city or town shall pay the reasonable expense of procuring the bond for the city treasurer, at a premium not exceeding one-half (1/2) of one per cent (1%) per annum of the amount thereof.

That sections three thousand five hundred twenty-two (3522), three thousand five hundred thirty-five (3535) and three thousand five hundred thirty-six (3536) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 14. Marshal - duties. The marshal shall be ex officio chief of police and may appoint one (1) or more deputy marshals, who may perform his duties, and who, in cities of the first class, shall be members of the police force. He shall have the supervision and general direction of the police force, and shall be the ministerial officer of the corporation. He shall attend upon the sittings of the mayor's and police court, execute within the county and return all writs and other processes directed to him from the mayor's and police court, suppress all riots, disturbances, and breaches of the peace, arrest all disorderly persons in the city or town and all persons committing any offense against the ordinances thereof, and forthwith bring such persons before the proper court for examination or trial. He shall pursue and arrest any person fleeing from justice, and shall diligently enforce all laws, ordinances, and regulations for the preservation of the public welfare and good order, and shall have the same powers and duties as constables in similar cases.

That sections three thousand five hundred forty-one (3541), three thousand six hundred forty (3640), and three thousand seven hundred sixty-six (3766) of the compiled Code of Iowa are amended, revised and codified to read as follows:

Sec. 15. Powers of council and officers. All legislative and other powers granted to cities and towns shall be exercised by the councils, except those conferred upon some officer by law or ordinance. All executive functions and powers shall be exercised by the mayor and other officers and boards, and neither the council nor the members thereof shall exercise any executive function unless expressly conferred by law.

Sec. 16. City and town councils - duties and powers. City and town councils shall:

1. Organization - quorum. On the first Monday after their election, assemble at 12 o'clock noon and organize. A majority of the whole number of members to which the corporation is entitled shall be necessary to constitute a quorum.
2. Meetings. Determine the time and place of holding their meetings which shall at all times be open to the public, and in the absence of the mayor or clerk appoint a temporary chairman or clerk, as the case may be, from their own number, which appointment shall be entered of record.
3. Special meetings. Hold special meetings when called by the mayor or any three (3) members of the council. Notice thereof shall be given personally or left at the usual place of residence of each member of the council, and a record of the service of notice made by the clerk.
4. Rules - journal. Determine the rules of their own proceedings, and cause to be kept a journal thereof which shall be open to public inspection.
5. Attendance of members. Have power to compel the attendance of absent members in such manner and under such penalties as they may prescribe.
6. Seal. Cause to be provided a seal in the center of which shall be the name of the city or town, and around the margin the words "city seal" or "town seal", as the case may be, which shall be affixed to all transcripts, orders, or certificates which it may be necessary or proper to authenticate.
7. Election of officers. Make, viva voce, all appointments or election of officers, except for the purpose of filling vacancies in offices not filled by election by the council, and a concurrence of a majority of the whole number of members of the council shall be required. On the vote resulting in an election or appointment, the name of each member and for whom he voted shall be recorded.
8. Election for filling vacancies. Elect by ballot persons to fill vacancies in offices not filled by election by the council, and the person receiving a majority of the votes of the whole number of members shall be declared elected to fill the vacancy.
9. Terms of officers. Fix by ordinance the terms of service which shall not exceed two (2) years, of all officers whose terms are not prescribed by law.
10. Powers of officers. Prescribe by ordinance the powers to be exercised and duties performed by officers in so far as such powers and duties are not defined by law.
11. Police force. Have power to establish a police force and organize the same under the general supervision of the marshal, and to provide one (1) or more stationhouses.
12. Custody of women and children. Appropriate annually in cities having a population of twenty-five thousand (25,000) inhabitants or more, such sums as may be necessary to secure separate care and confinement in stationhouses of all women and children under arrest, and for the appointment, salaries, and maintenance of police matrons.
13. Community civic congress. In any city or town erecting a soldiers', sailors', and marines' memorial building, appoint a community civic congress to serve without compensation, composed of three (3) residents especially fitted for and interested in community work, who may cooperate with the council in all matters pertaining to community improvement, child welfare, social, and recreational activities. Such congress may be appointed in any city or town.
14. Control of finances. Provide for the management and control of the finances and of the property, real and personal, belonging to the city or town.

15. Advertise for supplies. In cities, advertise in at least two (2) newspapers published and of general circulation in the city for three (3) weeks by one (1) insertion in each newspaper per week, for bids for furnishing all supplies for the several departments of the city not required to be advertised for by the board of public works. The last publication of said advertisement shall be two (2) weeks before the beginning of the fiscal year.

16. Appropriations. Make separate appropriations in cities for all the different expenditures of the city government for each fiscal year at or before the beginning thereof, and it shall be unlawful for it or any officer, agent, or employee of the city to issue any warrant, enter into any contract, or appropriate any money in excess of the amount thus appropriated during the year for which the appropriation is made. No city shall appropriate in the aggregate an amount in excess of its annual legally authorized revenue, but cities may anticipate their revenues for the year for which appropriation is made, or bond or refund their outstanding indebtedness.

That sections three thousand five hundred fifty (3550) and three thousand five hundred fifty-one (3551) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 17. No change of compensation during term. No member of any city or town council shall, during the time for which he has been elected, be appointed to any municipal office which has been created or the emoluments of which have been increased during the term for which he was elected, nor shall the emoluments of any city or town officer be changed during the term for which he has been elected or appointed, unless the office be abolished. No person who shall resign or vacate any office shall be eligible to the same during the time for which he was elected or appointed, when, during the time, the emoluments of the office have been increased.

Approved February 27, 1924.

CHAPTER 103
MUNICIPAL CORPORATIONS

S. F. 155

AN ACT to amend, revise, and codify chapter five (5) of title thirteen (13) of the compiled code of Iowa and of the supplement to said code, and section forty-two hundred thirty-two (4232) of the compiled code of Iowa, and sections forty-two hundred ninety-seven-a one (4297-a1) to forty-two hundred ninety-seven-a nineteen (4297-a19), inclusive, of the supplement to said code, relating to municipal corporations.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter five (5) of title thirteen (13) of the compiled Code of Iowa and of the supplement to said Code, and section forty-two hundred thirty-two (4232) of the compiled Code of Iowa, and sections forty-two hundred ninety-seven-a one (4297-a1) to forty-two hundred ninety-seven-a nineteen (4297-a19), inclusive, of the supplement to said Code are amended, revised, and codified to read as follows:

CHAPTER 5

CIVIL SERVICE

Section 1. Appointment of civil service commission. In cities having a population of eight thousand (8,000) or over, having a paid fire department, the mayor, with the approval of the council shall appoint three (3) civil service commissioners who shall hold office, one (1) until the first Monday in April of the second year, one (1) until the first Monday in April of the fourth year, and one (1) until the first Monday in April of the sixth year after such appointment, whose successors shall be appointed for a term of six (6) years. The commissioners must be citizens of Iowa and residents of the city for more than five (5) years next preceding their appointment, and shall serve without compensation. No person while on said commission, shall hold or be a candidate for any office of public trust. Nothing herein shall affect the term of any commissioner heretofore appointed under the provisions of the law applicable to cities under the commission form of government.

Sec. 2. Appointment civil service commission in other cities. In cities having a population of less than eight thousand (8,000), the council may appoint such commission, or may provide by ordinance for the exercise of the powers and performance of the duties of the commission by the council.

Sec. 3. Chairman - clerk. The chairman of the commission for each biennial period shall be the member whose term first expires. The city clerk shall be clerk of the commission and keep a record of all its meetings.

Sec. 4. Rooms and supplies. The council shall provide suitable rooms in which the commission may hold its meetings and supply the commission with all necessary equipment to enable it properly to perform its duties.

Sec. 5. Officers and employees under civil service - exceptions. The provisions of this chapter shall apply to all appointive officers and employees, including deputy clerks and bailiffs of the municipal court, in cities under the commission form of government having a population of more than 100,000, except:

1. City clerk, solicitor, assistant solicitor, assessor, treasurer, auditor, civil engineer, health physician, chief of police, market master.
2. Laborers whose occupation requires no special skill or fitness.
3. Election officials.
4. Secretary to the mayor or to any commissioner, and municipal court bailiffs who are employed exclusively as court room attendants.
5. Commissioners of any kind.

In all other cities, the provisions of this chapter shall apply only to members of the police and fire departments, except:

1. Chief of police.
2. Chief of fire department in cities under the manager plan.
3. Matrons, janitors, clerks, stenographers, and secretaries.
4. Casual employees.

Sec. 6. No further examination for certain persons. Persons now holding positions for which they have heretofore been appointed or employed after competitive examination, or who have rendered long and efficient service, shall retain their positions without further examination, but may be removed for cause.

Sec. 7. Examinations - results certified. Such commission shall, on the first Monday of April and October of each year, or oftener if it shall deem it necessary, under such rules as it may prescribe, hold examinations for the purpose of determining the qualifications of applicants for positions, which examinations shall be practical in their character and shall relate to such matters as will fairly test the physical and mental fitness of the person examined to discharge the duties of the position to which he seeks to be appointed.

Sec. 7-a. In all examinations and appointments under the provisions of this chapter, honorably discharged soldiers, sailors or marines of the regular or volunteer army or navy of the United States shall be given the preference, if otherwise qualified.

Sec. 8. Names certified - temporary appointment. Such commission shall, as soon as possible after every such examination, certify to the city council the names of five (5) persons for each class of position in cities of less than fifty thousand (50,000) population and ten (10) persons for each class of positions in cities of more than fifty thousand (50,000) population, who, according to its records, have the highest standing as a result of such examination, for the position they seek to fill, and all vacancies in positions under civil service which shall occur before the holding of the next examination shall be filled from said list. Such appointments from civil service lists shall, in cities under the commission form, be made by the superintendents of the respective departments, with the approval of the council; in cities under the manager plan such appointments shall be made by the manager, and in other cities, by the chiefs of the respective departments. In the case of deputy clerks or bailiffs of the municipal court, the appointments, if under civil service, shall be made by the clerk or bailiff thereof, respectively. If the list for any cause shall be reduced to less than three (3) for any class of positions, then the body or person having the appointing power may temporarily fill a vacancy until the next examination by the commission.

Sec. 9. Appointment of chief of police and chief of fire department. In cities under the commission plan, the chief of the fire department shall be appointed from the civil service list, and the superintendent of public safety with the approval of the council shall appoint the chief of police and chief of the fire department; in cities under the manager plan the manager shall make such appointments, and in all other cities such appointments shall be made by the mayor.

Sec. 10. Qualifications of officers and employees. All appointive officers and employees of cities shall be selected with reference to their qualifications and fitness and for the good of the public service, and without reference to their political faith or party allegiance.

Sec. 11. Employees under civil service - qualifications. Except as otherwise provided, no person shall be appointed or employed in any capacity in the fire or police department, or any department which is governed by the civil service, until such person shall have passed a civil service examination as provided in this act, and has been certified to the city council as being eligible for such appointment; provided, however, that in cases of emergency, in which the peace and order of the city is threatened by reason of fire, flood, storm, or mob violence, making additional protection of life and property necessary, in which case the person having the appointing power may deputize additional persons, without examination, to act as peace officers until such emergency shall have passed. In no case shall any person be appointed or employed in any capacity in the fire or police department, or any department which is governed

by civil service, unless such persons:

1. Is a citizen of the United States and has been a resident of the city for more than one year, but such residence in the city shall not be a necessary qualification for appointment as chief of police or chief of fire department.

2. Is of good moral character.

3. Is able to read and write the English language.

4. Is not a liquor or drug addict.

5. Has not been convicted of a felony.

6. Has not borne arms against the United States government.

7. Has not claimed exemption from military service on account of being a conscientious objector.

Sec. 12. Removal or discharge by commission. No person appointed from the civil service list shall be removed arbitrarily, but may be removed, after hearing, by a majority vote of the civil service commission for misconduct or failure to properly perform his duties.

Sec. 13. Removal or discharge of subordinates. The person having the appointing power as provided in this chapter, or the chief of police and the chief of the fire department may peremptorily suspend or discharge any subordinate then under his direction, for neglect of duty, disobedience of orders, or misconduct. Chiefs of police and fire departments of cities under the commission plan shall report suspensions or discharges made by them to the superintendent of public safety within twenty-four hours thereafter. In cities under the manager plan, such report shall be made to the manager, unless the suspension or discharge is made by him, in which case he shall report the same to the city council. In other cities, the report shall be made to the mayor. Such report shall be in writing, stating the reasons for such suspension or discharge. The person or body to whom the report is made shall affirm or revoke such suspension or discharge, according to the facts and merits of the case.

Sec. 14. Appeal. If there is an affirmance of the suspension or discharge of any person who secured his appointment or employment through examination by the civil service commission, he may, within five (5) days thereafter, appeal therefrom to said commission. If the appointment or employment was secured through civil service examination by the city council, the appeal shall be made to such council. If the suspension or discharge is revoked, the person, who suspended or discharged such officer or employee, may in like manner appeal.

Sec. 15. Notice of appeal. If the appeal be taken by the person suspended or discharged, notice thereof, signed by the appellant and specifying the ruling appealed from, shall be filed with the city clerk; if by the person making such suspension or discharge, such notice shall also be served upon the person suspended or discharged.

Sec. 16. Charges to be filed. Within five (5) days from the service of such notice of appeal, the person or body making the ruling appealed from, shall file with the body to which the appeal is taken, a written specification of the charges and grounds upon which the ruling was based. If such charges are not so filed the person suspended or discharged may present the matter to the body to whom the appeal is to be taken by affidavit, setting forth the facts, and such body shall forthwith enter an order reinstating the person suspended or discharged for want of prosecution.

Sec. 17. Time and place of hearing. Within five (5) days after such specifications are filed, the commission or council, as the case may be, shall

fix the time, which shall be not less than five (5) nor more than twenty (20) days thereafter, and place for hearing the appeal and shall notify the parties in writing of the time and place so fixed, and the notice shall contain a copy of the specifications so filed.

Sec. 18. Compulsory attendance of witnesses and production of evidence. The presiding officer of the commission or the council, as the case may be, shall have power to administer oaths in the same manner and with like effect and under the same penalties as in the case of magistrates exercising criminal or civil jurisdiction. The council or commission shall cause subpoenas to be issued for such witnesses and the production of such books and papers as either party may designate. The subpoenas shall be signed by the chairman of the commission or mayor, as the case may be.

Sec. 19. Contempt. In case a witness is duly subpoenaed and refuses to attend, or in case a witness appears and refuses to testify or to produce required books or papers, the official body hearing the appeal shall, in writing, report such refusal to the district court of the county or to any judge thereof, and said court or judge shall proceed with said person or witness as though said refusal had occurred in a proceeding legally pending before said court or judge.

Sec. 20. Public trial. The trial of all appeals shall be public, and the parties may be represented by counsel.

Sec. 21. Final decision. The council or civil service commission, as the case may be, shall determine the matter on its merits. If the appeal is taken by a suspended or discharged employee and reversed, he shall be reinstated as of the date of his suspension or discharge, and be entitled to compensation for such part of the period while suspended as the commission may determine.

Sec. 22. Number of employees diminished. Whenever the public interest requires a diminution in the number of employees under the civil service, the same may be reduced by resolution of the council. In case it thus becomes necessary to discharge any such employees, the persons discharged shall be those who have shown the least efficiency and competency and whose service has been of the shortest duration. The persons so discharged shall receive a certificate showing the length of their service, and that they have been honorably discharged.

Sec. 23. Campaign contributions prohibited - penalty. No officer or employee under civil service shall, directly or indirectly, contribute any money, or anything of value, to any candidate for nomination or election to any office, or to any campaign or political committee. Any person violating any provision of this section shall pay a fine of not less than twenty-five dollars (\$25.00) or more than one hundred dollars (\$100.00), or be imprisoned in the county jail not to exceed thirty (30) days.

Approved February 27, 1924.

CHAPTER 104

MUNICIPAL CORPORATIONS

H. F. 156

AN ACT to amend, revise, and codify sections three thousand five hundred seventy-five (3575), three thousand five hundred seventy-seven (3577), and three

thousand five hundred seventy-eight (3578) of the compiled code of Iowa, and section three thousand five hundred eighty (3580) of the supplement to said code, relating to municipal corporations.

Be It Enacted by the General Assembly of the State of Iowa:

That section three thousand five hundred seventy-five (3575) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Adoption of ordinances. No ordinance shall contain more than one (1) subject, which shall be clearly expressed in its title. An ordinance revising or amending an ordinance or section thereof shall specifically repeal the ordinance or section amended or revised, and set forth in full the ordinance or section as amended or revised. When a city or town shall make a complete revision of its ordinances by rearrangement and grouping of the same under appropriate titles, parts, chapters, and sections, the enactment of said revision of ordinances, as so rearranged and grouped, shall be considered a sufficient compliance with the provisions of this section.

That sections three thousand five hundred seventy-seven (3577) and three thousand five hundred seventy-eight (3578) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 2. Adoption - majority vote. No resolution or ordinance for any of the purposes hereinafter set forth, except as specifically provided by law, shall be adopted without a concurrence of a majority of the whole number of members elected to the council, by call of the yeas and nays which shall be recorded:

1. To pass or adopt any by-law or ordinances.
2. To pass or adopt any resolution or order to enter into a contract.
3. To pass or adopt any ordinance or resolution for the appropriation or payment of money. In cities all money shall be appropriated by ordinance, but in towns it may be appropriated by resolution.
4. To direct the opening, straightening, or widening of any street, avenue, highway, or alley.
5. To direct the making of any improvement which will require proceedings to condemn private property.
6. To direct the repair of any street improvement or sewer, the cost of which is to be assessed upon property or against the owners thereof.

That section three thousand five hundred eighty (3580) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 3. Recording. All ordinances shall, as soon as may be after their passage, be recorded in a book kept for that purpose, and be authenticated by the signatures of the presiding officer of the council and the clerk. Immediately following the record of every ordinance, the clerk shall append a certificate, stating therein the time and manner of publication thereof, which certificate shall be presumptive evidence of the facts therein stated.

Sec. 4. Publication. All ordinances of a general or permanent nature, and those imposing any fine, penalty, or forfeiture, shall be published in some newspaper published and of general circulation in the city or

town; but if there be no such newspaper, such ordinances may be published in a newspaper designated by the council and having a general circulation in such city or town, or by posting copies thereof in three (3) public places therein, two (2) of which shall be at the post office and the mayor's office. When the ordinance is published in a newspaper it shall take effect from and after its publication; when published by posting, it shall take effect ten (10) days thereafter. It shall be a sufficient defense to any suit or prosecution for such fine, penalty, or forfeiture, to show that no such publication was made.

Approved January 4, 1924.

CHAPTER 106

MUNICIPAL CORPORATIONS

H. F. 159

AN ACT to amend, revise, and codify sections three thousand five hundred seventy-four (3574), three thousand five hundred ninety-two (3592) to three thousand five hundred ninety-four (3594), inclusive, three thousand five hundred ninety-nine (3599) to three thousand six hundred two (3602), inclusive, three thousand six hundred five (3605) to three thousand six hundred twelve (3612), inclusive, three thousand six hundred twenty (3620), three thousand six hundred twenty-two (3622), three thousand six hundred twenty-three (3623), three thousand six hundred twenty-five (3625), three thousand six hundred twenty-six (3626), three thousand six hundred forty-two (3642) to three thousand six hundred forty-four (3644), inclusive, three thousand six hundred forty-seven (3647) to three thousand six hundred fifty-two (3652), inclusive, three thousand six hundred fifty-six (3656), three thousand six hundred fifty-nine (3659), and three thousand six hundred sixty-one (3661) to three thousand six hundred sixty-three (3663), inclusive, of the compiled code of Iowa, and section three thousand six hundred sixty (3660) of the supplement to said code, relating to municipal corporations.

Be It Enacted by the General Assembly of the State of Iowa:

That sections three thousand five hundred ninety-two (3592) to three thousand five hundred ninety-four (3594), inclusive, three thousand five hundred ninety-nine (3599), three thousand six hundred (3600) to three thousand six hundred two (3602), inclusive, three thousand six hundred five (3605) to three thousand six hundred twelve (3612), inclusive, three thousand six hundred twenty-five (3625), three thousand six hundred twenty-six (3626), and three thousand six hundred fifty-six (3656) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Nuisances. They shall have power to prevent injury or annoyance from anything dangerous, offensive, or unhealthful; to cause any nuisance to be abated, and to provide for the assessment of the cost thereof to the property. They may prohibit any public or private nuisance, and may maintain actions in equity to restrain and abate any nuisance.

Sec. 2. Storing inflammable junk. The depositing or storing of inflammable junk, such as old rags, rope, cordage, rubber, bones, and paper, by dealers in such articles, within the fire limits of any city, unless it be in a building of fireproof construction, is a public nuisance.

Sec. 3. *Smoke nuisance - inspection.* The emission of dense smoke in cities of fifteen thousand (15,000) inhabitants or over is a nuisance and such cities may provide the necessary rules for smoke inspection.

Sec. 4. *Power to regulate.* They shall have power to regulate:

1. *Slaughterhouses.* The operation of packing and slaughterhouses, renderies, tallow chandleries, soap factories, bone factories, tanneries, and manufactories of fertilizers and chemicals.

2. *Parades.* Parades, by providing that before any association, company, society, order, exhibition or aggregation of persons shall parade or march upon their streets, they shall first obtain from the mayor a permit, to be issued without charge, which shall state the time, manner, and condition of such parade or march.

Sec. 5. *Power to regulate and license.* They shall have power to regulate and license:

1. *Hotels.* Hotels, restaurants, and eating houses.

2. *Engineers.* Engineers of stationary engines, and provide for their examination.

3. *Peddlers.* Peddlers, house movers, billposters, itinerant doctors, itinerant physicians and surgeons, junk dealers, scavengers, pawnbrokers, and persons receiving actual possession of personal property as security for loans, with or without a mortgage or bill of sale thereon.

4. *Employment bureaus.* Keepers of intelligence or employment offices, bureaus, and agencies, and all persons doing the business of seeking employment for others, or procuring or furnishing employees for others, or giving information whereby employees or employers may be obtained.

5. *Billboards.* The construction, location, and maintenance of billboards.

6. *Sales.* Sales of auctioneers, bankrupt and dollar stores, and the like, and those of transient merchants, and to define by ordinance who shall be considered transient merchants; but the exercise of such power shall not interfere with sales made by sheriffs, constables, coroners, marshals, executors, guardians, assignees of insolvent debtors or bankrupts, or any other person required by law to sell real or personal property.

Sec. 6. *Power to restrain and prohibit.* They shall have power to restrain and prohibit:

1. *Barbed wire.* The use of barbed wire to inclose land within the corporation, and provide for the removal of such wire.

2. *Sale of tainted provisions.* The sale of tainted or unsound meat, or other provisions, and to provide for the immediate seizure and destruction thereof.

3. *Offensive materials.* The deposit and removal of offensive materials and substances, and those engendering offensive odors and sights, so as to protect the public against the same.

4. *Pawnbrokers.* The purchasing or receiving by pawnbrokers and junk or secondhand dealers, of any property from minors, without the written consent of their parents or guardians, and to provide for the examination of the premises of such persons for the purpose of discovering stolen property.

5. *Animals running at large.* The running at large of cattle, horses, swine, sheep, and other animals, or fowl, within the limits of the corporation, and to authorize the distraining, impounding, and sale of the same, for the penalty incurred and the cost of the proceeding.

6. *Begging.* Begging in and on the streets and other public places.

7. *Riots.* Riots, noise, disturbance and disorderly assemblies, and to punish any person engaged in riotous, noisy, or disorderly conduct.

8. *Gambling.* All gambling games or devices; to authorize the destruction of all instruments or devices used for the purpose of gaming or gambling.

9. Gambling houses. Gambling houses, bawdy houses, disorderly houses, houses of ill-fame, road houses where lewdness is carried on, opium or hop joints or places resorted to for the use of opium or hashesh, and places where intoxicating liquor is illegally kept, sold, or given away, and to punish the keepers and inmates thereof, and persons resorting thereto, and persons who, knowing the character or reputation of such places, transport others to or from any of the above described places.

Sec. 7. Power to regulate, license, or prohibit. They shall have power to regulate, license, or prohibit:

1. Public dance halls. Public dance halls, skating rinks, swimming pools, and fortune tellers, palmists, and clairvoyants.

2. Billiard halls. Billiard halls, billiard tables, pool tables, and all other tables kept for hire; bowling alleys and shooting galleries or places.

3. Circuses. Circuses, menageries, theaters, theatrical exhibitions, shows, and exhibitions of all kinds; but lectures on scientific, historical, or literary subjects shall not come within this provision.

4. Dogs. The running at large of dogs within their limits, and to require them to be kept upon the premises of the owners thereof, unless licensed to run at large, and to provide for the destruction thereof when found at large contrary to and in violation of the provisions of any ordinance passed pursuant to the power herein granted.

5. Sales at auction. Sales at auction in streets, highways, avenues, alleys, and public places.

Sec. 8. Power to establish. They shall have power to establish and regulate:

1. Slaughterhouses. Slaughterhouses, and in cities having five thousand (5,000) or more inhabitants, to build and control the same.

2. Sanitary districts. Sanitary districts for the collection and disposal of garbage and other such waste material as may become dangerous to the public health or detrimental to the best interests of the community, and to adopt rules necessary for the administration thereof.

3. Garbage disposal plants. Garbage disposal plants, and erect or purchase the same.

That section three thousand six hundred twenty (3620) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 9. Dangerous structures. Cities and towns shall have the power to provide for the repair, removal, or destruction of any building, structure, or inclosure which is dangerous or liable to fall, and to levy and collect a special tax against the property and the owner for the expense thereof, as other special taxes are levied and collected.

That sections three thousand six hundred twenty-two (3622) and three thousand six hundred twenty-three (3623) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 10. Regulation of electric installation. Cities and towns shall have the power to prescribe rules for the installation of electric light and power wiring, electrical fixtures and appliances, and electrical work and materials, to provide for the inspection of such work, materials, and the manner of installation; to compel the removal of dangerous electric light and power wiring, electrical fixtures and appliances, and electrical work installed in violation of the manner prescribed. This section shall not apply to substations, central power stations, and the installations therein belonging to and operated by public utility corporations operating under state charters and franchises.

Sec. 11. Chimneys - manufactories - fireworks. They shall have power to regulate and control the building, construction, and erection of chimneys, stacks, flues, fireplaces, hearths, stovepipes, ovens, boilers, and all apparatus used for heating purposes, and the use of lights in stables, shops, and other places; to regulate or prohibit bonfires, and the use of fireworks, firecrackers, torpedoes, Roman candles, sky-rockets, and other pyrotechnic displays; to prevent the deposit of ashes and combustible matter in unsafe places, and to provide for the collection of the costs and expenses incurred in any of the matters provided for in this section and in section three thousand six hundred twenty-one (3621) of the compiled Code, in the manner authorized for the collection of special assessments.

That sections three thousand six hundred forty-two (3642) to three thousand six hundred forty-four (3644), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 13. Jail - stationhouse. Cities and towns may erect, establish, and maintain a jail, which shall be in the keeping of the marshal, under such rules as the council shall provide, and the provisions of the chapter on county jails shall apply, so far as applicable, to such jails and the persons in charge thereof. Any city or town shall have the right to use the jail of the county for the confinement of such persons as may be subject to imprisonment under the ordinances of such city or town, but it shall pay the county the cost of keeping such prisoners. Cities of the first class shall have power to erect, lease, establish, and maintain station-houses for the detention of persons arrested, which shall be under the control of the marshal.

That sections three thousand six hundred forty-seven (3647) to three thousand six hundred fifty-two (3652), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 14. Plumbers' license - board of examiners - inspection. Cities having a population of less than six thousand (6,000) and towns shall have power to regulate and license plumbers, to create a board of examiners to determine the qualifications thereof, to prescribe rules for the installation of plumbing work and materials, to provide for the inspection of such work, materials, and installation, and to compel the removal of plumbing installed in violation thereof.

Sec. 15. Plumbing regulations. All cities having a population of six thousand (6,000) or more shall adopt and enforce ordinances regulating the business of plumbing, and prescribe rules not inconsistent with law for the installation and inspection of plumbing, and prescribe the grade of material to be used and compel the removal of plumbing installed in violation of such rules.

Sec. 16. Examiners. In such cities the council shall, by ordinance, appoint a board of examiners, consisting of three (3) members, one (1) of whom shall be a practical journeyman plumber, one (1) a member of the local board of health, and one (1) a practical master plumber, two (2) of whom shall constitute a quorum for the transaction of business.

Sec. 17. Board - when not necessary. If there is no resident practical journeyman plumber or practical master plumber in the city, the council shall not be required to appoint a board of examiners, and every city not having a board of examiners shall require every person engaged as a master or employing plumber, or journeyman plumber, to have a certificate or license from some examining board within the state.

Sec. 18. Expenses - compensation. The council shall provide suitable rooms in which the board of examiners may hold its meetings, and shall provide for the

payment of the necessary incidental expenses incurred by the board, and may also provide a per diem compensation for the members of said board not exceeding ten dollars (\$10.00) per day for the time actually spent in performing their duties.

Sec. 19. Examinations - license - fee. The board shall, when so directed by the council, and under such rules as the council shall prescribe, hold examinations of applicants for licenses to work, either as master or employing plumber or journeyman plumber, and if satisfied as to the competency of the applicant shall issue to such plumber a license. The amount of the fee for such examination shall not exceed ten dollars (\$10.00) for a master or employing plumber and shall not exceed five dollars (\$5.00) for a journeyman plumber. Fees for the renewal of a master or employing plumber's certificate shall not be more than two dollars (\$2.00), and for a journeyman plumber's license, shall not be more than one dollar (\$1.00).

Sec. 20. When license valid - may be revoked. A plumber's license shall be valid and recognized throughout the state for a period of one (1) year, and may be renewed from year to year upon payment of the renewal fee. Such license shall not be transferable, and shall expire on the thirty-first day of December of each year. Any license may be revoked by a board of examiners for repeated violations of plumbing ordinances.

Sec. 21. Definition of terms. The term "journeyman plumber" shall mean a person who does any plumbing work which is by law, ordinance, or rule subject to official inspection. The term "master or employing plumber" shall include any person, firm, or corporation other than a journeyman plumber engaged in the business of installing plumbing. The term "plumbing" shall mean any receptacle or appliance installed or used to receive waste water, house soil, slops, or sewage.

That sections three thousand six hundred fifty-nine (3659), three thousand six hundred sixty-one (3661) to three thousand six hundred sixty-three (3663), inclusive, of the compiled Code of Iowa, and section three thousand six hundred sixty (3660) of the supplement to said Code are amended, revised, and codified to read as follows:

Sec. 22. Report. Each city or town shall, through its chief accounting and warrant issuing officer, make an annual public report which shall contain an accurate statement in summarized form of all collections made or receipts of the municipality from all sources, all accounts due the public but not collected, and all expenditures for every purpose, and, except as otherwise provided by law, a statement in detail of the cost of operation and income of each public utility operated or owned by the municipality. It shall show in detail the entire public debt of the municipality and the amount of debt which it may under the law contract for the year in which report is made.

Sec. 23. Reports by accounting officers. All accounting officers of all boards and commission departments and offices within the municipality receiving or disbursing public funds shall file with the auditor or clerk within thirty (30) days from the expiration of their fiscal year, a report in writing of official transactions in the form and manner required by law. In case of refusal or gross neglect to comply with the law governing the time and method of accounting for and reporting municipal transactions, the official delinquent shall be deemed guilty of a misdemeanor. The auditor or clerk may institute legal proceedings to enforce the making of such reports.

Sec. 24. Annual report - publication. The annual report shall be published in two (2) newspapers of general circulation in the city or town, or in one (1)

if no other is published therein, and if none be published, by posting a copy in three (3) public places within the city or town.

Sec. 25. Certified report - failure to make. On or before the first day of May of each year, the official making the report for each city or town, shall forward to the auditor of state a certified copy of the annual report. If such official fails to file his report with the auditor of state within the time prescribed, the auditor may send an examiner or examiners to make the report and the expenses thereof shall be charged against the delinquent city or town.

Sec. 26. Report - by whom made. It shall be the duty of the auditor or clerk who served in the capacity during the time covered by the report, to prepare and file the same, and if said official has retired from office, the council shall allow him such compensation for preparing the report as may be deemed proper, not to exceed five dollars (\$5.00) per day for the days actually employed in such service.

Sec. 27. Publication of reports by state auditor. The auditor of state shall prepare said reports for publication in a separate volume. Said report shall show under appropriate schedules the total receipts and expenditures, assets and indebtedness, and related data of all cities and towns in the state, together with comments and recommendations respecting desirable changes in the law governing financial administration in municipalities.

Sec. 28. Membership league of municipalities - appropriation. Cities and towns may by resolution annually appropriate out of the general fund to pay dues to the league of Iowa municipalities not to exceed the following amounts: Municipalities of less than two thousand population, ten dollars; from two thousand to five thousand, twenty dollars; from five thousand to ten thousand, thirty dollars; from ten thousand to thirty thousand, forty dollars; from thirty thousand to fifty thousand, fifty dollars; all over fifty thousand, sixty dollars. In addition they may pay the expenses of not more than two delegates to the annual meeting of the league.

Sec. 29. Annual financial report. Sections twenty-one (21) to twenty-five (25), inclusive, of this act shall apply to cities acting under special charters.

That section three thousand five hundred seventy-four (3574) of the compiled Code of Iowa is amended, revised and codified to read as follows:

Sec. 30. Municipal corporations shall have power to make and publish, from time to time, ordinances, not inconsistent with the laws of the state, for carrying into effect or discharging the powers and duties conferred by this title, and such as shall seem necessary and proper to provide for the safety, preserve the health, promote the prosperity, improve the morals, order, comfort and convenience of such corporations and the inhabitants thereof, and to enforce obedience to such ordinances by fine not exceeding one hundred dollars (\$100.00), or by imprisonment not exceeding thirty days.

Approved April 16, 1924.

CHAPTER 106

MUNICIPAL CORPORATIONS

H. F. 160

AN ACT to repeal chapter ten (10) title thirteen (13), being sections three thousand six hundred eighty-seven (3687) to three thousand seven hundred three (3703), inclusive, of the compiled code of Iowa, relating to boards of public

works in certain cities.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. That chapter ten (10) title thirteen (13), being sections three thousand six hundred eighty-seven (3687) to three thousand seven hundred three (3703), inclusive, of the compiled Code of Iowa, be and the same is hereby repealed.

Approved February 1, 1924.

CHAPTER 107

MUNICIPAL CORPORATIONS

S. F. 163

AN ACT to amend, revise, and codify sections thirty-seven hundred thirty-eight (3738) and thirty-seven hundred thirty-nine (3739) of the compiled code of Iowa, and sections thirty-seven hundred thirty-four (3734) and thirty-seven hundred thirty-seven - a one (3737-a1) of the supplement to said code, relating to juvenile playgrounds.

Be It Enacted by the General Assembly of the State of Iowa:

That sections thirty-seven hundred thirty-eight (3738) and thirty-seven hundred thirty-nine (3739) of the compiled Code of Iowa, and sections thirty-seven hundred thirty-four (3734) and thirty-seven hundred thirty-seven - a one (3737-a1) of the supplement to said Code are amended, revised, and codified to read as follows:

Section 1. **Playgrounds.** Cities may, when authorized by the voters, provide one (1) or more playgrounds, and recreation centers, either on lands to be acquired, or on lands already owned or to be leased by the city. The number and location thereof shall be determined by the city council.

Sec. 1-a1. **Playground commission - appointment and duties.** The council of any city which establishes any playground as provided by law, may by ordinance create a playground commission consisting of not less than five (5) nor more than nine (9) members who shall be appointed by the mayor with the approval of the council, and all of whom shall be qualified electors of such city and shall serve without compensation. The full term of office of each member of the commission shall be three years but those first appointed may be for shorter periods. The council may confer on such commission all or any part of its powers in relation to the equipment, maintenance and the conduct of playgrounds.

Sec. 1-a2. **Joint maintenance.** Cities shall, so far as possible, cooperate with the school boards within said cities in providing for joint operation and maintenance of all public playgrounds within said cities.

Sec. 2. **Superintendents/-- assistants - maintenance.** The council, or commission where one exists, shall appoint a suitable superintendent, and all necessary assistants, for each playground and fix their term of employment, salaries, and duties. The superintendent shall have control of the children while playing on such grounds. All salaries and expenses incurred in the maintenance of such grounds shall be paid from the playground maintenance fund.

Sec. 3. **Cooperation - rules.** The council or commission shall cooperate with the board of education, the superintendent of schools, and with public spirited citizens interested in child welfare in the government and operation of play-

grounds and to that end it may, from time to time, adopt and enforce such rules as it may deem advisable.

Approved January 22, 1924.

CHAPTER 108

MUNICIPAL CORPORATIONS

H. F. 164

AN ACT to amend, revise, and codify sections three thousand seven hundred forty-five (3745) to three thousand seven hundred forty-eight (3748), inclusive, of the compiled Code of Iowa, and section three thousand seven hundred forty (3740) of the supplement to said code, relating to municipal corporations.

Be It Enacted by the General Assembly of the State of Iowa:

That sections three thousand seven hundred forty-five (3745) to three thousand seven hundred forty-eight (3748), inclusive, of the compiled Code of Iowa, and section three thousand seven hundred forty (3740) of the supplement to said Code are amended, revised, and codified to read as follows:

Section 1. City Hall. Any city or town may, when authorized by the voters, erect a city or town hall to be used for general community and municipal purposes, including assembly hall, auditorium, public hall, armory, council chamber and offices, water works offices, fire or police station, or for any one (1) or more of such purposes. The council may prescribe rules whereby such building may be used for other than municipal purposes, and fix the compensation to be paid therefor.

Approved January 4, 1924.

CHAPTER 109

MUNICIPAL CORPORATIONS

S. F. 165

AN ACT to amend, revise, and codify sections three thousand four hundred forty-three (3443) and three thousand seven hundred forty-nine (3749) of the compiled code of Iowa, and sections three thousand seven hundred fifty-two (3752) and three thousand seven hundred sixty (3760) of the supplement to said code, relating to municipal corporations.

Be It Enacted by the General Assembly of the State of Iowa:

That section three thousand seven hundred forty-nine (3749) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Public library - formation - maintenance. Cities and towns may provide for the formation and maintenance of free public libraries open to the use of all inhabitants under proper regulations, and may purchase, erect or rent buildings or rooms suitable for this purpose and provide for the compensation of necessary employees. They may receive, hold, and dispose of all gifts, donations, devices, and bequests that may be made to them for the purpose of establishing, increasing, or improving any library; and when the conditions thereof have been accepted by the city, their performance may be enforced by the library board by an action of mandamus against the council or by other proper action. The council

may apply the profits accruing therefrom to best promote the prosperity and utility of the library.

That section three thousand four hundred forty-three (3443) of the compiled Code of Iowa, and section three thousand seven hundred fifty-two (3752) and thirty-seven hundred sixty (3760) of the supplement to said Code are amended, revised, and codified to read as follows:

Sec. 2. Power of libraries to contract. Contracts may be made between the board of trustees of any free public library and any city, town, school corporation, township or county for its use by their respective residents. Townships and counties may enter into such contracts but may only contract for the residents outside of cities and towns. Such contract by a county shall supersede all contracts between the library trustees and townships or school corporation outside of cities and towns.

Sec. 3. Method of use under contract. Such use shall be accomplished by one (1) or more of the following methods in whole or in part:

1. By lending the books of such library to such residents on the same terms and conditions as to residents of the city or town in which said library is situated.

2. By the establishment of depositories of books of such library to be loaned to such residents at stated times and places.

3. By the transportation of books of such library by wagon or other conveyance for lending the same to such residents at stated times and places.

4. By the establishment of branch libraries for lending books to such residents.

Sec. 4. Rate of tax. - termination of contract. Such contracts shall provide for the rate of tax to be levied during the period thereof, and shall remain in force until terminated by a majority vote of the electors of such school corporation, civil township, county, city or town voting on the proposition at such election.

Sec. 5. Township tax. The board of trustees of any township which has entered into such a contract shall at the April meeting levy a tax not exceeding one (1) mill on the dollar on all taxable property in the township to create a fund to fulfill its obligation under the contract.

Sec. 6. County tax. The board of supervisors, after it makes such contract, shall levy annually on the taxable property of the county outside of cities and towns, a tax of not more than one (1) mill to create a fund to fulfill its obligation under the contract.

Approved February 21, 1924.

CHAPTER 110

MUNICIPAL CORPORATIONS

H. F. 166

AN ACT to amend, revise, and codify sections three thousand seven hundred seventy-seven (3777) and three thousand seven hundred seventy-one (3771) 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 seventy-seven (3777) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Appropriation from general fund. In a city maintaining a hospital the council may appropriate each year not exceeding five per cent (5%) of the general fund for its improvement and maintenance.

That section three thousand seven hundred seventy-one (3771) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 2. Cities may by ordinance provide for the election at a general, city or special election of three hospital trustees, whose terms of office shall be six years; but at the first election, three shall be elected and hold their office, respectively, for two, four and six years, and who shall by lot determine their respective terms.

Approved February 8, 1924.

CHAPTER 111

MUNICIPAL CORPORATIONS

S. F. 167

AN ACT to amend, revise, and codify sections three thousand seven hundred seventy-nine (3779) to three thousand seven hundred eighty-one (3781), inclusive, 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 seventy-nine (3779) to three thousand seven hundred eighty-one (3781), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Construction and repair of bridges. Cities shall have the care, supervision, and control of all public bridges and culverts within their corporate limits; shall cause the same to be kept open and free from nuisance, and shall construct and keep in repair all public culverts within the limits of said corporations. They may aid in the construction of county bridges within the limits of the city, or of any bridge contiguous thereto, on a highway leading to the city, or of any bridge across any unnavigable river which divides the county in which the city is located from another state by appropriating a sum not exceeding ten dollars (\$10.00) per linear foot therefor.

Sec. 2. Bridges in certain cities. Cities of the second class having a population of five thousand (5,000) or over, which are traversed by a stream two hundred (200) feet or more in width from shoreline to shoreline, and cities of the first class, shall have full control of the city bridge fund levied and collected therein, and shall use the same for the construction and repair of bridges, culverts, and approaches thereto, and payment of bridge bonds, and interest thereon, issued by such city, and shall be liable for the defective construction thereof and for failure to maintain the same in safe condition.

Sec. 3. Bridge tax - levy authorized. When the whole or any part of the cost of the building or reconstruction of any bridge by such city shall be ordered paid from the city bridge fund, it may, after the completion of the work, by resolution, levy at one time, the whole or any part of the cost of such improvement.

upon all the taxable property within the city and determine the whole percentage of tax necessary to pay the same and the percentage to be paid each year, not exceeding two-thirds ($2/3$) of the maximum annual limit of the tax such city may levy for a bridge fund; and the number of years, not exceeding twenty-five (25), given for the maturity of each installment thereof.

Sec. 4. Limitation - certificates to be filed. No part of such costs shall be levied against the property owned by the city, county, state, or the United States. Certificates of such levy shall be filed with the auditor of the county or counties in which the city is located, setting forth the amount or percentage and maturity of said tax or each installment thereof, upon the assessed valuation of all the property in said city, certified as correct by the city clerk or auditor, and thereupon said tax shall be placed upon the tax lists of the proper county or counties.

Approved January 22, 1924

CHAPTER 112
MUNICIPAL CORPORATIONS

H. P. 168

AN ACT to amend, revise, and codify sections three thousand eight hundred eleven (3811), three thousand eight hundred twenty-five (3825), three thousand eight hundred thirty-six (3836), three thousand eight hundred forty (3840) to three thousand eight hundred forty-three (3843), inclusive, three thousand eight hundred forty-five (3845), and three thousand eight hundred forty-six (3846) of the compiled code of Iowa, and section three thousand eight hundred eight (3808) of the supplement to said code, relating to municipal corporations.

Be It Enacted by the General Assembly of the State of Iowa:

That section three thousand eight hundred eight (3808) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Establishment - improvement. Cities and towns shall have power to establish, lay off, open, widen, straighten, narrow, vacate, extend, improve, and repair streets, highways, avenues, alleys, public grounds, wharves, landings, and market places within their ~~their~~ limits; but no street, avenue, highway, or alley dedicated to public use by the proprietor of the ground in any municipal corporation shall be deemed a public street, avenue, highway, or alley, or be under the use or control of such municipality, unless the dedication shall be accepted and confirmed by a resolution specially passed for such purpose.

Sec. 2. Payment of costs of improvements. The expenses of such extension, repairs, and improvement may be paid from the general fund, the grading fund, or from the highway or poll taxes of such cities or towns, or partly from each of such funds, or by assessing all or any portion of the cost thereof on abutting and adjacent property according to the benefits derived from such extension, repairs, and improvements. Such assessments may be made to extend over a period not to exceed twenty (20) years, payable to equal annual installments, and certificates or bonds may be issued in anticipation thereof. The district benefited and in which adjacent property is to be assessed, shall be designated and determined by the council in the resolution ordering such extension, repairs, and improvements, but nothing in this section shall be construed as changing the manner of assessing abutting and adjacent property for the cost of paving, guttering, curbing, or macadamizing streets and alleys.

That section three thousand eight hundred eleven (3811) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 3. Roads within corporate limits. The councils of cities and towns, respectively, shall cause the main traveled roads within the corporate limits leading into the city or town to be dragged at the times and in the manner provided by law for the dragging of roads outside such corporate limits.

That section three thousand eight hundred twenty-five (3825) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 4. Granting franchise - question submitted. No franchise shall be granted, renewed, or extended by any city or town for the use of its streets, highways, avenues, alleys, or public places, for any of the purposes named in section thirty-eight hundred twenty-four (3824) of the compiled Code, unless a majority of the legal electors voting thereon vote in favor of the same at a general, city or town, or special election. The council may order the question of the granting, renewal, or extension of any such franchise so submitted; or the mayor shall submit said question to such vote upon the petition of twenty-five (25) property owners of each voting precinct in a city; or fifty (50) property owners in any town.

Sec. 5. Notice - ballots - expenses. Notice of such election shall be given by publication once each week for four (4) consecutive weeks in some newspaper published in the city or town, or if none be published therein, in a newspaper published in the county and of general circulation in the city or town. The election shall be held on a date not less than five nor more than twenty days after the last publication of said notice. The clerk shall prepare the ballots, and the proposition shall be submitted as provided for in the title on elections. The party applying for the franchise, or a renewal or extension thereof, shall pay all expenses incurred in holding the election.

That section three thousand eight hundred thirty-six (3836) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 6. Permanent sidewalks. Cities and towns shall have power to provide for the construction, reconstruction, and repair of permanent sidewalks upon any street, highway, avenue, public ground, wharf, landing, or market place within the limits of such city or town; but the construction of permanent sidewalks shall not be made until the bed of the same shall have been graded so that, when completed, such sidewalks will be at the established grade; and to assess the cost thereof on the lots or parcels of land in front of which the same shall be constructed. But unless the owners of a majority of the linear feet of the property fronting on said improvements petition the council therefor, the same shall not be made unless three-fourths ($3/4$) of all the members of the council shall by vote order the making thereof.

That sections three thousand eight hundred forty (3840) to three thousand eight hundred forty-three (3843), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 7. Rights and liabilities under sidewalk certificates. Such certificate shall be the same as certificates of the levy of special assessments for street improvements, and shall create the same rights and liabilities and the same procedure shall apply thereto.

That sections three thousand eight hundred forty-five (3845) and three thousand eight hundred forty-six (3846) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 8. Temporary sidewalks. They shall have power to provide for the laying, relaying, and repairing of temporary sidewalks upon any street, avenue, public ground, wharf, landing, or market place within the limits of such city or town, at a cost not exceeding sixty cents (60c) a linear foot, to prescribe a uniform width thereof, and to regulate the grade of the same, and to provide for the assessment of the cost thereof, on the property in front of which the same shall be laid.

Approved February 26, 1924.

CHAPTER 113

MUNICIPAL CORPORATIONS

S. F. 169

AN ACT to amend, revise, and codify sections three thousand eight hundred thirty-five (3835), three thousand eight hundred forty-four (3844), three thousand eight hundred fifty (3850) to three thousand eight hundred sixty (3860), inclusive, three thousand eight hundred seventy-three (3873) to three thousand eight hundred seventy-seven (3877), inclusive, three thousand eight hundred seventy-nine (3879) to three thousand eight hundred eighty-eight (3888), inclusive, three thousand eight hundred ninety (3890) to three thousand eight hundred ninety-six (3896), inclusive, three thousand eight hundred ninety-eight (3898) to three thousand nine hundred two (3902), inclusive, three thousand nine hundred four (3904), three thousand nine hundred six (3906), three thousand nine hundred seven (3907), three thousand nine hundred ten (3910), three thousand nine hundred eleven (3911), three thousand nine hundred sixteen (3916), three thousand nine hundred twenty (3920) to three thousand nine hundred twenty-five (3925), inclusive, three thousand nine hundred twenty-seven (3927), and three thousand nine hundred twenty-eight (3928) of the compiled code of Iowa, and sections three thousand eight hundred forty-nine (3849), three thousand eight hundred seventy-eight (3878), three thousand eight hundred eighty-seven - a one (3887-a1), three thousand eight hundred eighty-nine (3889), three thousand nine hundred three (3903), three thousand nine hundred twelve (3912) to three thousand nine hundred fifteen (3915), inclusive, three thousand nine hundred seventeen (3917), to three thousand nine hundred nineteen (3919), inclusive, three thousand nine hundred twenty-two-a one (3922-a1) to three thousand nine hundred twenty-two-a five (3922-a5), inclusive, and three thousand nine hundred twenty-six (3926) of the supplement to said code, relating to municipal corporations.

Be It Enacted by the General Assembly of the State of Iowa:

That sections three thousand eight hundred thirty-five (3835), three thousand eight hundred forty-four (3844), three thousand eight hundred fifty (3850) to three thousand eight hundred sixty (3860), inclusive, three thousand eight hundred seventy-three (3873) to three thousand eight hundred seventy-seven (3877), inclusive, three thousand eight hundred seventy-nine (3879) to three thousand eight hundred eighty-eight (3888), inclusive, three thousand eight hundred ninety (3890) to three thousand eight hundred ninety-six (3896), inclusive, three thousand eight hundred ninety-eight (3898) to three thousand nine hundred two (3902), inclusive,

three thousand nine hundred four (3904), three thousand nine hundred six (3906), three thousand nine hundred seven (3907), three thousand nine hundred ten (3910), three thousand nine hundred eleven (3911), three thousand nine hundred sixteen (3916), three thousand nine hundred twenty (3920) to three thousand nine hundred twenty-five (3925), inclusive, three thousand nine hundred twenty-seven (3927) and three thousand nine hundred twenty-eight (3928) of the compiled Code of Iowa, and sections three thousand eight hundred forty-nine (3849), three thousand eight hundred seventy-eight (3878), three thousand eight hundred eighty-seven-a one (3887-a1), three thousand eight hundred eighty-nine (3889), three thousand nine hundred three (3903), three thousand nine hundred twelve (3912) to three thousand nine hundred fifteen (3915), inclusive, three thousand nine hundred seventeen (3917) to three thousand nine hundred nineteen (3919), inclusive, three thousand nine hundred twenty-two-a one (3922-a1) to three thousand nine hundred twenty-two-a five (3922-a5), inclusive, and three thousand nine hundred twenty-six (3926) of the supplement to said Code are amended, revised, and codified to read as follows:

Section one-half (1/2). Definitions. The following words as used in chapter twenty-three (23) title thirteen (13) of the compiled Code, shall have the meanings as stated:

1. The word "cities" shall include towns.
2. The word "repair" shall include reconstruct and resurface.
3. The word "street" shall include highway, avenue, alley, and public place.
4. The word "lot" shall include tract or parcel of land.

Section 1. Street improvements. Cities shall have power:

1. To improve any street by grading, parking, curbing, paving, oiling, graveling, macadamizing, or guttering the same or any part thereof, or by constructing electric light fixtures along same, and to repair such improvements.

2. To establish districts, the boundaries of which may be changed as may be just and equitable, for the improvement or repair by paving or graveling of such streets within the corporation as in the judgment of the council constitute main traveled ways into and out of such cities.

Sec. 2. Street improvements - limitation. The construction of permanent parking, curbing, paving, graveling, macadamizing, or guttering shall not be done until the bed therefor shall have been graded, so that such improvement, when fully completed, will bring the street up to the established grade; but only so much of the cost of the removal of the earth and other material as lies between the sub-grade and the established grade shall be assessed to private property. The cost of preparing a street to receive oil shall be paid by the city, except that portion between the rails of any railway or street railway, and one (1) foot outside thereof.

Sec. 3. Salvage. Upon repaving, they may use the old material for such repair and dispose of the waste material and salvage from the old pavement as the council may by resolution direct. The value of the salvage so used for the proceeds derived from the sale thereof shall be equitably applied upon the cost of the new improvement. No salvage may be sold until the owner of property assessed for the original construction of the paving shall have been given ten (10) days' notice in writing requiring him to elect whether he desires such salvage, which notice shall be personally served on the owner or his agent, or, if neither be found, by posting in a conspicuous place on the property. The election, if made, shall be in writing and filed with the clerk. No owner electing to take salvage shall be entitled to a pro rata distribution derived from the proceeds of sale of salvage.

Sec. 4. Gas and water and other connections. They shall have power to require the connections from gas, water, and steam-heating pipes, sewers, and under-

ground electric construction, to the curb line of adjacent property, to be made before the permanent improvement of the street and, if such improvements have already been made, to regulate the making of such connections, fix the charges therefor, and make all needful rules in relation thereto, and the use thereof. If the owners of property on such streets fail to make such connections in the manner and within the time fixed by the council, it may cause the same to be made, and assess the cost thereof against the property for which they are made.

Sec. 5. Gas and water and other connections - certain cities. When any city having a board of waterworks trustees has ordered any street permanently improved by paving, graveling, or macadamizing, the council shall at once notify the board of the passage of the resolution of necessity. The board shall report to the council the lots and names of the owners and the requirements in respect to connections from any water mains or pipes to the curb line of the abutting and adjacent property. Thereupon the council shall pass a resolution requiring the respective owners of the said abutting or adjacent property to make said connections in the manner required by the rules of the board, and fixing a time therefor. Notice thereof shall be given by two (2) publications in some newspaper published in such city, the first of which shall be at least twenty (20) days prior to the time fixed in said resolution.

Sec. 6. Cost of installation specially assessed. If the owner fail to put in the said water connections before the time fixed or within such additional time, not exceeding thirty (30) days, as may be granted by the council, the board of water works trustees shall put in said connections and certify the actual cost thereof to the council. The council shall assess the same to the respective lots in the manner in which other special assessments are made.

Sec. 7. Sewers. Cities shall have the power to construct and repair sewers and catch basins in any street within their limits. Any city may by ordinance be divided into such sewer districts as the council may determine, numbering them consecutively, or the entire city may be included in one (1) district.

Sec. 8. Sewer outlets and purifying plants. They may construct outlets and purifying plants in connection with or as an addition to sanitary sewers, and such outlets and plants may be considered as a part of the sewer system, and the cost thereof may be assessed against property benefited thereby.

Sec. 9. Main sewer assessments - terms defined. In addition to other powers, cities having a population of less than forty-seven thousand (47,000) shall have power to assess the whole or any part of the cost of the construction of any main sewer or system of main sewers to the respective lots as adjacent property which are included within a district to be fixed by the council, which may include all territory within the drainage area of such main sewer or main sewer system. All such lots which may be furnished with sewer connections or drained by such main sewer or sewer system, shall be considered as adjacent property. A main sewer shall be held to mean any sewer that is commonly referred to by any one (1) of the following terms: "intercepting sewer, out-fall sewer, or trunk sewer."

Sec. 10. Sewers for state building. Any city in which any state building may be situated shall permit the officers in charge thereof and the persons constructing or improving the same, to construct sewers therefor through or under any of its streets, or to connect the same with its sewer system under the same regulations that are provided for private property owners.

Sec. 11. Condemnation. Cities shall have power to condemn in the manner provided for the condemnation of land for their needs, right of way through private property to and along ravines and natural watercourses sufficient for the con-

struction and maintenance of sewers. The cost of such right of way shall constitute a part of the expense of sewers and be assessed accordingly.

Sec. 12. Cross sewers. They shall have power to provide the terms and conditions on which cross and lateral sewers may be connected with main sewers. In cases where sewers have been paid for in whole or in part by special assessment, they may pay to the parties to whom the benefits have been assessed an equitable proportion of the money collected for the purpose of connecting such cross or lateral sewers.

Sec. 13. Resolution of necessity - street improvements and sewers. When the council shall deem it necessary to construct, reconstruct or resurface any street improvement or to construct or reconstruct any sewer, it shall in a proposed resolution, declare such necessity, stating the kinds of material proposed to be used and method of construction, whether private property will be assessed, and, in case of sewers, the kinds and size, and what adjacent property is proposed to be assessed therefor, and in both cases designate the location and terminal points thereof. It shall fix the time for the consideration of the proposed resolution of necessity, at which time the owners of property subject to assessment for the proposed improvement or sewer may appear and make objection to the boundaries of the proposed district, to the cost of improvement, to the amount proposed to be assessed against any lot, and to the passage of the proposed resolution. No resolution providing for the improvement of streets by paving shall be passed except by unanimous vote of the entire council, if at the time set for its consideration, a remonstrance shall have been filed with the council signed by sixty per cent (60%) of the property and by the owners of seventy-five per cent (75%) of the property subject to assessment. At the hearing the resolution may be amended and passed, or passed as proposed.

Sec. 13-a1. The council may, in addition to the requirements of the preceding section, incorporate in the resolution of necessity notice of its intention to issue bonds, as provided in section three thousand nine hundred fifty-six (3956) of the compiled Code, and may also provide that unless property owners at the time of the final consideration of said resolution have on file with the clerk objections to the amount of the proposed assessment, they shall be deemed to have waived all objections thereto. No special assessment against any lot shall be more than ten per cent (10%) in excess of the estimated cost.

Sec. 14. Plat and schedule. Before the resolution of necessity is introduced, the council shall prepare and file with the clerk a plat and schedule showing the boundaries of the district, if any; the streets to be improved and the width of such improvements; each lot proposed to be assessed; an estimate of the cost of the proposed improvement, stating the same for each different type of construction and kind of material to be used; and in each case the amount thereof which is estimated to be assessed against each lot. That the plat and schedule are on file in the office of the clerk shall be stated in the resolution. The cost of making the plat and schedule required to be filed with the resolution of necessity shall be paid from the improvement fund.

Sec. 15. Notice. It shall cause notice of the time when said resolution will be considered by it for passage to be given by two (2) publications in some newspapers published in the city, the last of which shall be not less than two (2) not more than four (4) weeks prior to the day fixed for its consideration; but if there be no such newspaper, such notice shall be given by posting copies thereof in three (3) public places within the limits of the city.

Sec. 16. Passage of resolution - record. After the passage of the resolution of necessity, the council by another resolution may order the construction, reconstruction or resurfacing of the improvement or the construction or reconstruction of the sewer. The record shall show whether the improvement of sewer was petitioned for or made on motion of the council. If the improvement or sewer is made on the motion of the council, such resolution shall require for passage the vote of three-fourths (3/4) of all the members of the council, or, in cities under the commission form of government having but three (3) members of the council, the vote of two (2) members; but if petitioned for by a majority of the resident owners of property to be assessed for the construction therefor, the resolution may be passed by a majority vote of the council. The final vote on the resolution of necessity and the vote on the resolution ordering the improvement or sewer shall be by yeas and nays and entered of record.

Sec. 17. Contract. When the construction or repair of any such street improvement or sewer is ordered, the council shall contract for furnishing labor and material and for the construction or repair, either of the entire work in one (1) contract, or for parts thereof in separate and specified sections; but no work shall be done under any such contract until a certified copy thereof shall have been filed in the office of the clerk. The city may oil the streets without letting a contract therefor.

Sec. 18. Contractor's agreement to repair. All contracts for the construction or repair of street improvements (except graveling, oiling, or repairs other than reconstruction or resurfacing), or sewers, shall contain a provision obligating the contractor and his bondsmen from the time of acceptance by the city to keep in good repair such street improvement for not less than four (4) years or such sewer for not less than two (2) years.

Sec. 19. Bids - notice. All contracts for the construction or repair of street improvements and for sewers shall be let in the name of the city, to the lowest bidder, by sealed proposals, upon giving notice by two (2) publications in a newspaper published in said city, the first of which shall be not less than fifteen (15) days before the date set for receiving bids, which notice shall state as nearly as practicable, the extent of the work, the kinds of materials for which bids will be received, when the work shall be done, the terms of payment fixed, and the time the proposals will be acted upon. If there be no such newspaper, such notice shall be given by posting the same in three (3) public places within the limits of such city.

Sec. 20. Security. All bids must be accompanied, in a separate envelope, by a check on an Iowa bank, certified by such bank and payable to the order of the treasurer, at his office, in a sum to be named in the notice for bids, as security that the bidder will enter into a contract for the doing of the work, and will give bond as required in the following section. Such checks shall be returned to the respective bidders whose bids have not been accepted. All bids may be rejected and new bids ordered.

Sec. 21. Bond. Each contractor for street improvements or sewers shall give bond to the city, with sureties to be approved by the council for the faithful performance of the contract, and suit on such bond may be brought in the county in which the council may hold its sessions.

Sec. 22. Filing of notice. After a contract has been made by any city for the construction or repair of any street improvement or sewer, the clerk shall certify as correct and file with the auditor of each county in which said city is situated, a copy of the resolution directing the construction or repair of said

improvement or sewer, and a copy of the plat and schedule referred to in the resolution of necessity and on file in his office. In all counties where taxes are collected in two (2) or more places, they shall be filed in the office of the auditor in the place where said special taxes are collected, and be preserved by him as a part of the records of his office. The auditor shall keep a book properly ruled for the purpose and enter thereon opposite each lot number the amount of the estimated assessment against the same.

Sec. 23. Lien of tax. Thereupon all special taxes for the cost thereof, or any part of said cost, which are to be assessed and levied against real property, or any railway or street railway, together with all interest and penalties on all of said assessments, shall become and remain a lien on such property from the date of the filing of said papers with the county auditor until paid, and such liens shall have precedence over all other liens except ordinary taxes, and shall not be divested by any judicial sale. Any holder of any special assessment certificate against a lot, or any holder of a bond payable in whole or in part out of a special assessment against a lot, which has been sold for taxes, either general or special, shall be entitled to an assignment of any certificate of tax sale of said property for any general taxes or special taxes thereon, upon tender to the holder or to the county auditor of the amount required to redeem therefrom.

Any such assessment against a railway or street railway shall be a first and paramount lien upon the track thereof within the limits of the city.

Sec. 24. Cost at intersections. Except for that part for which railways or street railways are liable, the whole or any part of the cost of any street improvement or sewer at the crossings of streets; may be assessed against privately owned property not exceeding one-half (1/2) of such cost at spaces opposite streets intersecting but not crossing, and at spaces opposite property owned by the city or the United States, may be assessed against privately owned property. In the case of sewers, such cost may be paid from the sewer fund or district sewer fund, or the general fund, as provided in the fourth succeeding section. In case of street improvements, such cost may be paid from the improvement fund.

Sec. 25. Cost of improvements - how paid. The cost of construction, reconstruction or resurfacing of any street improvement, except as provided in the preceding section, and except for that part for which railways or street railways are liable, shall be assessed as a special tax against all lots according to area, so as to include one-half (1/2) of the privately owned property between the street improved and the next street, whether such privately owned property abut upon said street or not. In no case except where the district method of assessment is used, shall property situated more than three hundred (300) feet from the street so improved be so assessed. Such assessment for improvements upon an alley shall be confined to privately owned property within the block or blocks improved, and if not platted into blocks, to property not more than one hundred fifty (150) feet from the improved alley.

Sec. 26. Railroad right of way subject to special assessment. The right of way of any railroad company shall be subject to special assessment for sidewalks and street improvements as is other private property, and such assessment shall constitute a debt due personally from the railroad company owning or leasing such right of way.

Sec. 27. Cost of paved roadway - how paid. Not more than one-half (1/2) of the cost of the construction of a roadway within an assessment district may be paid by the city, and the part of the cost not so paid shall be assessed against the lots embraced in the paving district established therefor.

Sec. 28. Cost of sewers. The cost, or any part thereof, of reconstructing or repairing sewers, including that provided for in the fourth preceding section, may be paid from the district sewer fund of the sewer district in which the same is situated, or from the sewer fund, or for main sewers from the main sewer fund, or from the general fund, and the portion thereof not so paid, and not in excess of three dollars (\$3.00) per linear foot of sewer, shall be assessed against the property abutting on such sewer in proportion to the number of linear front feet of each lot thereof, and upon adjacent property in proportion to the benefit there-to; but in estimating the benefits to result therefrom to adjacent property, each lot shall be considered as wholly unimproved. Said methods of assessment may be combined.

Sec. 29. Cost of repairs. The cost or any part thereof of the repair of any street improvement may be paid from the improvement fund or the general fund. The cost or any part thereof of the repair of any sewer may be paid from the sewer fund or district sewer fund, or for main sewers from the main sewer fund or the general fund, or part from each of said funds.

Sec. 30. Assessment of cost. When the construction or repair of any street improvement or sewer, or such part thereof as under the contract is to be paid for when done, shall have been completed, the council shall within thirty (30) days thereafter accept or reject the work, and after acceptance of the work shall, within thirty (30) days, ascertain the cost thereof, including the cost of the estimates, notices, inspection, and preparing the assessment and plat, and shall also ascertain what the proportion of such cost shall be, by law or the resolution of the council under which such improvement was made or sewer constructed, assessable upon private property, and shall within said time assess such portions upon and against such private property.

Sec. 31. Privately owned property - what constitutes. All property except streets, property owned by the United States, and property owned by the city, shall be deemed privately owned property.

Sec. 32. Exemption. The council may exempt the homestead of any honorably discharged soldier or sailor of the Mexican war or the war of the rebellion or his unmarried widow, from any charge or claim on account of such special assessment if such person is not the owner of sufficient nonexempt property to pay the special assessment. If such exemption is made, the special assessment shall be paid from the general fund.

Sec. 33. Special assessment - rate. When any city council levies any special assessment for any public improvement against any lot, such special assessment shall be in proportion to the special benefits conferred upon the property thereby and not in excess of such benefits. Such assessment shall not exceed twenty-five per cent (25%) of the actual value of the lot at the time of levy, and the last preceding assessment roll shall be taken as prima facie evidence of such value.

Sec. 34. Plat and schedule. In assessing that part of the cost of the construction or repair of any street improvement or sewer, or completed part thereof, which is assessable against private property, the council shall cause to be prepared a plat of the streets, or the parts thereof on which the same shall have been constructed and repaired, showing the separate lots, or specified portion thereof, subject to assessment, for such improvement, the names of the owners thereof so far as practicable, and the amount to be assessed against each lot, and against any railway or street railway, and shall file said plat and schedule in the office of the clerk, which shall be subject to public inspection.

Sec. 35. Report of cost of oiling streets. Upon the completion of the oiling of street, the officer designated by the council to have charge thereof shall, within thirty (30) days, file with the clerk a statement of the amount due, if the work was done by contract, or if done by the municipality, an itemized, verified statement of expenditures for materials and labor used in making such improvement.

Sec. 36. Estimates - city engineer. The city engineer, or other person employed by the council to discharge the duties of such office, shall, under its direction, make or assist in making all estimates for street improvements and sewers, furnish the necessary grades and lines, see that the work conforms thereto and is in accordance with the resolution of the council, and make or assist in making each required assessment, plat, and schedule.

Sec. 37. Notice of assessment - publication. After filing the plat and schedule for street improvements or sewers, or the report of cost of oiling streets, the council shall give notice by two (2) publications in each of two (2) newspapers published in the city, if there be that number, otherwise in one (1), and by handbills posted in conspicuous places along the line of such street improvement or sewer; but if no such newspaper is published within the limits of such city, then such notice shall be given by posting copies thereof in three (3) public places within its limits. Said notice shall state that said plat and schedule or report are on file in the office of the clerk, and that within twenty (20) days after the first publication all objections thereto, or to the prior proceedings, on account of errors, irregularities, or inequalities, must be made in writing and filed with the clerk. The council having heard such objections and made the necessary corrections, shall then make the special assessments as shown in said plat and schedule, as corrected and approved.

Sec. 38. Notice to common carrier. When any common carrier or railway, not including street railways, owning any land or property affected by any proposed assessment for public improvement in any city or county, shall have filed in the office of the clerk of said city, or with the auditor of said county, as the case may be, wherein such improvement is proposed, an instrument in writing giving a complete description of such land and designating the name and postoffice address of its agent in said state upon whom service of notice may be made, the clerk of said city, or the county auditor of said county, shall, not less than ten (10) days prior to the date set for the levying of assessments covering such improvement, mail a notice thereof in a registered letter addressed to such person or agent so designated. Failure to give such notice shall not delay or invalidate the proceedings of assessment.

Sec. 39. Objections. All objections to errors, irregularities, or inequalities in the making of said special assessments, or in any of the prior proceedings or notices, not made before the council at the time and in the manner provided in the second preceding section, shall be waived except where fraud is shown.

Sec. 40. Levy of assessment. The special assessments in said plat and schedule, as corrected and approved, shall be levied at one time, by resolution, against the property affected thereby, and, when levied and certified, shall be payable at the office of the county treasurer, within thirty (30) days after the date of such levy with interest at the rate of six (6) per cent per annum from the date of the levy until paid.

Sec. 41. Objections waived - installments. Unless the owner of any lot or railway or street railway, the assessment against which is embraced in any bond or certificate provided for by law, shall, within thirty (30) days from the date of such assessment, file written objection to the legality or regularity of

the assessment or levy of such tax upon and against his property, such owner shall be deemed to have waived objection on these grounds and shall have the right to pay said assessment, with interest thereon not exceeding six per cent (6%) per annum, in ten (10) equal annual installments. In no case shall the owner of any lot be liable for more than the value of the property included in such assessment. The cost of oiling the streets may not be paid in installments.

Sec. 42. Installments - payment - delinquency. The first installment, with interest on the whole assessment from date of levy by the council, shall mature and be payable thirty (30) days from the date of such levy, and the others, with interest on the whole amount unpaid, annually thereafter, at the same time and in the same manner as the March semiannual payment of ordinary taxes; provided that any or all installments not yet paid together with accrued interest thereon may be paid on the due date of any installment. All such taxes with interest shall become delinquent on the first day of March next after their maturity, and shall bear the same interest with the same penalties as ordinary taxes. Upon the payment of any installment, there shall be computed and collected interest on the whole assessment remaining unpaid up to the first day of April following.

Sec. 43. Filing certificate of assessment. A certificate of levy of such special assessment, stating the number of installments, the rate of interest, and when payable, certified as correct by the clerk, shall be filed with the auditor of the county, or of each of the counties, in which such city is located, and thereupon said special assessment as shown therein shall be placed on the tax list of the proper county.

Sec. 44. Payment. The owner of any property against which a street improvement or sewer assessment has been levied, shall have the right to pay the same, or the unpaid installments thereof, with all interest, as the case may be, up to the time of said payment, with any penalties and the cost of any proceedings for the sale of the property for such special assessment or installments. No part of the line of any railway or street railway shall be released from the lien for any part of any unpaid assessment which has been made against it for street improvements, until the whole assessment shall have been paid. If any owner of property subject to special assessments shall divide the same into two (2) or more lots, he may discharge the lien upon any one (1) or more of them, by payment of the amount unpaid, calculated by the ratio of square feet in area of such lot or lots to the area of the whole lot.

Sec. 45. Sale for assessment. Property against which a special assessment has been levied for street improvements or sewers may be sold for any sum of principal or interest due and delinquent at any regular or adjourned tax sale, in the same manner, with the same forfeitures, penalties and right of redemption, and certificates and deeds on such sales shall be made in the same manner and with like effect, as in case of sales for the nonpayment of ordinary taxes. At any such sale, where bonds have been issued in anticipation of such special taxes and interest, the city may be a purchaser, and be entitled to all the rights of purchasers at tax sales. The purchaser at such sale shall take the property charged with the lien of the remaining unpaid installments and interest. The proceeds subsequently realized from sales of any property so purchased by a city shall be covered into the improvement fund.

Sec. 46. Deficiencies - how paid. If the special assessment which may be levied against any lot shall be insufficient to pay its proportion of the cost of constructing or repairing a street improvement or sewer, the deficiency, if for a street improvement may be paid out of the general fund or the improvement fund, and if for a sewer may be paid out of the general fund or the sewer fund.

If there be property against which no special assessment can be levied, the proportion of the cost of the improvement or sewer which might otherwise be assessed against such property shall be paid in like manner.

Sec. 47. Levy for improvement fund. When the whole or any part of the cost of the construction or repair of any street improvement shall be ordered paid from the improvement fund, the city shall have the power, after the completion of the work, by resolution to levy at one time, such cost upon all the taxable property within such city, and determine the whole percentage of tax necessary to pay the same, and the percentage to be paid each year, not exceeding the maximum annual limit of said taxes, and the number of years, not exceeding ten (10) given for the maturity of each installment thereof.

Sec. 48. Levy for roadway in district. When part of the cost of constructing or repairing a roadway within an assessment district is to be paid by the city, it may levy an annual tax for such purpose upon all the taxable property in such city, except moneys and credits, but the aggregate of all such levies shall not exceed ten (10) mills except that in cities having a population of fifty thousand (50,000) or more, such levies shall not exceed fifteen (15) mill in the aggregate.

Sec. 49. Payment from primary road fund. If, in any city, extensions of primary roads are being improved or to be improved, under the provisions of subsection two (2) of section one (1) of this act, any or all of that portion of the improvement not specially assessable on the property within the assessment district and which would under the law have to be met by a tax on the city as a whole, may be paid from the primary road fund allotted to the county in which such city is located.

Sec. 50. Application for payment from primary road fund. Before proceeding with such improvement for which it is proposed to make part payment from the primary road fund, the city council shall by resolution make application to the board of supervisors therefor. This resolution shall specifically state:

1. The location of the improvement proposed giving the starting point and terminus thereof.
2. The approximate length thereof.
3. The width or widths of paving proposed.
4. An estimate of the cost of the proposed improvement.
5. An estimate of the amount that can be specially assessed against the property within the proposed district.
6. A statement of the amount to be borne by the city.
7. A statement of the amount proposed to be paid from the primary road fund.

The resolution shall be accompanied by a plat on which are indicated the road or street to be improved, the primary road connecting therewith, the location of other streets or roads in the vicinity, and the approximate boundaries of the assessment district which it is proposed to establish.

Sec. 51. Approval or disapproval by supervisors - review by highway commission. The board of supervisors shall examine said application and shall within thirty (30) days after the filing thereof with the county auditor, take action thereon. The board may approve said application in whole or in part or may wholly reject the same whereupon the resolution, together with a record of the board's action thereon, shall be forwarded to the state highway commission for final review. The said commission shall examine said resolution and the action of the board thereon, and shall within thirty (30) days make final determination thereof. It may approve the application in whole or in part or may wholly reject the same. If the application be approved in any part, the commission shall make an appropriation in aid of said improvement from the primary road fund allotted said county.

The city council and the board of supervisors shall be immediately notified of the action taken.

Sec. 52. Approval of plans - estimates - bills - payment. The plans and specifications for the improvement shall receive the approval of the state highway commission before the contract is let, or before it becomes effective. When the work or any substantial portion thereof is completed to the satisfaction of the state highway commission, payment of the pro rata share thereof, payable out of the primary road fund, may be made. The estimates payable from the said fund shall be prepared, approved, and paid in the usual manner for primary road bills generally, except that said bills shall be approved by the city council instead of the board of supervisors.

Sec. 53. No election required - limitation on payment. The provisions of section twenty-nine hundred fourteen (2914) of the supplement to the compiled Code, relative to voting on the question of hard surfacing the primary roads shall not apply to improvements made under the four (4) preceding sections; but in counties which have not authorized the hard surfacing of the primary roads, and in which the said primary roads have not all been built to finished grade and drained, the state highway commission shall give preference to such grading and draining projects, and not to exceed twenty (20) per cent of the annual allotment of the primary road funds may be spent under the provisions of the four (4) preceding sections.

Sec. 54. Levy for sewer fund. When the whole or any part of the cost of constructing or repairing any sewer shall be ordered paid from the sewer fund of any sewer district or from the sewer fund, or from the main sewer fund, the council may, after the completion of the work, by resolution levy at one time the whole or any part of such cost upon all the taxable real property within such sewer district or within the city, as the case may be, and determine the whole percentage of tax necessary to pay the same, and the percentage to be paid each year, not exceeding the maximum annual limit of said taxes, and the number of years, not exceeding ten (10) given for the maturity of each installment thereof.

Sec. 55. Certificates. Certificates of such levies shall be filed with the auditor of the county or counties in which the city is located, setting forth the amount or percentage and maturity of the tax, or each installment thereof, designating by reasonable description the real property upon which the tax is to be levied, certified as correct by the clerk, and thereupon the tax shall be placed upon the tax list of the proper county or counties.

Sec. 56. Construction of improvements by railways. All railway and street railway companies shall be required to construct and repair all street improvements between the rails of their tracks, and one (1) foot outside thereof, at their own expense, unless by ordinance of the city, or by virtue of the provisions or conditions of any ordinance of the city under which said railway or street railway may have been constructed, or may be maintained, it may be required to improve other portions of said street, and in that case, said railway or street railway shall construct and repair the improvement of that part of the street specified by such ordinance; and such improvement, or repair thereof, shall be of the material and character ordered by said city, and shall be done at the time the remainder of said improvement is constructed or repaired.

Sec. 57. Maintenance by railways and street railways. When an improvement is made, said companies shall lay, in the best approved manner, such rail as the council may require. They shall keep the part of the improvement they are liable to construct or maintain, up to grade.

Sec. 58. Cost may be assessed - when. If the owner of said railway or street railway shall fail or refuse to comply with the order of the council to construct or repair an improvement, such work may be done by the city, and the expense thereof shall be assessed upon the real estate and personal property of said railway or street railway company within said city, and against such railway or street railway company, in the manner hereinbefore provided for the assessment of such cost against private property and the owners thereof.

Sec. 59. Enforcing assessment against railways and street railways. Any special assessment made under this chapter against any railway or street railway shall be a debt due personally from such railway. Such special assessments and each installment thereof, and certificates issued therefor when due, may be collected by action at law, in the name of the city against such railway or street railway, or the lien thereof enforced against the property of such railway or street railway, on or against which the same has been levied, by action in equity, at the election of the plaintiff; and in any action at law where pleadings are required, it shall be sufficient to declare generally for work and labor done, or materials furnished, on the particular street, the levy of the tax and nonpayment of the same; and in any action in equity, it shall be sufficient to aver the same matters, together with a description of the property, or parts thereof, against which such lien is sought to be enforced.

Sec. 60. City may maintain action. Such action may be maintained by the city for the use of any person entitled thereto or any part thereof, upon filing a bond conditioned to pay all cost adjudged against the plaintiff and protect it from all liability therefrom or damages growing out of the same; the amount of the bond to be fixed by the court, or a judge thereof in vacation, and the sureties thereon to be approved by the clerk of said court.

Sec. 61. Cost of paving already laid. Before any street railway company shall lay its track upon any street that has been paved, and which at the time is not being repaved, it shall pay into the city treasury the value of all paving between its tracks, and one (1) foot outside thereof, which value shall be determined by the city council, but in no case shall exceed the original cost of the paving, and the money thus paid shall be refunded to the owners of the property assessed for said improvements in proportion to the amounts originally assessed against such property. The company or any person affected by or interested in such determination of the value of such pavement may appeal therefrom to the district court within thirty (30) days thereafter, in the manner by which appeals are taken from the levy of special assessments.

Sec. 62. Relevy. When by reason of nonconformity to any law or resolution, or by reason of any omission, informality, or irregularity, any special tax or assessment levied is invalid, or is adjudged illegal, the council shall have power to correct the same by resolution, and may reassess and relevy the same, with the same force and effect as if done at the proper time and in the manner provided by law or by the resolution relating thereto.

Sec. 63. Schedule - assessment void. Whenever any such special tax or assessment, upon property not by law exempt therefrom, shall be adjudged void for any jurisdictional defect, or other reason, and the city adjudged liable to pay the same, the council shall as to such property have power, by resolution, to cause to be prepared a schedule and proposed reassessment in proportion to and not in excess of benefits, and to cause notice thereof to be given, and to hear objections thereto and make necessary corrections, and thereupon the council shall reassess and relevy such special tax or special assessment as so corrected with the same force and effect as if jurisdiction had been acquired in the first

instance, and all subsequent proceedings had been regularly and legally had.

Sec. 64. Correction of assessments. When, in making any special assessment, any property is assessed too little or too much, the same may be corrected, and a reassessment and re levy made in conformity therewith; and any tax collected in excess of the proper amount shall be refunded to the person paying the same. Such corrected assessments shall be a lien on the lots the same as the original, and shall be certified by the clerk to the county auditor in the same manner, and shall, so far as practicable, be collected in the same installments, draw interest at the same rate, and be enforced in the same manner as the original assessment.

Sec. 65. Time waived. Any provision of law, resolution, or ordinance specifying a time when, or the order in which, acts shall be done in a proceeding which may result in a special assessment, shall be taken to be subject to the qualifications of the three (3) preceding sections.

Sec. 66. Appeal. Any person affected by the levy of any special assessment for street improvements or sewers may appeal therefrom to the district court. The person appealing shall be designated as plaintiff and the city or town as defendant.

Sec. 67. Perfecting appeal. Said appeal must be perfected:

1. By serving upon the mayor or clerk, in the manner in which original notices in ordinary actions are served, within fifteen (15) days from the date of said levy, a written notice of appeal signed by the plaintiff or by his agent or attorney, directed to the defendant, and designating with reasonable certainty the assessment appealed from and the property of plaintiff affected thereby, and

2. By filing within said fifteen (15) days in the office of the clerk of the district court, an appeal bond, approved by the clerk of said court, in an amount equal to five (5) per cent of plaintiff's assessment appealed from and in no event less than two hundred fifty dollars (\$250.00), conditioned for the payment of all costs which may be adjudged against plaintiff, and

3. By filing in the office of the clerk of the said court on or before noon of the second day of the first term of said court convening after the serving of said notice, a petition which shall briefly state the grounds of complaint against said assessment.

Sec. 68. Trial and judgment. Upon appeal, all questions touching the validity of said assessment or the amount thereof, and not waived, shall be heard and determined in equity. The court may make such assessment as should have been made, or may direct the making of such assessment by the council. Costs shall be taxed as in other actions.

Sec. 69. Right to pay installments after appeal or objection. When any special assessment has been reduced on appeal, the property owner may, within twenty (20) days after final determination of the appeal, pay an amount equal to the installments which would have matured under the revised assessment, had objections not been filed, together with interest on the entire revised assessment from the date of the original levy and shall be entitled to pay the remaining installments as provided in section forty-one (41) of this chapter.

In case objections are filed but no appeal is taken, if such objection be withdrawn within thirty (30) days from the date of the assessment or if said objection be overruled by the council at a hearing as in this chapter provided for, the property owner may pay the special assessment in the same manner as in this section provided in case of successful appeal.

Approved April 26, 1924.

CHAPTER 114

MUNICIPAL CORPORATIONS

H. F. 170

AN ACT to amend, revise, and codify sections three thousand eight hundred sixty-one (3861) to three thousand eight hundred seventy-two (3872), inclusive, three thousand nine hundred thirty-seven (3937), three thousand nine hundred thirty-eight (3938), three thousand nine hundred fifty-three (3953), and three thousand nine hundred fifty-four (3954) of the compiled code of Iowa, and sections three thousand nine hundred forty-four (3944) and three thousand nine hundred fifty (3950) of the supplement to said code, relating to municipal corporations.

Be It Enacted by the General Assembly of the State of Iowa:

That sections three thousand nine hundred thirty-seven (3937), three thousand nine hundred thirty-eight (3938), and three thousand eight hundred sixty-one (3861) to three thousand eight hundred seventy-two (3872), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Protection of property from floods. Cities and towns may, in accordance with the provisions of this chapter, protect lots, lands, and property within their limits from danger and damage from floods and high water, by deepening, widening, straightening, altering, changing, diverting, or otherwise improving watercourses within their limits, by constructing levees, embankments, or conduits therefor, and may levy special assessments and other taxes to defray the expense of such improvements, and issue bonds and certificates in anticipation of such special assessments and taxes.

Sec. 2. Plans - petition - estimate of cost and benefit - plat. Upon the filing of a petition requesting the exercise of the powers mentioned in the preceding section, signed by one hundred (100) resident taxpayers of the city or town, the council may, or on its own motion it may, direct the city engineer or other competent person, to make necessary surveys, to prepare plans and specifications for doing the work, to furnish the council with an estimate of the cost, including an estimate of the damages to property, if any, and a map or plat showing the boundaries of the district which will be specially benefited by such improvement, a schedule showing, as nearly as may be, the ownership and value of each lot or parcel of land or other property therein as shown by the last assessment roll, and an estimate of the benefit to each lot or parcel of land and to any railway or street railway within such improvement district. The plans, specifications, estimates, maps, plates, and schedule so prepared shall be filed with the clerk.

That section three thousand nine hundred forty-four (3944) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 3. Assessment. When the work is contracted for, the council shall assess the lands and other property included within the improvement district for such part of the cost of the improvement as shall be equal and in proportion to the benefit conferred by the improvement, but not in excess of twenty-five per cent of the value of said lands and other property after the improvement shall have been made.

That section three thousand nine hundred fifty (3950) of the supplement to the compiled Code of Iowa, is amended, revised, and codified to read as follows:

Sec. 4. Cost of improvements. After the contract or contracts for making such improvement have been entered into, the council shall ascertain the cost of the work, including the cost of property purchased or condemned and appropriated, and the cost of filling the old channel as ordered by the council and the cost of surveys, plans and specifications, estimates, notices, inspection, and supervision and the preparing of plats and schedules of assessments, and shall thereupon by resolution levy the whole of the said cost remaining, after deducting the amount of the special assessments for benefits conferred upon the lands and other property within the improvement district, at one time as a special tax. Such tax shall be levied upon all the taxable property of the city except moneys and credits, and the levy shall not exceed in the aggregate five (5) mills per year for all improvements made.

Sec. 5. Certificate of levy filed. A certificate of such levies and of the special assessments for benefits conferred upon lands and property within the improvement district shall then be filed by the clerk with the auditor of the county or counties in which the city is located, and thereupon such taxes and assessments shall be placed upon the tax lists.

That sections three thousand nine hundred fifty-three (3953) and three thousand nine hundred fifty-four (3954) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 6. Bonds - indebtedness. Cities having fifty thousand (50,000) population or more may contract indebtedness and issue bonds for the purpose of paying for improvements contemplated by this chapter. Such bonds shall be payable in not to exceed twenty-five (25) equal annual installments, shall bear interest not to exceed five per cent (5%) per annum, payable semi-annually, and shall be made payable at such place, and be of such form as the council may by resolution designate. For the purpose of this chapter a city may become so indebted in an amount which with all other municipal indebtedness for general purposes may equal, but not exceed, five per cent (5%) of the actual value of the taxable property of said city as shown by the last preceding assessment roll.

Approved March 5, 1925.

CHAPTER 116

MUNICIPAL CORPORATIONS

S. F. 171

AN ACT to amend, revise, and codify sections three thousand nine hundred fifty-five (3955), three thousand nine hundred fifty-six (3956), three thousand nine hundred sixty (3960) three thousand nine hundred sixty-four (3964), and three thousand nine hundred sixty-five (3965) of the compiled code of Iowa, and section three thousand nine hundred fifty-seven (3957) of the supplement to said code, relating to municipal corporations.

Be It Enacted by the General Assembly of the State of Iowa

That sections three thousand nine hundred fifty-five (3955), three thousand nine hundred fifty-six (3956), three thousand nine hundred sixty-four (3964), and three thousand nine hundred sixty-five (3965) of the compiled Code of Iowa, and section three thousand nine hundred fifty-seven (3957) of the supplement to said Code are amended, revised, and codified to read as follows:

Section 1. Certificates issued. The council may provide by resolution for

the issuance of street improvement and sewer certificates payable to the bearer or to the contractors who have constructed any street improvement or sewer or completed part thereof, in payment or part payment therefor and may negotiate the same. Each of said certificates shall state the amount of one (1) or more assessments or the part thereof made against the property designated therein, including railways and street railways, and the owners thereof liable to assessment for the cost of the same. Said certificates shall bear interest at a rate not exceeding six per cent (6%) per annum, payable annually or semiannually, as fixed by the council, and may be paid by the taxpayer to the county treasurer, who shall receipt for the same and cause the amount paid to be applied to the payment of the certificate issued therefor.

Sec. 2. Rights of bearer. Such certificate shall transfer to the bearer all of the rights and interest of the city or town in every such assessment or part thereof, described therein, and shall authorize the bearer to collect and receive every assessment embraced in the certificate by or through any of the methods provided by law for their collection as the same may mature. No certificate shall be issued or negotiated by the city or town for less than its par value with accrued interest up to the date of the delivery thereof.

Sec. 3. Bonds. For the purpose of providing for the payment of the assessed cost of any street improvement or sewer which is to be or has been assessed upon property subject to assessment therefor, including railways and street railways liable for the payment thereof, the council may by resolution provide for the execution and delivery of bonds for the amount of the assessed cost or any part thereof in anticipation of the deferred payment of assessments levied therefor; such bonds shall be called street improvement bonds or sewer bonds and issued in amount of one hundred dollars (\$100.00) or multiples thereof, not exceeding one thousand dollars (\$1,000.00), except that one (1) bond may be issued for the amount necessary to make up the exact amount of such cost, which shall not exceed one thousand dollars (\$1,000.00). Street improvement bonds shall not include any sewer assessments nor sewer bonds any street improvement assessments.

Sec. 4. Bonds - series - when due - interest. Street improvement and sewer bonds, respectively, issued for any one (1) levy shall all bear the same date and be divided into as many series as there are installment payments of said special assessment, and each series shall be as nearly equal in amount as practicable. Each series of bonds shall mature on the first day of either April, May, or June, as may be determined by the council in the years in which the installments of said special taxes come due, shall bear the name of the street, avenue, highway, alley, or district in which said street improvement or sewer is located, and shall bear interest at a rate not exceeding five per cent (5%) per annum, payable annually or semiannually, and coupons for said interest shall be attached thereto.

Sec. 5. Form. Said bonds shall be signed by the mayor, countersigned by the clerk, and sealed with the corporate seal, and coupons shall be attested by the signature of the clerk, and shall be substantially in the following form, but subject to changes that will conform them to the resolution of the council, to wit:

The city (or town) of _____, in the state of Iowa, promises to pay as hereinafter stated, to the bearer hereof, on the _____ day of _____, the sum of _____ dollars, with interest thereon at the rate of _____ per cent per annum, payable _____ annually, on the presentation and surrender of the interest coupons hereto attached. Both principal and interest of this bond are payable at the _____ bank in the city (or town) of _____, state of _____. This bond is issued by the city (or town) of _____ under and by virtue of chapter twenty-six (26) of title thirteen (XIII) of the compiled Code of Iowa and the resolution of said city, (or town) duly passed on the _____ day of _____, 1_____.

This bond is one of a series of bonds of like tenor, date and amount, numbered

from _____ to _____ and issued for the purpose of defraying the cost of improving, curbing, and paving a portion of _____ street or alley (or constructing a sewer on _____ street or alley), as described in said resolution, in said city, (or town) which cost is payable by the abutting and adjacent property along said improvements, and is made by law a lien on all said property. It is payable in _____ equal annual installments, with interest on all deferred payments at the rate of five per cent (5%) per annum, but only out of the _____ fund created by the collection of said special tax, and said fund can be used for no other purpose.

It is hereby certified and recited that all the acts, conditions and things required to be done, precedent to, and in issuing this series of bonds, have been done, happened and performed, in regular and due form, as required by law and said resolution, and for the assessment, collection and payment hereon of said special tax, the full faith and diligence of said city (or town) of _____ are hereby irrevocably pledged.

In testimony whereof, the city (or town) of _____, by its council, has caused this bond to be signed by its mayor and countersigned by its city (or town) clerk, and the seal of said city (or town) to be thereto affixed, this _____ day of _____, 1_____.

City (or Town) Clerk.

Mayor.

No. _____

On the _____ day of _____, the city (or town) of _____, Iowa, promises to pay to bearer, as provided in said bond, the sum of _____ dollars, at the _____ bank, in the city (or town) of _____, being _____ months' interest due that day on its improvement bond No. _____, dated _____, 1_____.

Attested.

City (or Town) Clerk.

That section thirty-nine hundred sixty (3960) of the compiled Code of Iowa is amended, revised and codified to read as follows:

Sec. 6. Certificate of completion of work. No money received by the city treasurer from the sale of street improvement and sewer bonds or certificates shall be paid out, nor shall any certificate be issued to the contractor or sold, except upon the resolution of the council ordering the same, and no such resolution for the delivery of any bonds or certificates, or the payment of any of the proceeds of said bonds or certificates, shall be made until the certificate of the city engineer or other competent person selected has been filed, stating that the work contracted for or a completed part thereof, as the case may be, has been completed according to the terms and stipulations of the contract.

Approved March 13, 1924.

CHAPTER 116
MUNICIPAL CORPORATIONS

H. F. 172

AN ACT to amend, revise, and codify sections three thousand nine hundred sixty-six (3966) to three thousand nine hundred sixty-nine (3969), inclusive, three thousand nine hundred seventy-two (3972), three thousand nine hundred seventy-six (3976), and three thousand nine hundred seventy-seven (3977) of the compiled code of Iowa, relating to municipal corporations.

That sections three thousand nine hundred sixty-six (3966) to three thousand nine hundred sixty-nine (3969), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Public utilities - powers of cities and towns. Cities and towns shall have the power to purchase, establish, erect, maintain, and operate within or without their corporate limits, heating plants, waterworks, gasworks, or electric light or power plants, with all the necessary reservoirs, mains, filters, streams, trenches, pipes, drains, poles, wires, burners, machinery, apparatus, and other requisites of said works or plants, and lease or sell the same. They may grant to individuals or private corporations the authority to erect and maintain such works or plants for a term of not more than twenty-five (25) years, and may renew, amend, or extend the terms of the grant; but no exclusive franchise shall be granted, amended, extended, or renewed. Cities with a population of less than ten thousand (10,000) may utilize the steam and excess power of such works or plants in the manufacture of artificial ice, and may install machinery and equipment therefor.

Sec. 2. Purchase of products of utilities. They may enter into contracts with persons, corporations, or municipalities for the purchase of heat, gas, water, or electric current for either light or power purposes for the purpose of selling the same either to residents of the municipality or to others, including corporations and shall have power to erect and maintain the necessary transmission lines therefor, either within or without their corporate limits, to the same extent, in the same manner, and under the same regulations, and with the same power to establish rates and collect rents, as is provided by law for cities having municipally owned plants.

Sec. 3. Election required. No such works or plants shall be authorized, established, erected, purchased, leased, or sold, or franchise granted, extended, renewed, or amended, or contract of purchase provided for in section 2 hereof shall be entered into unless a majority of the legal electors voting thereon vote in favor of the same.

Sec. 4. Question submitted - notice. The council may order any of the questions provided for in the three (3) preceding sections submitted to a vote at a general or municipal election, or at one specially called for that purpose, or the mayor shall submit said question to such a vote upon the petition of twenty-five (25) property owners of each voting precinct in a city, or of fifty (50) property owners of any incorporated town. Notice of the election shall be given by publication once each week for four (4) consecutive weeks in some newspaper published in the county and of general circulation in the city or town. The election shall be held on a day not less than five (5) nor more than twenty (20) days after the last publication of notice. The person asking for the granting, renewal, or extension of a franchise shall pay the costs incurred in holding the election.

Sec. 5. Condemning land. They shall have power to condemn and appropriate so much private property as may be necessary for the construction and operation of said works or plants, and for the purpose of constructing and maintaining dams across the nonnavigable waters and watercourses of the state in forming reservoirs and sources of water to supply such waterworks and plants, as provided for the condemnation of land for city purposes; to issue bonds for the payment of the cost of establishing the same, including the cost of land condemned on which to locate them, and to confer by ordinance the power to appropriate and condemn private property for such purpose upon any individual or corporation authorized to construct and operate such works or plants.

Sec. 6. Acquiring utilities - special condemnation proceedings. When any city or town shall have voted at an election to purchase, establish, erect, maintain, and operate heating plants, waterworks, gasworks, or electric light or power plants, or when it has voted to contract an indebtedness and issue bonds therefor, and in such city or town there shall then exist any such utility, or incomplete parts thereof or more than one (1), not publicly owned, and the contract or franchise of the owner of which utility has expired or been surrendered, and such owner and the city or town cannot agree upon terms of purchase, it may, by resolution, proceed to acquire by condemnation, any one (1) or more of such utilities or incomplete parts thereof. When so acquired it may apply the proceeds of the bonds in payment therefor and in making extensions and improvements to such works or plants so acquired, but not more than one utility may be so acquired when such municipality is indebted in excess of the statutory limitation of indebtedness for such purposes for any such acquired property.

Sec. 7. Court of condemnation - appointment. Upon the passage of the resolution as provided in the preceding section and the presentation of a certified copy thereof to the supreme court while in session, or to the chief justice of the supreme court, the said court or chief justice shall within five (5) days thereafter appoint as a court of condemnation three (3) district court judges from three (3) judicial districts, of whom one (1) shall be from the district wherein the city or town is located, if not a resident of the city or town, and shall enter an order requiring said judges to attend as such court of condemnation at the county seat of the county in which said city or town is located within ten (10) days thereafter, and the said district court judges shall so attend and shall constitute a court of condemnation.

Sec. 8. Procedure. Said court when it meets to organize or at any time during the proceedings, which may be adjourned from time to time for any purpose, may fix the time for the appearance of any person or persons that any party desires to have joined in the proceedings, and whom the court deems necessary. The time for appearance shall be sufficiently remote to serve notice upon such parties, but if the time for appearance occur after the proceedings are begun, such proceedings may be reviewed by the court to give all parties a full opportunity to be heard.

Sec. 9. Appearance. Persons not voluntarily appearing, but having any right, title, or interest in or to the property which is the subject of condemnation, or any part thereof, including all leaseholders, mortgagees, and trustees of bondholders, who are to be made parties to the proceedings shall be served with notice thereof and of the time and place of meeting of said court in the same manner and for the same length of time as for the service of original notice, either by personal service, or by service by publication, the time so set being the time at which the parties so served are required to appear, and actual personal service of the notice within or without the state shall supersede the necessity for publication.

Sec. 10. Powers of court. The court of condemnation shall have power to summon and swear witnesses, take evidence, order the taking of depositions, require the production of any books or papers, and may appoint a shorthand reporter. It shall perform all the duties of commissioners in the condemnation of property. Such duties and the method of procedure and condemnation, including provisions for appeal, shall, except as herein otherwise specifically provided, be, as nearly as may be, as provided for the taking of private property for works of internal improvement. The clerk of the district court of the county where the city or town is located shall perform all of the duties required of the sheriff in such condemnation, and in case of a vacancy in the court, such vacancy shall be

filled in the manner in which the original appointment was made. When necessary by reason of such vacancy, the court may review any evidence in its records.

That section three thousand nine hundred seventy-two (3972) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 11. Sale of products - rates - taxes. They may sell the products of municipal heating plants, waterworks, gasworks, or electric light or power plants to any municipality, individual, or corporation outside the city or town limits, as well as to individuals or corporations within its limits, and may with the consent of the board having jurisdiction thereof erect in the public highway the necessary poles upon which to construct transmission lines, and shall from time to time in such manner as they deem equitable, assess upon each tenement or other place supplied with heat, water, gas, light, or power, reasonable rents or rates fixed by ordinance, and shall levy a tax as provided by law to pay or aid in paying expenses of running, operating, renewing, and extending such works, and the interest on any bonds issued to pay all or any part of their construction.

That sections three thousand nine hundred seventy-six (3976) and three thousand nine hundred seventy-seven (3977) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 13. Mayor to appoint trustees - terms - compensation. If a majority of the votes cast at such election are in favor of placing the management and control of any or all of the said utilities in the hands of trustees, the mayor shall, within ten (10) days after such election, appoint a board of three (3) trustees, which appointments shall be approved and confirmed by the council. The first appointees shall hold office, one (1) for two (2) years, one (1) for four (4) years, and one (1) for six (6) years, and their successors shall be appointed for a term of six (6) years. All vacancies occurring on said board shall be filled in the manner original appointments are made. The compensation of each trustee shall be not more than one hundred dollars (\$100.00) per year, and each trustee shall execute and furnish to the city an official bond in the sum of twenty-five hundred dollars (\$2,500.00) to be approved by the mayor and filed with the city clerk.

Sec. 14. Powers of trustees. The board of trustees shall have all the power and authority in the management and control of the utilities mentioned in the question submitted to the voters at such election as is conferred upon waterworks trustees appointed as provided in chapter twenty-eight (28) of this title.

Approved April 9, 1924.

CHAPTER 117

MUNICIPAL CORPORATIONS

S. F. 173

AN ACT to amend, revise, and codify sections three thousand nine hundred eighty-seven (3987) and three thousand nine hundred ninety (3990) to three thousand nine hundred ninety-two (3992), inclusive, of the compiled code of Iowa, and sections three thousand nine hundred eighty-two (3982), and three thousand nine hundred eighty-eight (3988) of the supplement to said code, relating to municipal corporations.

Be It Enacted by the General Assembly of the State of Iowa:

That section three thousand nine hundred eighty-two (3982) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Use of sinking fund. Any city in which a sinking fund has been accumulated as provided in the preceding section, in which waterworks have not been purchased under this chapter, may apply such sinking fund and all accumulations thereof upon the payment of the cost of waterworks purchased or erected under the provisions of the preceding chapter.

That section three thousand nine hundred eighty-seven (3987) of the compiled Code of Iowa, and section three thousand nine hundred eighty-eight (3988) of the supplement to said Code are amended, revised, and codified to read as follows:

Sec. 2. Trustees - appointment - bond - removal. The waterworks owned by such cities shall be managed and operated by a board of waterworks trustees, which shall be composed of three (3) resident electors, appointed for the term of six years (6) by the mayor of said city. Upon the approval of the contract for the purchase or erection of waterworks by cities as herein provided, the mayor thereof shall, within ten (10) days, appoint such board, the first appointees thereto to hold office, one (1) for two (2) years, one (1) for four (4) years, and one (1) for six (6) years. All vacancies occurring on said board shall be filled in the same manner that original appointments are made. Each trustee shall receive a compensation of not to exceed three hundred dollars (\$300.00) per year, and shall execute and furnish to the city an official bond in the sum of five thousand dollars (\$5,000.00) to be approved by the mayor and filed with the city clerk.

That sections three thousand nine hundred ninety (3990) to three thousand nine hundred ninety-two (3992), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 3. Fixing rates. The board of trustees shall from time to time fix the water rentals or rates to be charged for the furnishing of water, and such rates, with the proceeds of the five (5) mill water levy and the sinking fund levy of two (2) mills shall be sufficient for the maintenance and operation of such works and the proper and necessary extension thereof, for all repairs, and for the payment of the purchase price or cost, principal and interest, incurred in the purchase or erection of such works, as the same falls due, according to the tenor of the mortgage and bonds given to secure the payment of such purchase price or cost. The board shall make quarterly statements giving full and complete reports of the receipts and disbursements of the board. Said reports shall be filed in the office of the city clerk on the second Monday in January, April, July, and October, for the quarters preceding the first day of said months. The reports shall be audited by the board of public works, or by the city council if there is no such board.

Approved January 4, 1924.

CHAPTER 118

MUNICIPAL CORPORATIONS

H. F. 174

AN ACT to amend, revise, and codify sections three thousand nine hundred ninety-five (3995), four thousand (4000), and four thousand one (4001) 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 nine hundred ninety-five (3995) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Purchase - condemnation. In the exercise of any of the powers herein granted, any such city may acquire and hold any or all necessary property of the character specified in the preceding section, including existing franchises or contracts, either by purchase or condemnation proceedings. If by condemnation proceedings, the value of the property shall be determined by a court of condemnation as provided in chapter twenty-seven (27) of this title.

That sections four thousand (4000) and four thousand one (4001) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 2. Trustees - election - number - term. Whenever any such city becomes the owner of waterworks, the council shall, unless a board of trustees exists, forthwith elect from nominations made by the mayor, trustees for such waterworks. The board of trustees shall consist of five (5) resident voters, who shall hold office, one (1) until the first Monday in April of the second year after his appointment, two (2) until the first Monday in April of the fourth year after appointment, and two (2) until the first Monday in April of the sixth year after appointment. Subsequent appointments shall be for a term of six (6) years. Vacancies shall be filled as original appointments are made. If the waterworks are leased or sold, the term of office of each member of the board shall be held to have expired.

Sec. 3. Chairman - eligibility to office. The chairman of the board shall be selected by a majority vote of the members thereof, for such term as the board may determine. No person shall be eligible for appointment on the board while he holds or is a candidate for, or has within one (1) year held, any other salaried civil, federal, state, county, or city office or position.

Sec. 4. Bond. A bond in the sum of five thousand dollars (\$5,000.00) shall be required of each member of the board before entering upon the duties of his office, conditioned as provided by law, with sureties to be approved by the council. When so approved, said bond shall be filed in the office of the city clerk.

Approved February 1, 1924.

CHAPTER 119

MUNICIPAL CORPORATIONS

S. F. 175

AN ACT to amend, revise, and codify sections four thousand twelve (4012) to four thousand twenty-two (4022), inclusive, of the compiled code of Iowa, relating to municipal corporations.

Be It Enacted by the General Assembly of the State of Iowa:

That sections four thousand twelve (4012) to four thousand twenty-two (4022), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Vestibules - brakes - transparent shields. Every person, partnership, company, or corporation owning or operating a street railway in this state shall:

1. Transparent shield. Provide and maintain upon all motor cars, except trailers, used for the transportation of passengers, not required by law to have an enclosed vestibule, a transparent shield extending the full width of each car and so constructed that it will afford protection to the motorman and passengers on the platform from inclement weather.

2. Vestibules. From November first of each year to April first following, provide all cars used for the transportation of passengers with vestibules enclosing the front and rear platforms on all sides for the protection of employees operating such cars when in the performance of their duties the employees are required to remain on said vestibule the major portion of their time. Each vestibule shall be heated and shall contain a seat for the use of the motorman or conductor.

3. Brakes. Equip all its double track passenger cars and single track passenger cars over thirty-two (32) feet in length with power brakes other than hand brakes capable of bringing such cars to a stop within a reasonable distance, together with equipment for sanding the rails. Said brake and sand equipment shall be so constructed as to be operated by the motorman on the car operated by him.

4. Toilets. Provide and maintain toilet facilities for the use of employees at some suitable location upon such line or run, and the running schedule of said cars and the operating thereof shall be such as will permit said employees to use said toilet facilities.

Sec. 2. Penalty. A violation of any of the provisions of the preceding section shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense. Every day's failure to comply with any of the provisions of said section shall be deemed a separate offense.

Approved February 2, 1924.

CHAPTER 120

MUNICIPAL CORPORATIONS

H. F. 176

AN ACT to amend, revise, and codify sections four thousand twenty-three (4023), four thousand twenty-four (4024), four thousand twenty-seven (4027), four thousand nine hundred sixty-nine (4969), four thousand nine hundred seventy (4970), three thousand seven hundred twenty-five (3725), three thousand seven hundred thirty-six (3736), three thousand seven hundred fifty-three (3753), three thousand seven hundred fifty-four (3754), and three thousand seven hundred seventy-five (3775) of the compiled code of Iowa, relating to municipal corporations.

Be It Enacted by the General Assembly of the State of Iowa:

That sections four thousand twenty-three (4023), four thousand twenty-four (4024), four thousand nine hundred sixty-nine (4969), three thousand seven hundred twenty-five (3725), three thousand seven hundred thirty-six (3736), three thousand seven hundred fifty-three (3753), and three thousand seven hundred seventy-five (3775) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Condemnation - purposes. Cities and towns shall have power to purchase or provide for the condemnation of, pay for out of the general fund or the specific fund, as may be provided, enter upon and take any lands, within or without the territorial limits of the city or town, for the following purposes:

1. For parks, commons, cemeteries, crematories, or hospital grounds.
2. For sites for city halls, community centers, and juvenile playgrounds.
3. For establishing, laying off, widening, straightening, narrowing, extending, and lighting streets, avenues, highways, alleys, wharves, landing places, public squares, public grounds, public markets, and market places, and public slaughterhouses.
4. For garbage disposal plants and dump grounds.
5. For the control of streams and surface waters flowing into sewers within the city or town, or necessary for sewer outlets, or sewage disposal plants. They may also condemn easements in lands for the same purposes.
6. For any other purpose provided in this title, and in all cases where such purchase or condemnation may be authorized.

Sec. 2. Condemnation gravel pits. They shall have the power to purchase or provide for the condemnation of, pay for out of the general fund, the grading fund, or the highway or poll taxes of said city or town, or partly from each of said funds, lands within or without the territorial limits of the city or town, including a suitable roadway thereto by the most reasonable route, for the purpose of obtaining gravel, stones, or other suitable material with which to improve the streets and alleys of said city or town.

Sec. 3. Condemnation for location of libraries. In any city or town in which a free library has been established, the board of library trustees may condemn real estate in the name of the city or town for the location of library buildings and branch libraries, and for the purpose of enlarging the grounds thereof.

That sections four thousand twenty-seven (4027), four thousand nine hundred seventy (4970) and three thousand seven hundred fifty-four (3754) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 4. Proceedings for condemnation. Proceedings for the condemnation of land as contemplated in this title shall be in accordance with the provisions relating to eminent domain and the taking of private property for public use, except that the jurors shall have the additional qualification of being freeholders of the city or town.

Approved February 1, 1924.

CHAPTER 121

MUNICIPAL CORPORATIONS

S. F. 177

AN ACT to amend, revise, and codify sections three thousand six hundred thirty (3630), three thousand six hundred thirty-one (3631), three thousand seven hundred twenty-six (3726), three thousand seven hundred thirty-three (3733), three thousand seven hundred thirty-seven (3737), three thousand seven hundred forty-one (3741), three thousand seven hundred fifty-nine (3759), three thousand eight hundred ninety-seven (3897), three thousand nine hundred five (3905), three thousand nine hundred nine (3909), three thousand nine hundred eighty-three (3983), four thousand nine (4009), four thousand thirty-one (4031) to four thousand thirty-four (4034), inclusive, four thousand thirty-seven (4037), four thousand thirty-nine (4039) to four thousand forty-one (4041), inclusive, four thousand fifty-two (4052), and four thousand fifty-three (4053) of the compiled code of Iowa, and sections three thousand four hundred eighty-five (3485), three thousand seven hundred fifty-eight (3758), four thousand thirty-eight (4038), and four thousand fifty-one (4051) 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 thirty-one (4031) to four thousand thirty-four (4034), inclusive, of the compiled Code of Iowa, and section three thousand four hundred eighty-five (3485) of the supplement to said Code, are amended, revised, and codified to read as follows:

Section 1. Road dragging fund. Any city having a population of less than eight thousand (8,000), and any town, may levy annually a tax of not more than one (1) mill which shall be used only for dragging streets and roads.

Sec. 2. City bridge fund. Cities may levy annually a tax, which shall be used only for bridge purposes, as follows:

1. Any city with a population of more than thirty-five thousand (35,000) and with a meandered stream dividing its corporate limits, not exceeding four (4) mills.
2. Other cities of the first class, not exceeding three (3) mills.
3. Cities of the second class with a population of more than five thousand (5,000) and traversed by a stream two hundred (200) or more feet in width from shore line to shore line, not exceeding five (5) mills.

Sec. 3. Agricultural lands. No land included within the limits of any city or town which shall not have been laid off into lots of ten (10) acres or less, or which shall not subsequently be divided into parcels of ten (10) acres or less by the extension of streets and alleys, and which shall also in good faith be occupied and used for agricultural or horticultural purposes, shall be taxable for any city or town purposes, except that said lands and all personal property necessary to the use and cultivation of said agricultural or horticultural lands shall be liable to taxation for city and town road purposes at not exceeding five (5) mills, and for library purposes.

That sections four thousand thirty-seven (4037), four thousand thirty-nine (4039) to four thousand forty-one (4041), inclusive, three thousand seven hundred twenty-six (3726), three thousand six hundred thirty (3630), three thousand six hundred thirty-one (3631), three thousand seven hundred thirty-three (3733), three thousand seven hundred thirty-seven (3737), three thousand seven hundred forty-one (3741), three thousand seven hundred fifty-nine (3759), three thousand nine hundred five (3905), and three thousand nine hundred nine (3909) of the compiled Code of Iowa, and sections three thousand seven hundred fifty-eight (3758) and four thousand thirty-eight (4038) of the supplement to said Code are amended, revised, and codified to read as follows:

Sec. 4. Action. The entry of such tax and penalty upon the tax list shall not prevent the bringing of an action therefor as authorized by law. Such action must be commenced within one (1) year from the first day of October following the giving of notice for the payment of said tax. When judgment has been rendered therefor and paid in whole or in part after the same has been certified to the county auditor, the court receiving such payment shall execute duplicate receipts, exclusive of costs, if so requested, and upon filing such receipt or duplicate with the county auditor he shall make the proper entries on the tax lists, showing the full payment of such tax and penalty, or part thereof, as the case may be.

Sec. 5. Taxes for particular purposes. Any city or town shall have power to levy annually the following special taxes:

1. Grading fund. Not exceeding three (3) mills which shall be used only for the purpose of opening, widening, extending and grading any street, highway, avenue, alley, public ground, or market place.

2. Water fund. Not exceeding five (5) mills which shall be used only to pay the amount due or to become due, for water supplied under any contract. In cities of the first class, if the maximum tax is insufficient to pay such amount, the deficiency shall be paid out of the general fund.

3. Improvement fund. Not exceeding five (5) mills, which shall be used only to pay for deficiencies in assessments and for plats and schedules as provided by law, and for the construction, reconstruction and repair of any street improvement at the intersections of streets, highways, avenues and alleys, and for one-half (1/2) of the cost of such improvement at the intersection of streets, highways, avenues and alleys not crossing, and for spaces opposite property owned by the city or town and by the United States, and for the purchase price of property purchased by the city at tax sale and subsequent taxes assessed against such property.

4. Drainage tax. Such number of mills as will pay any special assessment with interest or any installment thereof with interest, levied against any street, alley, highway, public way or park by the board of supervisors for drainage purposes.

5. Sewer fund. If the city or town comprises one (1) sewer district, not exceeding five (5) mills, which shall be used only to pay for deficiencies in assessments as provided by law, and for the construction, reconstruction and repair of any sewer at the intersection of streets, highways, avenues and alleys, and for one-half (1/2) the cost of such sewer at the intersections of streets, highways, avenues and alleys not crossing, and for spaces opposite property owned by the city or town and by the United States, and for the whole or any part of the construction, reconstruction, or repair of any sewer within the limits of said city or town, and for the maintenance and operation of any sewage disposal plant serving said sewer district.

6. District sewer fund. Within a sewer district, not exceeding five (5) mills which shall be used only to pay all or any part of the cost of construction, reconstruction or repair of any sewer located and laid in that particular district and to maintain and operate any sewage disposal plant serving such district. The funds created by this and the preceding subsection may be used to secure control of streams and surface waters flowing into sewers, sewer outlets and disposal plants.

7. Sewer outlet and purifying plant fund. Not exceeding five (5) mills, which shall be used only to construct sewer outlets and sewage purifying plants. The levy made under this subsection shall not be considered a part of the levy for sewer funds under the two preceding subsections.

8. Fire fund. Not exceeding one and one-half (1 1/2) mills, which shall be used only to acquire property for the use of the fire department and to equip the same. No part of the general fund shall be used for equipping the fire department.

9. Fire department maintenance fund. Any city with a population of more than nine thousand (9,000), not exceeding seven (7) mills, any city with a population of less than nine thousand (9,000) and any city under the commission form of government with a population of more than ninety thousand (90,000), not exceeding three (3) mills, and any town, not exceeding two (2) mills, which levies shall be used only to maintain a fire department, except that cities with a population under three thousand (3,000) and towns may also use the fund to purchase fire equipment.

10. Gas light, electric light, heat or power funds. Any city with a population of more than five thousand (5,000), not exceeding five (5) mills, and any city with a population of less than five thousand (5,000) and any town, not exceeding seven (7) mills, which shall be used only to pay the amount due or to become due under any contract for gas light, electric light, heat or power including expenses of inspection.

11. Bond fund. Such number of mills as will pay the interest accruing before the next annual levy on funding or refunding bonds outstanding, and such proportion of the principal that at the end of five (5) years the sum raised shall equal at least twenty per cent (20%) of the amount of the bonds issued; at the end of ten (10) years at least forty per cent (40%) of said amount; at the end of fifteen (15) years at least sixty-five per cent (65%) of said amount, and at or before the date of the maturity of said bonds a sum equal to the whole amount of the unpaid interest and principal. Said funds shall be used only to meet such obligations.

12. Water or gas works or electric plant bond fund. Such number of mills as will pay for water works, gas works, electric light and power plants in the periods and proportions set forth in the preceding subsection, which shall be used only to pay the principal of bonds issued for the construction or purchase of such plants.

13. Cemetery purchase fund. Not exceeding one (1) mill, which shall be used only to pay for land acquired for cemetery purposes, and the interest accruing on the cost thereof.

14. Cemetery fund. Any city, not to exceed one (1) mill, and any town, not to exceed three (3) mills, which shall be used only for the care, preservation, and adornment of any cemetery owned or controlled by the city or town, or owned and controlled by any private or incorporated cemetery association, township or other municipality, even though situated in an adjoining county, if actually utilized for burial purposes by the people of the city or town. Said tax may be so expended for the support and maintenance of any such cemetery after it is no longer used for the purpose of interring the dead.

15. Comfort station fund. When authorized to maintain comfort stations, not exceeding one-half (1/2) mill, which shall be used only to defray the expense of establishing and maintaining comfort stations, or such expenses may be paid from the general fund.

16. Garbage disposal and street cleaning fund. Within any sanitary district, not exceeding two (2) mills, which shall be used only to pay the cost of the collection and disposal of garbage and such other material as may become dangerous to the public health and for the oiling and sprinkling, flushing and cleaning of streets therein.

17. Waterworks fund. If the authorized water rates or rentals are insufficient to meet the expense of running, operating and repairing the waterworks owned or operated by the city or town and the interest on any bonds issued to pay for the construction, reconstruction, repair or extension of such works, not exceeding five (5) mills, which shall be used only to pay the deficiency.

18. Gas or electric fund. If the authorized rates or rentals are insufficient to meet the expense of running, operating and repairing gas or electric light or power plants owned by the city or town and the interest on any bonds issued to pay for the construction of such works or plants, not exceeding five (5) mills which shall be used only to pay the deficiency.

19. Library fund. When a free public library has been established, not exceeding five (5) mills, which shall be used only for its maintenance. The rate of levy for this and the fund created by the following subsection shall be determined and certified to the council by the board of library trustees before the first day of August in each year. The council shall make such levies accordingly.

20. Library building fund. When the establishment of a public library has been authorized, not exceeding three (3) mills, which shall be used only to purchase real estate and to erect thereon a building or buildings for a public library or to pay the interest on any indebtedness incurred for that purpose and to create a sinking fund for the extinguishment of such indebtedness. When a library building has been fully completed and paid for, no further levy shall be made for that purpose. Any balance remaining in the building fund may be transferred to the maintenance fund.

21. Library contract fund. When a public library has not been established, not exceeding one (1) mill, which shall be used only to secure for the inhabitants of the city or town the free use of a public library. When a majority of the resident taxpayers petition the council in writing to secure such privilege the council shall offer to contract therefor with the designated library.

22. Community center establishment fund. When a community center district has been established, within such district, not exceeding three (3) mills for not more than twenty (20) years, which shall be used only to purchase real estate for use as a community center and to construct thereon buildings with proper equipment.

23. Community center improvement and maintenance fund. Within such community center district, not exceeding five (5) mills, which shall be used only for the development, improvement, maintenance and operation of the community center.

24. Juvenile playground and swimming pool establishment fund. When any juvenile playground or swimming pool has been established, such number of mills as will liquidate at maturity, bonds issued for its acquirement.

25. Playground or swimming pool maintenance fund. Not exceeding two (2) mills, which shall be used for the maintenance, operation and improvement of such playground or swimming pool.

26. Hospital fund. When a municipal hospital has been established, not exceeding three (3) mills in cities having a population of more than twenty-two thousand (22,000) and in other cities not exceeding five (5) mills. Such levies shall not extend for a longer period than twenty (20) years and shall be used only for the purpose of constructing hospitals or purchasing sites therefor and for the retirement of bonds issued in payment thereof.

27. Hospital maintenance fund. Not to exceed five (5) mills, which shall be used only to improve, operate and maintain such hospital.

28. City hall fund. Any city with a population of more than four thousand (4,000), not exceeding two (2) mills for not more than twenty (20) years, and any city with a population less than four thousand (4,000) and any town, not exceeding five (5) mills for the same period, which in each case shall be used only to build a city hall and to purchase a site therefor.

Sec. 6. Limitation of certain taxes. No tax authorized in subsections two (2), ten (10), twelve (12), seventeen (17), and eighteen (18) of the preceding section shall be levied against property lying wholly without the limits of the benefit of the works or plants therein mentioned, which limits shall be fixed by the city council.

Sec. 7. Main sewer fund. Any city of the first class shall have power to levy annually not exceeding five (5) mills which shall be used only to pay for the construction, reconstruction or repair of any main sewer within the city, but the aggregate tax levied by such city in any one year for a sewer fund, district sewer fund and main sewer fund shall not exceed eight (8) mills.

Sec. 8. Park tax. Cities having a population of eighty-five thousand (85,000) or more shall have power to levy annually, in addition to all other taxes for park purposes, not exceeding one-half (1/2) mill which shall be used only to purchase real estate for park, art or memorial purposes.

Sec. 9. Transfer of funds. Cities having a population of eight thousand eight hundred (8,800) or less, and towns, may make either temporary or permanent transfers from the grading fund, improvement fund, sewer fund, the waterworks fund, gas or electric plant fund, water fund, gas or electric light or power fund, to any of said funds by resolution concurred in by a unanimous vote of the council, if approved by a judge of the district court in the county wherein such city or town is located at a hearing had on a day to be fixed by said judge.

Sec. 10. Notice of hearing—limitation of right to transfer. Not less than five (5) days before the date of said hearing, notice thereof shall be given by publication in one (1) or more newspapers published in the city or town of general circulation therein. The notice shall be addressed generally to the taxpayers of the city or town, and shall recite the substance of the resolution adopted by the council, and set forth specifically the funds from and to which the transfer is to be made, the amount of money involved, and the time when objections to the proposed transfer may be filed. Proof of publication shall be made as for the publication of original notices, and the order of the judge shall be indorsed on the original resolution and entered in the record book of the municipality as a part of the resolution. In no case shall the transfer of funds be made where as a result of the transfer, more money is placed in any one (1) fund than would have been placed in such fund by the levy of the maximum millage provided therefor.

Sec. 11. Consolidated tax levy. In lieu of any or all of the separate annual levies for the general fund, the grading fund, the improvement fund, the city or town sewer fund, the water fund, and the gas or electric light or power fund, cities and towns may levy one (1) tax which shall not in the aggregate exceed the total amount of taxes which such municipality might have levied therefor. The city or town making such consolidated levy shall, prior to the first day of April thereafter, appropriate the estimated revenue from such consolidated levy, in such ratio as the council may determine for any purpose for which such funds might have been used, but no part thereof shall be used for any other purpose.

That section four thousand fifty-one (4051) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 12. Assessments and taxes certified - collection. All assessments and taxes of every kind and nature levied by the council, except as otherwise provided by law, shall be certified by the clerk on or before the first day of September, to the county auditor, and by him placed upon the tax list for the current year; and the county treasurer shall collect all assessments and taxes so levied in the same manner as other taxes, and when delinquent they shall draw the same interest and penalties.

Sec. 13. Tax sales. Sales for such assessments and taxes when delinquent shall be made at the same time and in the same manner as such sales are made for other taxes, and should there be other delinquent taxes or assessments due from the same person, and collectible by the county treasurer, the sale shall be for all such delinquent assessments and taxes, and all the provisions of law relating to the sale of property for delinquent taxes shall be applicable so far as may be to such sales.

Sec. 14. Taxes paid over - when. Before the third Monday of each month, the county treasurer shall give written notice to the mayor of each municipality in the county of the amount collected for each fund up to the first day of that month, including the amounts collected to pay bonds issued to pay the costs of public improvements for which special assessments have been levied and certified, and the mayor of each municipality shall draw an order therefor in favor of the city treasurer, countersigned by the clerk or auditor of the municipality, upon the county treasurer, who shall pay such taxes to the treasurers of the several municipalities only on such order.

That section four thousand fifty-two (4052) of the compiled Code is amended, revised, and codified to read as follows:

Sec. 14-a1. Prohibitions as to warrants. All the provisions of sections thirty-one hundred sixty-six (3166), thirty-one hundred sixty-seven (3167), thirty-two hundred thirty-eight (3238) to thirty-two hundred forty (3240), inclusive, shall be applicable to cities and towns, their officers and employees, subject only to such modifications as may be necessary therefor.

That sections four thousand fifty-three (4053), three thousand eight hundred ninety-seven (3897), three thousand nine hundred eighty-three (3983), and four thousand nine (4009) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 15. Diversion of funds. Any councilman or officer of a city or town who shall participate in, advise, consent, or allow any tax or assessment levied by such city or town or by other lawful authority for city or town purposes to be diverted to any other purpose than the one for which it was levied and assessed, or who shall in any way become a party to such diversion, shall be guilty of embezzlement.

Approved April 19, 1924.

CHAPTER 122

MUNICIPAL CORPORATIONS

H. F. 178

AN ACT to amend, revise, and codify sections four thousand fifty-four (4054) to four thousand fifty-eight (4058), inclusive, three thousand seven hundred twenty-two (3722) to three thousand seven hundred twenty-four (3724), inclusive, three thousand seven hundred thirty-five (3735), three thousand seven hundred forty-two (3742) to three thousand seven hundred forty-four (3744), inclusive, three thousand seven hundred seventy-three (3773), three thousand seven hundred seventy-four (3774), and three thousand seven hundred seventy-eight (3778) of the compiled Code of Iowa, and sections four thousand fifty-nine (4059), and three thousand six hundred thirty-eight (3638) 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 fifty-four (4054) to four thousand fifty-eight (4058), inclusive, three thousand seven hundred twenty-two (3722) to three thousand seven hundred twenty-four (3724), inclusive, three thousand seven hundred thirty-five (3735), three thousand seven hundred forty-two (3742) to three thousand seven hundred forty-four (3744), inclusive, three thousand seven hundred seventy-three (3773), three thousand seven hundred seventy-four (3774), and three thousand seven hundred seventy-eight (3778) of the compiled Code of Iowa, and sections four thousand fifty-nine (4059) and three thousand six hundred thirty-eight (3638) of the supplement to said Code are amended, revised, and codified to read as follows:

Section 1. Amount of indebtedness limited. No county or other political or municipal corporation shall become indebted in any manner for its general or ordinary purposes to an amount exceeding in the aggregate one and one-fourth per cent (1 1/4%) of the actual value of the taxable property within such corporation. The value of such property shall be ascertained by the last tax list previous to the incurring of the indebtedness.

Sec. 2. Purpose of incurring indebtedness. Cities and towns when authorized to acquire the following named public utilities and other improvements may incur indebtedness for the purpose:

1. Of purchasing, erecting, extending, reconstructing, or maintaining and operating waterworks, gas works, electric light and power plants, or the necessary transmission lines therefor, and heating plants.
2. Of purchasing or erecting garbage disposal plants.
3. Of erecting and equipping community center houses and recreation grounds.
4. Of acquiring lands and establishing juvenile playgrounds, swimming pools and recreation centers thereon or on lands already owned or to be leased by the city or town.
5. Of constructing city and town halls.
6. Of erecting a building or buildings for a public library.
7. Of constructing hospitals.

Sec. 3. Application of limitation. No indebtedness for the extraordinary purposes mentioned in the preceding section shall be charged against or counted as a part of the one and one-fourth per cent (1 1/4%) available for general ordinary purposes until the other three and three-fourths per cent (3 3/4%) of the five per cent (5%) of indebtedness permitted by the Constitution has been exhausted.

Sec. 4. Election required. No such indebtedness shall be incurred until authorized by an election.

Sec. 5. Initiation of proceedings. The proceedings to call such an election may be instituted by the council except that before an election may be called for any of the following purposes, a petition shall be filed with the council, requesting that such action be taken:

1. For any of the purposes mentioned in subsection one (1), four (4) and seven (7) of section two (2) hereof the petitions shall be signed by qualified electors of the city or town equal in number to twenty-five per cent (25%) of those who voted at the last regular municipal election.
2. For the establishment of community houses and recreation grounds, it shall be signed by fifteen per cent (15%) of the resident freeholders of the district within which the same is to be constructed.

Sec. 6. Election to be called. The council on receipt of any such petition shall, at the next regular meeting call a special election, fixing the time and place thereof, or may submit the proposition as a special question at the next regular municipal election. The council may reject a petition for a community center, or change the area of any district petitioned for.

Sec. 7. Notice. It shall give notice of any election held under the provisions of this chapter by publication once each week for four (4) consecutive weeks in some newspaper published in the city or town, or if none be published therein, in a newspaper published in the county and of general circulation in the city or town. The election shall be held on a day not less than five (5) nor more than twenty (20) days after the last publication of notice.

Sec. 8. Questions submitted--manner of submission. Each proposition mentioned in section two (2) hereof shall be submitted on a separate ballot, but more than one of such propositions may be so submitted at the same election, and as a part of each proposition so submitted there shall be stated on the ballot: The amount of indebtedness to be contracted, if any; the amount of bonds to be issued, if any; the annual rate of tax to be levied, if any, for the payment of such bonds and interest thereon. The form of the ballot shall be substantially as follows:

Shall (Here name city or town.)
(Here state the particular proposition to be voted on.)
and contract indebtedness for such purpose not exceeding
\$ _____ and issue bonds for such purpose not exceeding
\$ _____ and levy tax annually upon the YES
taxable property in (Here name of city or NO
town), not exceeding _____ mills per annum
for the payment of such bonds and the in-
terest thereon.

Sec. 9. Majorities required. A majority of all the legal votes cast on the particular question at the election shall be sufficient to authorize the municipality to contract the indebtedness, except that if the question submitted is one in connection with waterworks, gas works, electric light or power plants, heating plants, or the establishment of a hospital, the affirmative vote shall also be as large as a majority of all the legal votes cast at the preceding municipal election.

Sec. 10. Limitation--submission certain questions. If a question for the establishment of community center houses or juvenile playgrounds fails to secure the requisite majority it shall not again be submitted at an election for two (2) years.

Sec. 11. Council to issue bonds. If the municipality is authorized to incur the indebtedness the council shall issue bonds and make provisions for the payment thereof with interest.

Sec. 12. Bonds--interest--when due. Bonds issued under the provisions of this chapter shall bear interest at the rate of not more than five per cent (5%) per annum and shall become due in not more than twenty years (20) after issuance and may be issued serially.

Sec. 13. Payment of bonds. Bonds for garbage disposal plants shall be paid from the general fund of the city or town, but other bonds shall be paid from the particular fund created therefor.

Sec. 14. How construed. Nothing in this chapter shall be construed to repeal chapter twenty-eight (28), title ten (10) or as being applicable to bonds issued under section thirty-nine hundred eighty-five (3985) of the supplement to the compiled Code of Iowa.

Approved April 26, 1924.

CHAPTER 123

MUNICIPAL CORPORATIONS

S. F. 179

AN ACT to amend, revise, and codify sections three thousand six hundred thirty-three (3633), three thousand six hundred thirty-four (3634), three thousand nine hundred eight (3908), three thousand nine hundred fifty-one (3951), four thousand sixty-two (4062), four thousand sixty-three (4063), four thousand sixty-five (4065) to four thousand sixty-eight (4068), inclusive, of the compiled code of Iowa, and sections four thousand sixty-one (4061), four thousand sixty-five-a-one (4065-A1) 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 sixty-two (4062), and four thousand sixty-three (4063) of the compiled Code of Iowa, and section four thousand sixty-one (4061) of the supplement to said Code, are amended, revised, and codified to read as follows:

Section 1. Form. Such bonds shall be issued in sums of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) each, running not more than twenty (20) years, bearing interest not exceeding five per cent (5%) per annum, payable annually or semiannually and shall be substantially in the following form, but subject to changes that will conform them to the resolution of the council, to wit:

The city (or town) of _____ in the state of Iowa, for value received promises to pay to bearer _____ dollars, lawful money of the United States of America, on _____, with interest on said sum from the date hereof until paid at the rate of _____ per cent per annum, payable _____ annually on the first day of _____ and _____ in each year, on presentation and surrender of the interest coupons hereto attached; both principal and interest payable at _____

This bond is issued by the city (or town) of _____ pursuant to the provisions of section _____, chapter _____, title _____, of the Code of Iowa, and in conformity to a resolution of the council of said city (or town) duly passed, on the _____ day of _____

And it is hereby represented and certified that all things requisite according to the laws and constitution of the state of Iowa to be done precedent to the lawful issue of this bond have been performed as required by law, and that the total indebtedness of said city, including this bond, does not exceed the constitutional or statutory limitations.

In testimony whereof said city (or town) by its council has caused this bond to be signed by its mayor and attested by its auditor (or clerk), with the seal of said city (or town), attached this _____ day of _____

Mayor of the city (or town) of _____

ATTEST

Clerk of the city (or town) of _____

(Form of Coupon.)

The treasurer of the city (or town) of _____, Iowa, will pay to bearer _____ dollars, on _____, at _____, for _____ annual interest on its _____ bond, dated _____ No. _____

ATTEST

Clerk of the city (or town) of _____

Sec. 2. Bonds signed--attested. Said bonds shall be numbered consecutively signed by the mayor, and attested by the auditor or clerk as the case may be, with the seal of the city (or town) affixed. The interest coupons attached thereto shall be attested by the signature of the clerk, or a fac simile thereof.

Sec. 3. Issuance. All bonds issued under the provisions of this chapter shall be issued pursuant to, and in conformity with, a resolution adopted by the council of said city or town, which shall specify the amount authorized to be issued, the purpose for which issued, the rate of interest they shall bear, and whether payable annually or semiannually, the place where the principal and interest shall be payable, and when to become due, and such other provisions, not inconsistent with law, in reference thereto, as the council shall think proper, which resolution shall be entered of record upon the minutes of the proceedings of the council, and when so entered shall constitute a contract between the city or town and the purchasers or holders of said bonds.

That sections four thousand sixty-five (4065) to four thousand sixty-eight (4068), inclusive, three thousand six hundred thirty-three (3633), three thousand six hundred thirty-four (3634), three thousand nine hundred eight (3908), and three thousand nine hundred fifty-one (3951) of the compiled Code of Iowa, and section four thousand sixty-five-a one (4065-a1) of the supplement to said Code are amended, revised, and codified to read as follows:

Sec. 4. The council may provide by resolution for the exchange of such bonds or any part thereof, for legal indebtedness of the city or town evidenced by bonds, warrants or judgments which were outstanding when the resolution authorizing such bonds was passed; or said council may by resolution order said bonds sold as provided by law for the sale of public bonds.

Sec. 5. Delivery of bonds. After registration, the treasurer shall deliver bonds to the purchasers thereof upon payment therefor. When bonds are exchanged for indebtedness, he shall at once cancel the warrants or bonds or secure proper credits therefor on judgments and the cancellation of such judgments as are paid. Bonds shall not be exchanged for less than par plus accrued interest. The proceeds of the sale of such bonds shall be used only for the purpose for which such bonds were issued.

Sec. 6. Taxes to pay. Cities and towns issuing bonds under this chapter shall levy taxes for the payment of the principal and interest thereof, in accordance with the provisions of the chapter relating to taxation.

Sec. 7. Certificates or bonds in anticipation of special taxes. Any city or town may anticipate the collection of taxes authorized to be levied for the grading fund, city improvement fund, district sewer fund, city sewer fund, the fund for equipping fire departments, the fund for the construction of sewer outlets and purifying plants, the fund for paving roadways, and the fund for flood protection, and cities of the first class may so anticipate the taxes used for the fund for the construction of main sewers, and for that purpose may issue certificates or bonds with interest coupons.

Sec. 8. How denominated. Such certificates and bonds shall be respectively denominated city grading certificates or bonds, city improvement certificates or bonds, district sewer certificates or bonds of the particular sewer district, city sewer certificates or bonds of said city, fire department equipment certificates or bonds, sewer outlet and purifying plant certificates or bonds, paved roadway certificates or bonds, flood protection certificates or bonds, and main sewer certificates or bonds, and all the provisions of this chapter shall apply to such certificates, bonds, and coupons, with such changes only as are necessary to adapt them thereto.

Sec. 9. Trust created. Said certificates or bonds and interest thereon shall be secured by said assessments and levies, and shall be payable only out of the respective funds named, pledged to the payment of the same, and no certificates or bonds shall be issued in excess of taxes authorized and levied to secure the payment of the same. It shall be the duty of said city to collect said several funds with interest thereon, and to hold the same separate and apart, in trust, for the payment of said certificates or bonds and interest, and to apply the proceeds of said funds pledged for that purpose to the payment of said certificates or bonds and interest.

Approved March 31, 1924.

CHAPTER 124

MUNICIPAL CORPORATIONS

S. F. 182

AN ACT to amend, revise, and codify sections four thousand two hundred ninety-nine (4299), four thousand three hundred six (4306), four thousand three hundred ten (4310), four thousand three hundred eighteen (4318), four thousand three hundred twenty (4320) to four thousand three hundred twenty-two (4322), inclusive, four thousand three hundred twenty-four (4324), four thousand three hundred twenty-five (4325), four thousand three hundred twenty-seven (4327), four thousand three hundred thirty (4330), four thousand three hundred thirty-six (4336), four thousand three hundred forty-five (4345), four thousand three hundred forty-six (4346), four thousand three hundred forty-eight (4348) to four thousand three hundred fifty (4350), inclusive, four thousand three hundred fifty-two (4352) to four thousand three hundred fifty-five (4355), inclusive, four thousand three hundred fifty-seven (4357), four thousand three hundred fifty-nine (4359) to four thousand three hundred sixty-one (4361), inclusive, four thousand three hundred sixty-four (4364), four thousand three hundred sixty-five (4365), four thousand three hundred sixty-nine (4369), four thousand three hundred seventy-nine (4379) to four thousand three hundred eighty-three (4383), inclusive, four thousand three hundred ninety-two (4392) to four thousand three hundred ninety-five (4395), inclusive, four thousand four hundred (4400) to four thousand four hundred two (4402), inclusive, four thousand four hundred four (4404), four thousand four hundred six (4406) to four thousand four hundred eight (4408), inclusive, four thousand four hundred ten (4410), four thousand four hundred twelve (4412) to four thousand four hundred fourteen (4414), inclusive, four thousand four hundred seventeen (4417), four thousand four hundred forty (4440) to four thousand four hundred forty-four (4444), inclusive, of the compiled code of Iowa, and sections four thousand three hundred twenty-three (4323), four thousand three hundred twenty-eight (4328), four thousand three hundred twenty-nine (4329), four thousand three hundred forty-seven (4347), four thousand three hundred fifty-one (4351), four thousand three hundred fifty-six (4356), four thousand three hundred fifty-eight (4358), four thousand three hundred seventy-eight (4378), four thousand three hundred ninety-four-a one (4394-al), four thousand four hundred nine (4409), four thousand four hundred forty-a one (4440-al), four thousand four hundred sixty-eight (4468), and four thousand four hundred sixty-eight-a one (4468-al) of the supplement to said code, relating to municipal corporations, and to repeal section four thousand eighty-five (4085) of the compiled code, relating to plats.

Be It Enacted by the General Assembly of the State of Iowa:

That section four thousand two hundred ninety-nine (4299) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. General provisions not applicable. The provisions of this chapter shall apply only to cities acting under special charters, and no provisions of this Code, nor laws hereafter enacted, relating to the powers, duties, liabilities, or obligations of cities or towns, shall in any manner affect, or be construed to affect, cities while acting under special charters, unless the same have special reference or are made applicable to such cities. In all laws hereafter enacted such reference or application shall be in a separate section in the act.

That section four thousand three hundred six (4306) of the compiled Code of Iowa, and section four thousand three hundred fifty-six (4356) of the supplement to said Code, are amended, revised, and codified to read as follows:

Sec. 2. Definition. Whenever the words "cities organized under the general law" appear in this chapter, they refer to the law for cities organized under chapter one (1) of this title.

Sec. 3. Police matrons. Police matrons shall be appointed and paid the same compensation as in cities organized under the general law. Such appointees shall be, so far as applicable, subject to the same regulations and restrictions as policemen in such cities.

That section four thousand three hundred ten (4310) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 5. Deposit city funds. The treasurer shall deposit city funds in his possession in the same manner and under the same terms as treasurers in cities organized under the general law.

Sec. 5-a. Expense of treasurer's bond. If the treasurer shall request it, the city shall pay the reasonable expense of procuring a bond for the treasurer, not to exceed one-half ($1/2$) of one per cent (1%) per annum upon the amount thereof.

That sections four thousand three hundred eighteen (4318), four thousand three hundred twenty-one (4321), four thousand three hundred twenty-two (4322), and four thousand three hundred twenty-four (4324) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 6. Ordinances and resolutions. Ordinances and resolutions shall be adopted and signed, recorded, published, and evidenced and be subject to veto by the mayor as in cities organized under the general law.

Sec. 6-a. Fines recovered. Fines and penalties may in all cases be recovered by action before a justice of the peace or other court of competent jurisdiction, and in the name of the proper municipal corporation. In any such action, where pleading is necessary, it shall be sufficient to declare generally for the amount claimed to be due in respect to the violation of the ordinance, referring to its title and the date of its adoption or passage, and showing, as near as may be, the facts of the alleged violation. All fees, fines, forfeitures, costs and expenses collected shall be turned over to the city treasurer by the officer collecting the same on or before the 10th day of each succeeding month, and the city treasurer shall forthwith pay to the county treasurer for the benefit of the school fund the portion of fines and forfeitures collected for the violation of state laws.

Sec. 7. Prosecutions. In any prosecution or proceeding for the violation of any ordinance, the defendant shall not be entitled to a trial by jury or to a change of venue, except on appeal, but shall be tried by the court or magistrate before when the action is commenced; except in cities where a municipal court has been established, when such trials shall be governed by the law applicable to municipal courts.

That sections four thousand three hundred twenty (4320) and four thousand three hundred twenty-five (4325) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 8. Limitation of prosecutions. All suits for the recovery of fines and prosecutions for the commission of offenses made punishable as herein provided, shall be barred in one (1) year after the commission of the offense for which the fine is sought to be recovered or the prosecution is commenced.

Sec. 9. Municipal courts. The law relative to municipal courts shall apply to special charter cities.

That sections four thousand three hundred twenty-seven (4327), and four thousand three hundred thirty (4330) of the compiled Code of Iowa, and sections four thousand three hundred twenty-eight (4328), and four thousand three hundred twenty-nine (4329) of the supplement to said Code are amended, revised, and codified to read as follows:

Sec. 10. Juvenile playgrounds. The law relative to juvenile playgrounds in cities organized under the general law shall apply to special charter cities.

Sec. 11. City halls. The law relative to city halls in cities organized under the general law shall apply to special charter cities.

Sec. 12. Public libraries. The law relative to public libraries in cities organized under the general law shall apply to special charter cities.

Sec. 13. Soldiers', sailors', and marines' memorial buildings. The law relative to soldiers', sailors', and marines' memorial buildings in cities organized under the general law shall apply to special charter cities.

Sec. 13-a. Chapter 5 of this title as amended, revised and codified by the Extra Session of the 40th General Assembly shall apply to cities acting under special charter except those parts thereof specially applicable to cities having a population of more than 100,000.

That sections four thousand three hundred forty-five (4345), four thousand three hundred forty-six (4346), four thousand three hundred forty-eight (4348) to four thousand three hundred fifty (4350), inclusive, four thousand three hundred fifty-two (4352) to four thousand three hundred fifty-five (4355), inclusive, four thousand three hundred fifty-seven (4357), four thousand three hundred fifty-nine (4359) to four thousand three hundred sixty-one (4361), inclusive, four thousand three hundred thirty-six (4336), four thousand four hundred twelve (4412) to four thousand four hundred fourteen (4414), inclusive, and four thousand four hundred forty (4440) to four thousand four hundred forty-two (4442), inclusive, of the compiled Code of Iowa, and sections four thousand three hundred forty-seven (4347), four thousand three hundred fifty-eight (4358), four thousand three hundred twenty-three (4323), four thousand three hundred fifty-one (4351), four thousand three hundred seventy-eight (4378), and four thousand four hundred forty-a one (4440-a) of the supplement to said Code, are amended, revised, and codified to read as follows:

Sec. 14. General powers. Chapter eight (8) of this title, and sections forty-two hundred thirteen-a twenty-three (4213-a23) to forty-two hundred thirteen-a twenty-five (4213-a25), inclusive, of the supplement to the compiled Code of Iowa, are applicable to special charter cities.

Sec. 17. Bonds and certificates. Chapter thirty-four (34) of this title is applicable to special charter cities.

Sec. 18. Limitation of action. No action shall be brought questioning the legality of any bond or certificate authorized in the preceding section, or any other bond or certificate authorized by this chapter, from and after three (3) months from the time the same are ordered issued by the proper authority.

Sec. 19. Smoke nuisance. The emission of dense smoke within the corporate limits of special charter cities having a population of sixteen thousand (16,000) or over is hereby declared a nuisance.

Sec. 20. Streets and public grounds. Chapter twenty-two (22) of this title, except sections three thousand eight hundred twenty-four (3824) and three thousand eight hundred twenty-five (3825) are applicable to special charter cities.

Sec. 21. Application of certain terms. Whenever the words "boards of supervisors", "county auditor or recorder of deeds", and "county treasurer" are used in any section made applicable by this chapter to special charter cities, the words "city council", "city clerk" or "city recorder", and "city collector or treasurer" shall be respectively substituted. This section shall not be construed as depriving boards of supervisors, county auditors and county treasurers of their powers to spread tax levies and collect taxes certified by cities acting under special charter as provided in section forty-four hundred twenty-nine (4429) of the compiled Code.

Sec. 22. Permanent sidewalks. Special charter cities having a population of twenty-five thousand (25,000) or over may confer upon the park commission by ordinance, the right to determine the location of permanent sidewalks outside lot or property lines, and upon the public streets.

Sec. 23. Regulations of electric wires. Special charter cities shall have power to regulate telegraph, district telegraph, telephone, street car, electric light and power poles, subways and wires, and provide the manner in which and the places where the same shall be placed, including the right to construct subways under and erect poles upon and along the streets, alleys, and public places; and to compel companies having wires on the same street or alley to use the same poles or subways upon reasonable terms.

That section four thousand three hundred sixty-nine (4369) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 24. Street railways. Chapter thirty (30) of this title is applicable to special charter cities.

That sections four thousand three hundred ninety-two (4392), four thousand three hundred sixty-four (4364), four thousand three hundred sixty-five (4365), four thousand three hundred seventy-nine (4379) to four thousand three hundred eighty-three (4383), inclusive, four thousand three hundred ninety-three (4393) to four thousand three hundred ninety-five (4395), inclusive, four thousand four hundred (4400) to four thousand four hundred two (4402), inclusive, of the compiled Code of Iowa, and section four thousand three hundred ninety-four-a one (4394-a1) of the supplement to said Code, are amended, revised, and codified to read as follows:

Sec. 26. Street improvements and sewers. Chapter twenty-three (23) of this title is applicable to special charter cities in so far as the subject matter of said chapter is not specifically provided for in this chapter.

Sec. 27. Plat and estimate. Before the council orders any street improved or sewer constructed, it shall direct the engineer to prepare a plat, showing the location and general nature of the improvement, the extent thereof, the kinds of material, or, in case of sewers, the size and kinds of material to be used, and an estimate of the cost thereof, and the amount assessable upon any railway or street railway and upon each lot or parcel of land adjacent to such improvement or sewer per square foot in area, and file such plat and estimate in the office of the clerk or recorder.

Sec. 28. Publication of notice. Notice of its intention to make such improvement or sewer shall be published by the city clerk or recorder in three (3) consecutive issues of a newspaper of such city, stating that such plat is on file, and, generally, the nature of the improvement, its location, the kinds of material to be used, and the estimate of its cost, and fixing the time before which objections thereto can be filed, which time shall not be less than five (5) days after the last publication of such notice.

Sec. 29. Passage of resolution. The council, after considering such objections, shall determine what changes, if any, shall be made in the plan shown by such plat, and may, by resolution, order such improvement or sewer, prescribing generally the extent of the work, the kinds of material, and in case of sewers, the size and kinds of material to be used, when the work shall be completed, the terms of payment, and provide for the publication of notice asking proposals for doing such work, and the time the same will be acted upon.

Sec. 30. Street improvement fund. When the whole or any part of the cost of the making or reconstruction of any street improvement shall be ordered paid from the city improvement or grading fund, it shall have power, after the completion of the work, by resolution, to levy at one time, the whole or any part of the cost of such improvement upon all the taxable property within such city, and determine the whole percentage of taxes necessary to pay the same, and the percentage to be paid each year, not exceeding the maximum annual limit of said taxes, and the number of years, not exceeding ten (10), given for the maturity of each installment thereof; but no part of such cost shall be levied against any property owned by the city, county, or state.

Sec. 31. Sewer fund. When the whole or any part of the cost of the making or reconstruction of any sewer shall be ordered paid from the district or city sewer fund, the council may, after the completion, by resolution, levy at one time, the whole or any part of the cost of such sewer upon all taxable real property within such sewer district or within the city, and determine the whole percentage of taxes necessary to pay the same, and the percentage to be paid each year, not exceeding the maximum annual limit of said taxes, and the number of years, not exceeding ten (10) given for the maturity of each installment; but no part of such cost shall be levied against the property owned by the city, county, or state.

Sec. 32. Certificates of levies. Certificates of levies provided for in the two (2) preceding sections shall be filed with the collector or treasurer, setting forth the amount or percentage and maturity of said taxes and each installment thereof, with a sufficient description of the boundaries of the particular sewer district, and of the real property of the sewer district or city upon which taxes are levied; duly certified as correct by the clerk or recorder, and thereupon said taxes shall be placed on the tax books of the city and collected as provided for the collection of other special taxes.

Sec. 33. Sewer outlets and purifying plants. Special charter cities may acquire real estate and easements therein for constructing and maintaining sewer outlets and purifying plants as authorized in cities organized under the general law.

That sections four thousand four hundred four (4404), four thousand four hundred six (4406), and four thousand four hundred seven (4407) of the compiled Code of Iowa, are amended, revised, and codified to read as follows:

Sec. 34. Sewer bonds and certificates. Chapter twenty-six (26) of this title is applicable to special charter cities in so far as the subject matter of said chapter is not specifically provided for in this chapter.

That sections four thousand four hundred eight (4408) and four thousand four hundred ten (4410) of the compiled Code of Iowa, and section four thousand four hundred nine (4409) of the supplement to said Code are amended, revised, and codified to read as follows:

Sec. 35. Park commissioners. Chapter nine (9) of this title is applicable to special charter cities.

That section four thousand four hundred seventeen (4417) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 36. Condemnation of land. They shall have power to purchase and provide for the condemnation of, and pay for out of the general or grading fund, or assess and levy the whole or any part of the cost thereof upon the property benefited thereby, and enter upon and take any lands within or without the territorial limits of such city, for the following purposes:

1. For parks, commons, cemeteries, crematories, hospital grounds, natatoriums, or public baths.

2. For establishing, laying out, widening, straightening, narrowing, extending and lighting streets, avenues, highways, alleys, landing places, public squares, public grounds, public markets, or market places, and public slaughterhouses.

3. For obtaining gravel, stone, or other suitable material with which to improve their streets and alleys, including a suitable roadway thereto by the most reasonable route.

4. For any other purposes, where such purchase or condemnation is herein, or in the charters of such cities, or may hereafter be, authorized.

That sections four thousand four hundred forty-three (4443) and four thousand four hundred forty-four (4444) of the compiled Code of Iowa, are amended, revised, and codified to read as follows:

Sec. 37. Plats. Chapter thirty-five (35) of this title is applicable to special charter cities.

That sections four thousand four hundred sixty-eight (4468) and four thousand four hundred sixty-eight-a one (4468-a1) of the supplement to the compiled Code of Iowa, are amended, revised, and codified to read as follows:

Sec. 38. Pensions for disabled and retired firemen and policemen. Chapter thirty-seven-A (37-A) of this title is applicable to special charter cities.

Sec. 39. That section four thousand eighty-five (4085) of the compiled Code be and the same is hereby repealed.

Approved April 17, 1924.

TAXATION

S. F. 183

AN ACT to amend, revise, and codify sections four thousand four hundred eighty-three (4483) to four thousand four hundred eighty-seven (4487), inclusive, four thousand and five hundred eight (4508), four thousand five hundred nine (4509), four thousand five hundred ten (4510), four thousand five hundred eleven (4511), four thousand five hundred thirteen (4513), four thousand five hundred sixty-seven (4567), four thousand five hundred seventy-seven (4577), four thousand five hundred eighty-four (4584), four thousand six hundred seventeen (4617), four thousand six hundred nineteen (4619), four thousand six hundred twenty (4620), four thousand six hundred ninety-three (4693) of the compiled Code of Iowa, and sections four thousand four hundred eighty-two (4482), four thousand four hundred ninety-three (4493), four thousand four hundred ninety-nine (4499), four thousand four hundred ninety-nine-a one (4499-a1), four thousand five hundred (4500), and four thousand six hundred nine (4609) of the supplement to said Code, relating to taxation, and to provide an additional millage tax upon certain property.

Be It Enacted by the General Assembly of the State of Iowa:

That sections four thousand four hundred eighty-three (4483) to four thousand and four hundred eighty-seven (4487), inclusive, of the compiled Code of Iowa, and section four thousand four hundred eighty-two (4482) of the supplement to said Code are amended, revised, and codified to read as follows:

Section 1. Exemptions. The following classes of property shall not be taxed:

1. Public property.

(a) The property of the United States and this state, including university, agricultural college, and school lands.

(b) The property of a county, township, city, town, school district, or military company, when devoted to public use and not held for pecuniary profit.

(c) Public grounds, including all places for the burial of the dead, and crematoriums with the land, not exceeding one acre, on which they are built and appurtenant thereto, so long as no dividends or profits are derived therefrom.

(d) Fire engines and all implements for extinguishing fires, and the publicly owned buildings and grounds used exclusively for keeping them and for meetings of fire companies.

(e) The property of any organization composed wholly of veterans of any war, when such property is devoted entirely to its own use and not held for pecuniary profit.

2. Certain bonds. Bonds or certificates issued by any municipality, school district, drainage or levee district, or county within the State of Iowa. No deduction from the assessment of the share of stock of any bank or trust company shall be permitted because such bank or trust company holds such bonds as are exempted above.

3. Benevolent associations. All grounds and buildings used:

(a) For public libraries, public art galleries, and libraries and art galleries owned and kept by private individuals, associations, or corporations, for public use, and not for private profit.

(b) By cemetery associations and societies for cemetery purposes.

(c) By literary, scientific, charitable, benevolent, agricultural, and religious institutions and societies solely for their appropriate objects, not exceeding three hundred twenty (320) acres in extent and not leased or otherwise used with a view to pecuniary profit. All deeds or leases by which such

property is held shall be filed for record before the property herein described shall be omitted from the assessment.

4. Certain moneys and credits. Moneys and credits belonging exclusively to the institutions named in subsection three (3) and devoted solely to sustaining them; but not exceeding in amount or income the amount prescribed by their charters or articles of incorporation; and the books, papers, pictures, works of art, apparatus and other personal property belonging to such institutions and used solely for the purposes contemplated in said subsection, and the like property of students in such institutions used for their education.

5. Educational institutions--real estate. Real estate owned by any educational institution of this state as a part of its endowment fund, to the extent of one hundred sixty acres in any civil township.

6. Homes for soldiers. The buildings, grounds, furniture, and household equipment of homes owned and operated by organizations of soldiers, sailors, or marines of any of the wars of the United States when used for a home for disabled soldiers, sailors, or marines and not operated for pecuniary profit.

7. Agricultural produce. The agricultural produce harvested by or for the person assessed within one year previous to the listing, all wool shorn from his sheep within such time, all poultry, ten stands of bees, all swine and sheep under nine months of age, and all other domestic animals under one year of age.

8. Rent. Obligations for rent not yet due and owned by the original payee.

9. Libraries--furniture--apparal. Private or professional libraries to the actual value of three hundred dollars (\$300.00); family pictures; household furniture to the actual value of three hundred dollars (\$300.00), and kitchen furniture; beds and bedding requisite for each family; all wearing apparel in actual use; all food provided for the family. The exemptions allowed in this subsection shall not apply to hotels and boarding houses, except so far as the exempted classes of property shall be for the actual use of the family managing the same.

10. Farmers--haulers. The farming utensils of any person who makes his livelihood by farming, the team, wagon and harness of the teamster or drayman who makes his living by their use in hauling for others, and the tools of any mechanic, not in any case to exceed three hundred dollars (\$300.00) in actual value.

11. Government or state lands. Government lands entered and located, or lands purchased from this state, for the year in which the entry, location, or purchase is made.

12. Infirm persons. Whenever a person by reason of age or infirmity, is unable to contribute to the public revenue, such person may file a petition, duly sworn to, with the board of supervisors, stating such fact and giving a statement of property, real and personal, owned or possessed by such applicant and such other information as the board may require. The board of supervisors may thereupon order the county treasurer to suspend the collection of the taxes assessed against such petitioner, his polls or estate, or both, for the current year, or such board may cancel and remit said taxes, provided, however, that such petition shall first have been approved by the council of the city or town in which the property of the petitioner is located, or by the township trustees of the township in which said property is located.

In the event that the petitioner shall sell any real estate upon which the tax has been suspended in the manner provided herein, or in case any property or any part thereof, upon which said tax has been suspended, shall pass by devise, bequest or inheritance to any person other than the surviving spouse or minor child of such infirm person, the taxes, without any accrued penalty, that have been thus suspended shall all become due and payable, with six per cent interest per annum from the date of such suspension, and shall be enforceable against the property or part thereof which does not pass to such spouse or minor child.

The board of supervisors may, if in their judgment it is for the best interests of the public and the petitioner, cancel and remit the taxes assessed against the petitioner, his polls or estate or both, even though said taxes have previously been suspended as in this paragraph provided.

12. Fraternal beneficiary societies. The accumulations and funds held or possessed by fraternal beneficiary associations for the purposes of paying the benefits contemplated by section five thousand five hundred fifty-two (5552) of the compiled Code, or for the payment of the expenses of such associations.

13. Capital stock certain corporations. The shares of capital stock of telegraph and telephone companies, freight line and equipment companies, transmission line companies as defined in section four thousand five hundred seventy-seven (4577) of the compiled Code, express companies, corporations engaged in merchandising as defined in section seven (7) hereof, domestic corporations engaged in manufacturing as defined in section nine (9) hereof, and corporations not organized for pecuniary profits.

14. Loan corporations. Shares of stock of loan corporations as defined in section four thousand five hundred six (4506) of the compiled Code, if said corporations have been granted the certificate provided for in section ten (10) hereof.

Sec. 2. Soldiers, sailors, marines, wives, and widows. The following exemptions from taxation shall be allowed:

1. The property not to exceed three thousand dollars (\$3,000.00) in actual value and poll tax of any honorably discharged union soldier, sailor, or marine of the Mexican war or the war of the rebellion.

2. The property, not to exceed eighteen hundred dollars (\$1,800.00) in actual value and poll tax of any honorably discharged soldier, sailor, or marine of the war with Spain, Chinese relief, or the Phillipine insurrection.

3. The property, not to exceed five hundred dollars (\$500.00) in actual value of any honorably discharged soldier, sailor, marine, or nurse of the war with Germany.

4. The property, to the same extent, of the wife of any such soldier, sailor, or marine, where they are living together, and he has not otherwise received the benefits above provided.

5. The property, to the same extent, of the widow remaining unmarried and of the minor child or children of any such deceased soldier, sailor, or marine.

Sec. 3. Reduction--limitation. All persons named in the preceding section shall receive a reduction equal to their exemption, to be made from the homestead, if any; otherwise from other property owned by said persons. Such exemption shall only extend to the period during which such persons remain the owners of such property.

Sec. 4. Listing by assessors. The beneficiary of exemptions allowed by the two (2) preceding sections shall file with the assessor a written statement that he is the owner of the property on which the exemption is claimed, and every assessor shall annually make a list of persons entitled to such exemptions and return such list to the county auditor upon forms to be furnished by the auditor for that purpose; but the failure on the part of any assessor so to do shall not affect the validity of any exemption.

Sec. 5. Allowance exemption by board of supervisors. If no such statement is filed no exemption shall be allowed by the assessor, but it may be allowed by the board of supervisors if such statement is filed before September first of the year following the year for which the same is claimed.

That section four thousand four hundred ninety-three (4493) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 6. Personal property--real estate--buildings. Property shall be taxed each year, and personal property shall be listed and assessed each year in the name of the owner thereof on the first day of January. Real estate shall be listed and valued in each odd-numbered year, and in each year in which real estate is not regularly assessed, the assessor shall list and assess any real property not included in the previous assessment, and also any buildings erected since the previous assessment, with a minute of the tract or lot of land whereon the same are situated, and the auditor shall thereupon enter the taxable value of such buildings on the tax list as a part of the real estate to be taxed; but if such buildings are erected by another than the owner of the real estate, they shall be listed and assessed to the owner as personal property, but buildings and fixtures erected on real estate held under a lease of longer than three years' duration shall be assessed as real estate.

That sections four thousand four hundred ninety-nine (4499) and four thousand five hundred (4500) of the supplement to the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 7. Merchants. Any person, firm, or corporation owning or having in his possession or under his control within the state, with authority to sell the same, any personal property purchased with a view of its being sold, or which has been consigned to him from any place out of this state to be sold within the same, or to be delivered or shipped by him within or without this state, except a warehouseman as defined in section six thousand one hundred seventy-nine (6179) of the compiled Code, shall be held to be a merchant for the purpose of this title.

That section four thousand four hundred ninety-nine-a one (4499-a1) of the supplement to the compiled Code is amended, revised, and codified to read as follows:

Sec. 7-a1. Warehousemen. A warehouseman as specified in the preceding section shall, upon request, file with the assessor of the township or municipality wherein his warehouse is situated a written statement showing all property in his possession belonging to another subject to taxation, and the name and address of the person, firm, corporation, or estate to which it belongs. If said warehouseman fails to furnish such statement all property in the possession of the warehouseman belonging to another subject to taxation, shall be deemed to be owned by the warehouseman for the purpose of taxation, and he shall be liable for taxes thereon.

Sec. 8. Assessment stocks of merchandise. In assessing such stocks of merchandise, the assessor shall require the production of the last inventory and enter the date thereof in the assessment roll. If in the judgment of the assessor the inventory is not correct, or if it was taken at such time as to render it unreliable as to the amount of value of such merchandise, he shall assess the same by personal examination. The assessment shall be made at the average value of the stock during the year next preceding the time of assessment, and if the merchant has not been engaged in business for one year then the average value during such time as he shall have been so engaged, and if commencing on January 1st then the value at that time.

Sec. 9. Manufacturers. Any person, firm, or corporation who purchases, receives, or holds personal property of any description for the purpose of adding to the value thereof by any process of manufacturing, refining, purifying, combining of different materials, or by the packing of meats, with a view of selling the same for gain or profit, shall be deemed a manufacturer for the purpose of this title, and shall list such property for taxation. Such personal property whether in a finished or unfinished state shall be assessed at its average value estimated upon those materials only which enter into the combination, manufacture or pack; such average to be ascertained as in the preceding

section. Machinery used in manufacturing establishments shall, for the purpose of taxation, be regarded as real estate. Corporations organized under the laws of this state for pecuniary profit and engaged in manufacturing as defined by this section shall list their real estate, personal property not hereinbefore mentioned and moneys and credits in the same manner as is required of individuals.

That sections four thousand five hundred eight (4508) and four thousand five hundred nine (4509) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 10. Report--certificate--taxation. If the auditor of state finds from such report or said examination, or both, that such corporation has honestly and in good faith so conducted its business as to aid deserving persons in the manner provided in the second preceding section, and that the corporation has not collected a usurious rate of interest from borrowers on loans, he shall issue to said corporation a certificate to that effect which shall entitle the corporation to be assessed on the net actual value of its moneys and credits at the rate of five (5) mills on the dollar, which taxation shall be in lieu of all other taxes on its moneys and credits.

Sec. 10-a. Beginning with the year 1924 and continuing until the Soldiers Bonus Bonds are retired and paid, there shall be levied and collected upon all property taxed at five (5) mills on the dollar of actual valuation as provided in section four thousand five hundred four (4504) of the compiled Code of Iowa, an additional tax of one (1) mill on the dollar of actual valuation. Said tax shall be remitted to the Treasurer of State and applied to the payment of the principal and interest of the Soldiers Bonus Bonds. In determining the annual levy for the payment of the principal and interest on such bonds, the Executive Council shall take into consideration the funds to be derived from said tax.

Sec. 11. Private banks. Private banks or bankers, or any persons other than corporations hereinafter specified, a part of whose business is the receiving of deposits subject to check, on certificates, receipts, or otherwise, or the selling of exchange, shall prepare and furnish to the assessor a sworn statement, showing the assets, aside from real estate, and liabilities of such bank or banker on January first of the current year, as follows:

1. The amount of moneys, specifying separately the amount of moneys on hand or in transit, the funds in the hands of other banks, bankers, brokers or other persons or corporations, and the amount of checks or other cash items not included in either of the preceding items.
 2. The actual value of credits, consisting of bills receivable owned by them, and other credits due or to become due.
 3. The amount of all deposits made with them by others, and also the amount of bills payable.
 4. The actual value of bonds and stocks of every kind and shares of capital stock or joint stock of other corporations or companies held as an investment, or in any way representing assets, and the specific kinds and description thereof exempt from taxation.
 5. All other property pertaining to said business, including real estate, which shall be specially listed and valued by the usual description thereof.
- The aggregate actual value of moneys and credits less the amount of deposits, the aggregate actual value of bonds and stocks less the portion thereof otherwise taxed in this state, and other property except real estate pertaining to the business, shall be assessed and taxed on the same basis as bank stock. Real estate shall be listed and assessed as other real estate.

That sections four thousand five hundred ten (4510) and four thousand five hundred eleven (4511) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 12. National, state, and savings bank stock. Shares of stock of national banks and state and savings banks and loan and trust companies, located in this state, shall be assessed to the individual stockholders at the place where the bank or loan and trust company is located. At the time the assessment is made the officers of national banks and state and savings banks and loan and trust companies shall furnish the assessor with lists of all the stockholders and the number of shares owned by each. The assessor shall list to each stockholder under the head of corporation stock the total value of such shares. To aid the assessor in fixing the value of such shares, the said corporation shall furnish him a verified statement of all the matter provided in the preceding section, which shall also show separately the amount of the capital stock and the surplus and undivided earnings. The assessor from such statement shall fix the value of such stock based upon the capital, surplus, and undivided earnings at the same ratio of assessed value to actual value as the assessed value of real estate in the taxing district where such bank is located generally bears to its actual value. The taxable value of such shares of stock shall be one-fourth of the assessed value and shall be taxed as other property of such taxing district.

Sec. 13. Penalty for refusal to furnish information. A refusal to furnish the assessor with the list of stockholders and the information required by the preceding section shall be deemed a misdemeanor and any bank or officer thereof so refusing, shall be punished by a fine not exceeding five hundred dollars (\$500.00).

In arriving at the total value of the shares of stock of such corporations, the amount of their capital actually invested in real estate owned by them and in the shares of stock of corporations owning only the real estate (inclusive of leasehold interests, if any,) on or in which the bank or trust company is located, shall be deducted from the real value of such shares, and such real estate shall be assessed as other real estate, and the property of such corporation shall not be otherwise assessed.

That section four thousand five hundred thirteen (4513) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 16. Shares of corporation stock. The shares of stock of any corporation organized under the laws of this state, except corporations otherwise provided for in chapters two (2) to twelve (12), inclusive, of this title, and except as provided in section seventeen-a one (17-a1) hereof shall be assessed to the owners thereof as moneys and credit at the place where its principal business is transacted. The assessment shall be on the value of such shares on the first day of January in each year. In arriving at the assessable value of the shares of stock of such corporations, the amount of their capital actually invested in property other than moneys and credits shall be deducted from the actual value of such shares. Such property other than moneys and credits shall be assessed as other like property.

Sec. 17. Statement to assessor. Every such corporation annually, on or before the twenty-fifth day of January, shall furnish to the assessor of the assessment district in which its principal place of business is located a verified statement, showing specifically, with reference to the year next preceding the first day of January then last past:

1. Total authorized capital stock and number of shares thereof.
2. Number of shares of stock issued and par value of each.
3. Amount paid into the treasury on each share and the total capital paid in.
4. Description of each tract of real estate owned by said corporation, and the amount of capital actually invested therein.
5. An itemized list of all other property owned by said corporation except moneys and credits, together with the location thereof, and the amount of capital actually invested therein.

6. Date, rate per cent and amount of each dividend declared, and the amount of capital on which each such dividend was declared.

7. Gross and net earnings, respectively, during the year, and amount of surplus.

8. Amount of profit added to sinking fund.

9. Highest price of sales of stock between the first and tenth days of January of the current year.

10. Highest price of sales of stock during the preceding year, and average price of such sales.

That section four thousand five hundred seventy-seven (4577) of the compiled Code of Iowa, is amended, revised, and codified to read as follows:

Sec. 17-a1. Company defined--verification of statement. The word "company" as used in this chapter and section four thousand four hundred eighty-six (4486) shall be deemed and considered to mean and include any person, copartnership, association, corporation, or syndicate (except cooperative corporations or associations which are not organized or operated for profit) that shall own or operate transmission line or lines for the conducting of electric energy located within the state and wholly or partly outside cities and towns, whether formed or organized under the laws of this state or elsewhere; and the verification of any statement required by law shall, in the case of a person, be made by such person; in case of a corporation, by the president or secretary thereof; and in the case of a copartnership, association, or syndicate, by some member, officer, or agent thereof having knowledge of the facts. The value of the interests of members in such cooperative corporations or associations which are not organized or operated for profit shall, for the purpose of taxation, be deemed real estate, and be assessed as part of the real estate served by such transmission line or lines.

That section four thousand five hundred sixty-seven (4567) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 18. Entry of certificate. At the first meeting of the board of supervisors held after such certificate is received by the county auditor, it shall cause the same to be entered in its minute book and make and enter therein an order stating the length of the routes and the assessed value of each in each city, town, township, or other taxing district in its county, through or into which said routes extend, which shall constitute the taxable value of said property for taxing purposes, and the taxes on said property, when collected by the county treasurer, shall be disposed of as other taxes.

Sec. 19. Levy of tax--rates. The county auditor shall immediately thereafter transmit a copy of said order to the councils of cities, or towns, and to the trustees of each township in the county, and shall also add to the value so apportioned the assessed value of the real estate, buildings, machinery, fixtures, appliances, and personal property not used exclusively in the conduct of the business situated in any township or taxing district as returned by the assessor thereof, and extend the taxes thereon upon the tax list as in other cases. All such property shall be taxable upon said assessment at the same rates, by the same officers, and for the same purposes as the property of individuals within such counties, townships, or taxing districts. The property so included in said assessment shall not be otherwise taxed.

That section four thousand six hundred nine (4609) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 20. Tax list. All taxes, except road taxes, which are uniform throughout any township or school district shall be formed into a single tax and entered upon the tax list in a single column, to be known as a consolidated tax, and each receipt shall show the percentage levied for each separate fund. Before the first day of January in each year, the county auditor shall transcribe the assessments of the several townships, towns or cities into a book, to be known as the tax list, properly ruled and headed with separate columns, in which shall be entered the names of the taxpayers, descriptions of lands, number of acres and value, numbers of town lots and value, value of personal property and each description of tax, with a column for polls and one for payments, and shall complete the same by entering the amount due on each installment, separately, and carrying out the total of both installments. He shall also complete each page by footing all columns and balancing with tax totals.

Sec. 21. Duty of auditor. At the time of transcribing said assessments into the tax list, the county auditor shall correct all transfers up to date and place the legal descriptions of all real estate in the name of the owner at said date as shown by the transfer book in his office. At the end of the list for each township, town, or city he shall make an abstract thereof, and apportion the consolidated tax among the respective funds to which it belongs, according to the number of mills levied for each.

That sections four thousand six hundred nineteen (4619) and four thousand six hundred twenty (4620) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 22. Amounts certified in dollars. When any authorized tax rate within any taxing district, including townships, school districts, cities, towns, and counties, shall have been thus determined as provided by law, the officer or officers charged with the duty of certifying said authorized rate to the county auditor or board of supervisors shall, before certifying the same, compute upon the adjusted taxable valuation of such taxing district for the preceding calendar year (not including moneys and credits), and other monied capital taxed at a flat rate as provided in section four thousand five hundred four (4504) of the compiled Code the amount of tax said rate will raise, stated in dollars, and shall certify said computed amount in dollars and not by rate, to the county auditor and board of supervisors.

Sec. 23. Computation of rate. When the valuations for the several taxing districts shall have been adjusted by the several boards for the current year, the county auditor shall thereupon apply such a rate, not exceeding the rate authorized by law, as will (without including moneys and credits) and other monied capital taxed at a flat rate as provided in section four thousand five hundred four (4504) of the compiled Code raise the amount required for such taxing district, and no larger amount. In fixing such rate the auditor, with the approval of the board of supervisors, may provide for an excess in the amount to be raised not exceeding five per cent (5%) on the amount of the tax, for the purpose of meeting possible shrinkage due to exemptions or other cause. If in adjusting the rate to be levied in any taxing district to conform to law, such rate shall make necessary the levying of a fraction of a mill in excess of one-half (1/2) of one-tenth (1/10) of a mill, said fractional excess may be computed as one-tenth (1/10) of a mill, which latter shall be the smallest required to be spread upon the tax lists for any purpose except rates applicable to a state purpose. Nothing herein shall be construed as interfering with the right of any taxing district to receive its due proportion of the taxes on moneys and credits and other monied capital taxed as a flat rate as provided in section four thousand five hundred four (4504) of the compiled Code.

That section four thousand six hundred ninety-three (4693) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 24. Notice of expiration of right of redemption. After two (2) years and nine (9) months from the date of sale, the holder of the certificate of purchase may cause to be served upon the person in possession of such real estate, and also upon the person in whose name the same is taxed, if such person resides in the county where the land is situated, in the manner provided for the service of original notices, a notice signed by him, his agent or attorney, stating the date of sale, the description of the property sold, the name of the purchaser, and that the right of redemption will expire and a deed for the land be made unless redemption is made within ninety (90) days from the completed service thereof.

Sec. 25. Service of notice. Service may be made upon nonresidents of the county by publishing the same once each week, for three (3) consecutive weeks in some newspaper of said county, or by personal service thereof elsewhere in the same manner as original notices may be served; but any such nonresident may in writing appoint a resident of the county in which such land is situated as agent, and file said appointment with the treasurer of said county, who shall forthwith record the same in a record kept in his office therefor, and index the same, after which personal service of said notice shall be made upon said agent.

Sec. 27. Completion of service. Service shall be complete only after an affidavit has been filed with the treasurer, showing the making of the service, the manner thereof, the time when and place where made, and under whose direction the same was made; such affidavit to be made by the holder of the certificate or by his agent or attorney, and in either of the latter cases stating that such affiant is the agent or attorney, as the case may be, of the holder of such certificate; which affidavit shall be filed by the treasurer and entered upon the sale book opposite the entry of the sale, and said record or affidavit shall be presumptive evidence of the completed service of said notice, and the right of redemption shall not expire until ninety (90) days after service is complete.

Sec. 28. Cost--fee--report. The cost of serving the notice and affidavit of publication shall be added to the amount necessary to redeem. The fee for serving the notice shall be the same as for service of an original notice, including copy fee and mileage. The treasurer shall, upon the filing of proof of service and statement of costs, forthwith report the same in writing to the auditor, who shall enter it on the sale book against the proper tract of real estate. The holder of the certificate of sale or his agent may report in writing to the county auditor the amount of costs incurred in giving such notice, and the auditor shall enter the same in the sale book. No redemption shall be complete until such costs are paid.

That section four thousand six hundred seventeen (4617) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 29. It shall be lawful for the board of supervisors of any county to employ any person, corporation or firm for a reasonable salary or per diem to assist the proper officers in the discovery of property not listed or assessed for taxation as required by law.

That section four thousand five hundred eighty-four (4584) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 30. Actual value as basis of taxation--how determined. All property subject to taxation shall be valued at its actual value which shall be entered opposite each item, and, except as otherwise provided, shall be assessed at twenty-five per cent (25%) of such actual value.

Such assessed value shall be taken and considered as the taxable value of such property upon which the levy shall be made.

In arriving at said actual value the assessor shall take into consideration its productive and earning capacity, if any, past, present, and prospective; its market value, if any, and all other matters that affect the actual value of the property; and the burden of proof shall be upon any complainant attacking such valuation as excessive, inadequate or inequitable.

Approved April 19, 1924.

CHAPTER 126

DRAINAGE

H. F. 185

AN ACT to amend, revise, and codify chapters one (1), two (2) and two-a (2-a) of title fifteen (15) of the compiled code of Iowa and of the supplement to said code, relating to levees, ditches, drains, and watercourses, and chapter two (2) of title eleven (11) of the compiled code of Iowa, relating to drainage of highways and highway drainage districts.

Be It Enacted by the General Assembly of the State of Iowa:

That chapters one (1), two (2), and two-a (2-a) of title fifteen of the compiled Code of Iowa and of the supplement to said Code, and chapter two (2) of title eleven (11) of the compiled Code of Iowa, are amended, revised, and codified to read as follows:

CHAPTER 1

LEVEE AND DRAINAGE DISTRICTS AND IMPROVEMENTS ON PETITION OR BY MUTUAL AGREEMENT.

Section 1. Board of supervisors to establish drainage district. The board of supervisors of any county shall have jurisdiction, power and authority at any regular, special or adjourned session, to establish a drainage district or districts, and to locate and establish levees, and cause to be constructed as hereinafter provided any levee, ditch, drain or watercourse, or to straighten, widen, deepen or change any natural watercourse, in such county, whenever the same will be of public utility or conducive to the public health, convenience or welfare.

Sec. 2. Presumption as to drainage or protection by levees of agricultural lands. The drainage of surface waters from agricultural lands or the protection of such lands from overflow shall be presumed to be a public benefit and conducive to the public health, convenience, and welfare.

Sec. 3. Levee defined - bank protection. For the purpose of this chapter and with reference to improvements along or adjacent to the Missouri river the word "levee" shall be construed to include, in addition to its ordinary and accepted meaning, embankments, revetments, retards, or any other approved system of construction which may be deemed necessary to adequately protect the banks of any river or stream, within or adjacent to any county, from wash, cutting or erosion.

Sec. 4. General rule for location. The levees, ditches or drains herein provided for shall, so far as practicable, be surveyed and located along the general course of the natural streams and watercourses or in the general course of natural drainage of the lands of said district, but where it will be more economical or practicable such ditch or drain need not follow the course of such natural streams, watercourses, or course of natural drainage, but may straighten, shorten or change the course of any natural stream, watercourse or general course of drainage.

Sec. 5. Ditch or drain across railroad right of way. When any such ditch or drain crosses any railroad right of way it shall when practicable be located at the place of the natural waterway across such right of way unless said railroad company shall have provided another place in the construction of the road-bed for the flow of the water; and if located at the place provided by the railroad company such company shall be estopped from afterwards objecting to such location on the ground that it is not at the place of the natural waterway.

Sec. 6. Requisites of petition. The owner or owners of at least fifteen per cent (15%) of the land named in the petition described in this section may file in the office of the county auditor a petition for the establishment of a levee or drainage district. But if the district described in the petition is a subdistrict, one or more of the owners of the land affected by the improvement may petition for such subdistrict. The petition shall set forth:

1. An intelligible description of the lands sought to be reclaimed, by congressional divisions or otherwise.
2. That said lands are subject to overflow or are too wet for cultivation.
3. That the public benefit, utility, health, convenience, or welfare will be promoted by leveeing, ditching, tiling or draining said lands, or by changing the watercourses thereon.
4. The starting point, route, terminus, and lateral branches of the proposed improvement.

Sec. 7. Petition for straightening creek or river. When the proposed drainage district involves only the straightening of a creek or river, the board of supervisors shall refuse to consider the petition unless the same is signed by owners of at least twenty-five per cent (25%) of the acreage affected by or assessed for the expense of the proposed improvement. This section shall not affect drainage projects involving the drainage of swamps or sloughs not in the congressional forty (40) acre tracts abutting upon such creek or river.

Sec. 8. Bond to be filed with petition. There shall be filed with the petition a bond in an amount fixed and with sureties approved by the auditor, conditioned for the payment of all costs and expenses incurred in the proceedings in case the district is not finally established.

Sec. 8-a. Additional bond. No preliminary expense shall be incurred before the establishment of such proposed improvement district by the board in excess of the amount of bond filed by the petitioners. In case it is necessary to incur any expense in addition to the amount of such bond, the board of supervisors shall require the filing of an additional bond by the petitioners and shall not proceed with the preliminary survey or authorize any additional expense until the additional bond is filed in a sufficient amount to cover such expenses.

Sec. 9. Appointment of engineer - bond. The board shall at its first session thereafter, regular, special or adjourned, appoint a disinterested and competent civil engineer who shall give bond to the county for the use of the proposed levee or drainage district, if it be established, and if not established, for the use of the petitioners, in amount and with sureties to be approved by the auditor, and conditioned for the faithful and competent performance of his duties.

Sec. 10. Compensation of engineers and commissioners. Any engineer employed under the provisions of this chapter shall receive such compensation per diem as shall be fixed and determined by the board of supervisors.

Sec. 11. Discharge of engineer. The board may at any time terminate the contract with and discharge the engineer.

Sec. 12. Assistants to engineer - employment. Assistants may be employed by the engineer only with the approval of the board, which shall fix their compensation. The engineer shall keep an accurate record of the kind of work done by himself and each assistant, the place where done, and the time engaged therein, and shall file an itemized statement thereof with the auditor. No expenses shall be incurred by the engineer except upon authority of the board, and vouchers shall be filed with the claims therefore.

Sec. 13. Survey by engineer. The engineer shall examine the lands described in the petition and any other lands which would be benefited by said improvement or necessary in carrying out the same.

He shall locate and survey such ditches, drains, levees, pumping stations, and other improvements as will be necessary, practicable, and feasible in carrying out the purposes of the petition and which will be of public benefit or utility, or conducive to public health, convenience or welfare.

Sec. 14. Report of engineer. The engineer shall make full written report to the county auditor, setting forth:

1. The starting point, route, and terminus of each ditch, drain, and levee and the character and location of all other improvements.
2. A plat and profile, showing all ditches, drains, levees, and other improvements, the course, length, and depth of each ditch, the length, size and depth of each drain, and the length, width, and height of each levee, through each tract of land, and the particular descriptions and acreage of the land required from each forty acre tract or fraction thereof as right of way, together with the congressional or other description of each tract and the names of the owners thereof as shown by the transfer books in the office of the auditor.
3. The boundary of the proposed district, including therein by color or other designation other lands that will be benefited or other areas affected by the proposed improvements, together with the location, size, and elevation of all lakes, ponds, and deep depressions therein.
4. Plans for the most practicable and economic place and method for passing machinery, equipment, and material required in the construction of said improvements across any highways, railroads, and other utilities within the proposed district.
5. The probable cost of the proposed improvements, together with such other facts and recommendations as he shall deem material.

Sec. 15. Procedure on report of engineer. Upon the filing of the report of the engineer recommending the establishment of the levee or drainage district, the board shall at its first regular, adjourned, or special meeting examine and consider the same, and, if the plan is not approved, the board may employ said engineer or another disinterested engineer to report another plan or make additional examination and surveys and file an additional report covering such matters as the board may direct. Additional surveys and reports must be made in

accordance with the provisions of the last two preceding sections. At any time prior to the final adoption of the plans they may be amended, and as finally adopted by the board shall be conclusive unless the action of the board in finally adopting them shall be appealed from as hereinafter provided.

Sec. 16. Notice of hearing. When any plan and report of the engineer has been approved by the board such approval shall be entered of record in its proceedings as a tentative plan only for the establishment of said improvement. Thereupon it shall enter an order fixing a date for the hearing upon the petition not less than forty (40) days from the date of the order of approval and directing the auditor immediately to cause notice to be given to the owner of each tract of land or lot within the proposed levee or drainage district as shown by the transfer books of the auditor's office, including railway companies having right of way in the proposed district and to each lienholder or encumbrancer of any land within the proposed district as shown by the county records and also to all other persons whom it may concern including actual occupants of the land in the proposed district, without naming individuals, of the pendency and prayer of the said petition, the favorable report thereon by the engineer, and that such report may be amended before final action, the approval thereof by the board as a tentative plan and the day and the hour set for hearing on said petition and report and that all claims for damages except claims for land required for right of way and all objections to the establishment of said district for any reason must be made in writing and filed in the office of the auditor at or before the time set for such hearing.

Sec. 17. Service by publication. The notice provided in the preceding section shall be served, except as otherwise hereinafter provided, by publication thereof once each week for two (2) consecutive weeks in some newspaper of general circulation published in the county, the last of which publications shall be not less than twenty (20) days prior to the day set for hearing of the said petition. Proof of such service shall be made by affidavit of the publisher, and be on file with the auditor at the time the hearing begins.

Sec. 18. Service of notice on agent. If any person, corporation, or company owning or having interest in any land or other property affected by any proposed improvement under this act shall file with the auditor an instrument in writing designating the name and postoffice address of his or its agent upon whom service of notice of said proceeding shall be made, the auditor shall, not less than twenty (20) days prior to the date set for hearing upon said petition, send a copy of said notice by registered mail addressed to the agent so designated. Proof of such service shall be made by affidavit of the auditor filed by him in said proceeding at or before the date of the hearing upon the petition, and such service shall be in lieu of all other service of notice to such persons, corporations, or companies. This designation when filed shall be in force for a period of five years thereafter and shall apply to all proceedings under this act during such period. The person, company or corporation making such designation shall have the right to change the agent appointed therein or to amend it in any other particular.

Sec. 19. Personal service of notice. In lieu of publication, personal service of said notice may be made upon any owner of land in the proposed district, or upon any lienholder or other person interested in the proposed improvement, in the manner and for the time required for service of original notices in the district court. Proof of such service shall be on file with the auditor on the date of said hearing.

Sec. 20. Waiver of notice - appearance. No service of notice shall be required upon any person who shall file with the auditor a statement in writing, signed by him, waiving notice, or who enters an appearance in the proceedings. The filing of a claim for damages or objections to the establishment of said district or other pleading shall be deemed an appearance.

Sec. 21. Failure to file claim or objections - waiver. Any person, company, or corporation failing to file any claim for damages or objections to the establishment of the district at or before the time fixed for said hearing, except claims for land required for right of way, shall be held to have waived all objections and claims for damages.

Sec. 22. Adjournment for service on omitted parties. If at the date set for hearing, it shall appear that any person entitled to notice has not been properly served with notice, the board may postpone said hearing and set another time for the same not less than thirty (30) days from said date, and notice of such hearing as hereinbefore provided shall be served on such omitted parties. By fixing such new date for hearing and the adjournment of said proceeding to said date, the board shall not lose jurisdiction of the subject matter of said proceeding nor of any parties already served with notice.

Sec. 23. Hearing of petition - dismissal when. At the time set for hearing on said petition the board shall hear and determine the sufficiency of the petition in form and substance, which petition may be amended at any time before final action thereon, and all objections filed against the establishment of such district, and the board may view the premises included in the said district. If it shall find that the construction of the proposed improvement will not materially benefit said lands or would not be for the public benefit or utility nor conducive to the public health, convenience or welfare, or that the cost thereof is excessive it shall dismiss the proceedings.

Sec. 24. May establish or not when. If the board shall find that such petition complies with the requirements of law in form and substance and that such improvement would be conducive to the public health, convenience, welfare, benefit, or utility and that the cost thereof is not excessive, and no claim shall have been filed for damages, it may locate and establish the said district in accordance with the recommendation of the engineer and the report and plans on file; or it may refuse to establish the proposed district if it deem best, or it may direct the engineer or another one employed for that purpose to make further examination, surveys, plats, profiles and reports for the modification of said plans, or for new plans in accordance with section thirteen (13) and fourteen (14) of this act, and continue further hearing to a fixed date. The county auditor shall appoint three appraisers as provided for in the next section to assess the value of the right of way required for open ditches or other improvements. All parties over whom the board then has jurisdiction shall take notice of such further hearing but any new parties rendered necessary by any modification or change of plans shall be served with notice as for the original establishment of a district.

Sec. 25. Appraisers to assess damages. If the board shall find that such improvement will materially benefit said lands, will be conducive to the public health, convenience, welfare, benefit, or utility, and that the law has been complied with as to form and substance of the petition, the service of notice and the survey and report of the engineer, and that said improvement should be made, then if any claims for damages shall have been filed, further proceedings shall be continued to an adjourned, regular, or special session, the date of which shall be fixed at the time of adjournment and of which all

interested parties shall take notice, and the auditor shall appoint three (3) appraisers to assess damages, one (1) of whom shall be an engineer, and two (2) freeholders of the county who shall not be interested in nor related to any person interested in the proposed improvement, and the said appraisers shall take and subscribe an oath to examine the said premises, ascertain and impartially assess all damages according to their best judgment, skill and ability.

Sec. 26. Assessment of damages - report. The appraisers appointed to assess damages shall view the premises and determine and fix the amount of damages to which each claimant is entitled and shall place a separate valuation upon the acreage of each owner taken for right of way for open ditches as shown by plat of engineer, and shall, at least five days before the date fixed by the board to hear and determine the same, file with the county auditor reports in writing showing the amount of damage sustained by each claimant. Should the report not be filed in time or should any good cause for delay exist, the board may postpone the time of final action on the subject, and, if necessary, the auditor may appoint other appraisers.

Sec. 27. Award of damages by board - dismissal or final establishment. At the time fixed for hearing and after the filing of the report of the appraisers, the board shall examine said report and may hear evidence thereon, both for and against each claim for damages and compensation and shall determine the amount of damages and compensation due each claimant, and may affirm, increase, or diminish the amount awarded by the appraisers. The board shall at said meeting, or at an adjourned session thereof, consider the costs of construction of said improvement as shown by the reports of the engineer and the amount of damages and compensation awarded to all claimants, and, if in its opinion, such costs of construction and amount of damages awarded create a greater burden than should justly be borne by the lands benefited by the improvement, it shall then dismiss the petition and assess the costs and expenses to the petitioners and their bondsmen, but if it finds that such cost and expense is not a greater burden than should be justly borne by the land benefited by the improvement, it shall finally and permanently locate and establish said district and improvement.

Sec. 27-a. Dismissal on remonstrance. If, at or before the time set for final hearing as to the establishment of a proposed levee, drainage or improvement district, except subdrainage district there shall have been filed with the county auditor, or auditors, in case the district extends into more than one county, a remonstrance signed by a majority of the land owners in the district, and these remonstrants must in the aggregate own seventy per cent (70%) or more of the lands to be assessed for benefits or taxed for said improvements, remonstrating against the establishment of said levee, drainage or improvement district, setting forth the reasons therefor, the board or boards as the case may be, shall assess to the petitioners and their bondsmen or the remonstrators, or apportion the costs among them as the board or boards may deem just or as said parties may agree upon. When all such costs have been paid, the board or boards of supervisors shall dismiss said proceedings and cause to be filed with the county auditor all surveys, plats, reports and records in relation to the proposed district.

Sec. 27-b. Dissolution. When for a period of two (2) years from and after the date of the establishment of a drainage district or when an appeal is taken or litigation brought against said district, within two years from the date, such appeal or litigation is finally determined, no contract shall have been let or work done or drainage certificates or bonds issued for the construction of the improvements in such district, a petition may be filed in the office of the auditor, addressed to the board of supervisors, signed by a majority of the persons owning land in such district and who, in the aggregate, own seventy per cent (70%) or more of all the land embraced in said district, setting forth

the above facts and reciting that provision has been made by the petitioners for the payment of all costs and expenses incurred on account of such district. The board shall examine such petition at its next meeting after the filing thereof, and if found to comply with the above requirements, shall dissolve and vacate said district by resolution entered upon its records, to become effective upon the payment of all the costs and expenses incurred in relation to said district. In case of such vacation and dissolution and upon payment of all costs as herein provided, the auditor shall note the same on the drainage record, showing the date when such dissolution became effective.

Sec. 27-a. Permanent survey, plat, and profile. When the improvement has been finally located and established, the board may if necessary appoint the said engineer or a new one to make a permanent survey of said improvement as so located, showing the levels and elevations of each forty-acre tract of land and file a report of the same with the county auditor together with a plat and profile thereof.

Sec. 28. Damages and compensation - by whom paid. The amount of damages or compensation finally determined in favor of any claimant shall be paid in the first instance by the parties benefited by the said improvement or secured by bond in the amount of such damages and compensation with sureties approved by the auditor.

Sec. 29. Division into sections. After the damages as finally fixed, shall have been paid or secured, the board shall divide said improvement into suitable sections, having regard to the kind of work to be done, numbering the same consecutively from outlets to the beginning, and prescribing the time within which the improvement shall be completed.

Sec. 30. Supervising engineer - bond. Upon the payment or securing of damages the board shall appoint a competent engineer to have charge of the work of construction thereof, who shall be required before entering upon the work to give a bond to the county for the use and benefit of the levee or drainage district to be approved by the auditor in such sum as the board may fix, conditioned for the faithful discharge of his duties.

Sec. 32. Reports and all other documents belong to district. All reports, maps, plats, profiles, field notes, and other documents pertaining to said matters, including all schedules, and memoranda relating to assessment of damages and benefits, shall belong to the district to which they relate, remain on file in the office of the county auditor, and be matters of permanent record of drainage proceedings.

Sec. 33. Advertisement for bids. The board shall cause notice to be given by publication once each week for two (2) consecutive weeks in some newspaper published in the county wherein such improvement is located, and such additional advertisement and publication elsewhere as it may direct, of the time and place of letting the work of construction of said improvement, specifying the approximate amount of work to be done in each numbered section of the district, the time fixed for the commencement, which shall not be prior to the date on which the assessment shall be fixed by the board, and the time of the completion thereof, that bids will be received on the entire work and in sections or divisions thereof, and that each bidder will be required to deposit with his bid cash or certified check on and certified by a bank in Iowa payable to the auditor or his order at his office in an amount equal to ten per cent (10%) of his bid, in no case to exceed \$10,000. When the estimated cost of the improvement exceeds fifteen thousand dollars (\$15,000.00), the board shall make additional publication of such notice as the board may prescribe for two (2) consecutive weeks in some contractors' journal of general circulation. All notices shall fix the date to which bids will be received and upon which said work will be let.

Sec. 34. Bids - letting of work. The board shall award contract or contracts for each section of the work to the lowest responsible bidder or bidders therefor, bids to be submitted, received and acted upon separately as to the main drain and each of the laterals, exercising their own discretion as to letting such work as to the main drain as a whole, or as to each lateral as a whole or by sections as to both main drain and laterals, and reserving the right to reject any and all bids and readvertise the letting of the work.

Sec. 35. Manner of making bids - deposit. Each bid shall be in writing specifying the portion of the work upon which the bid is made, and filed with the auditor, accompanied with a deposit of cash or a certified check on and certified by a bank in Iowa payable to the auditor or his order at his office in a sum equal to ten per cent (10%) of the amount of the bid, but in any event not to exceed ten thousand dollars (\$10,000.00). The checks of unsuccessful bidders shall be returned to them, but the checks of successful bidders shall be held as a guarantee that they will enter into contract in accordance with their bids.

Sec. 36. Bond of successful bidder - return of check. Each successful bidder shall be required to execute a bond with sureties approved by the auditor in favor of the county for the use and benefit of the levee or drainage district and all persons entitled to liens for labor or material in an amount not less than seventy-five per cent (75%) of the contract price of the work to be done, conditioned for the timely, efficient, and complete performance of his contract, and the payment, as they become due, of all just claims for labor performed and material used in carrying out said contract. When such contract is executed and bond approved by the board, the certified check deposited with the bid shall be returned to the bidder.

Sec. 37. Contracts for work and materials. All agreements and contracts for work or materials in constructing the improvements of such district shall be in writing, signed by the chairman of the board of supervisors for and on behalf of the district and the parties who are to perform the work or furnish the materials specified in such contract. Such contract shall specify the particular work to be done or materials to be furnished, the time when it shall begin and when it shall be completed, the amount to be paid and the times of payment, with such other terms and conditions as to details necessary to a clear understanding of the terms thereof.

Sec. 38. Commissioners to classify and assess. When a levee or drainage district shall have been located and finally established and the contracts for construction let, or, unless otherwise provided by law when the required proceedings have been taken to enlarge, widen, change, or extend any of the ditches, laterals, or drains of such district, or the required proceedings have been had to annex additional lands to such district, the board shall appoint three (3) commissioners to assess benefits and classify the lands affected by such improvement. One (1) of such commissioners shall be a competent, civil engineer and two (2) of them shall be resident free holders of the county in which the district is located, but not living within, nor interested in any lands included in, said district, nor related to any party whose land is affected thereby. The commissioners shall take and subscribe an oath of their qualifications and to perform the duties of classification of said lands, fix the percentages of benefits and apportion and assess the costs and expenses of constructing the said improvement according to law and their best judgment, skill, and ability. If said commissioners or any of them fail or neglect to act or perform the duties in the time and as required of them by law, the board shall appoint others with like qualifications to take their places and perform said duties.

Sec. 39. Duties of commissioners - time for performance. At the time of appointing said commissioners, the board shall fix the time within which said assessment, classification and apportionment shall be made, which may be extended for good cause shown. Within twenty (20) days after their appointment, they shall begin to inspect and classify all the lands within said district or any change, extension, enlargement or relocation thereof in tracts of forty (40) acres, or less according to the legal or recognized sub-divisions, in a graduated scale of benefits to be numbered according to the benefit to be received by each of such tracts from such improvement, and pursue said work continuously until completed and, when completed, shall make a full, accurate, and detailed report thereof and file the same with the auditor. The lands receiving the greatest benefit shall be marked on a scale of one hundred (100) and those benefited in a less degree with such percentage of one hundred (100) as the benefits received bear in proportion thereto. They shall also make an equitable apportionment of the costs, expenses, fees, and damages computed on the basis of the percentages fixed.

Sec. 40. General rules of classification. This classification when finally established shall remain as a basis for all future assessments connected with the objects of said levee or drainage district, unless the board for good cause shall authorize a revision thereof. In the report of the appraisers so appointed they shall specify each tract of land by proper description, and the ownership thereof, as the same appears on the transfer books in the auditor's office.

In estimating the benefits as to the lands not traversed by said improvement they shall not consider what benefits such land shall receive after some other improvements shall have been constructed, but only the benefits which will be received by reason of the construction of the improvement in question as it affords an outlet to the drainage of such lands, or brings an outlet nearer to said lands or relieves the same from overflow.

Sec. 41. Basis of assessment for lateral ditches and drains. In fixing the percentages and assessment of benefits and apportionment of costs of construction on lands benefited by lateral ditches and drains as a part of the entire improvement to be made in a drainage district, the commissioners shall ascertain and fix the percentage of benefits and apportionment of costs to the lands benefited by such lateral ditches on the same basis and in the same manner as if said lateral was with its sublaterals, being constructed as a subdistrict as provided in this chapter, reporting separately:

1. The percentage of benefits and amount accruing to each forty (40) acre tract or less on account of the construction of the main ditch, drain or watercourse including pumping plant, if any.

2. The percentage of benefits and amount accruing to each forty (40) acre tract or less on account of the construction of such lateral improvement.

Sec. 42. Assessment of railroad property - collection. The commissioners to assess benefits and make apportionment of costs and expenses shall determine and assess the benefits to the property of any railroad company extending into or through the levee or drainage district and make return thereof showing the benefit and the apportionment of costs and expenses of construction. Such assessment when finally fixed by the board shall constitute a debt due from the railroad company to the district, and unless paid it may be collected by ordinary proceedings for the district in the name of the county in any court having jurisdiction. All other proceedings in relation to railroads except as otherwise provided shall be the same as provided for individual property owners within the levee or drainage district.

Sec. 43. Public highways - assessment of benefits. When any public highway extends into or through a levee or drainage district the commissioners to assess shall ascertain and return in their report the amount of benefits and the apportionment of costs and expenses to such highway and the board of supervisors shall assess the same against such highway. Such assessments against primary highways shall be paid out of the county's allotment of the primary road fund and against all other highways, one-fourth out of the county road fund or county drainage fund, and three-fourths out of the township road fund or township drainage fund. Such assessments shall draw interest at the same rate and from the same time as assessments against lands.

Sec. 44. Report of commissioners to classify. The commissioners, within the time fixed or as extended, shall make and file in the auditor's office a written verified report in tabulated form as to each forty (40) acre tract, and each tract of less than forty (40) acres, setting forth:

1. The names of the owners thereof as shown by the transfer books of the auditor's office or the reports of the engineer on file, showing said entire classification of lands in said district.

2. The amount of benefits to highway and railroad property and the percentage of benefits to each of said other tracts and the apportionment and amount of assessment of cost and expense against each:

- a. For main ditches.
- b. For laterals.
- c. For levees and pumping station.

3. The aggregate amount of all assessments.

Sec. 45. Notice - hearing as to assessment. The board shall fix a time for a hearing upon the report of the commissioners, and the auditor shall cause notice to be served upon each person whose name appears as owner, naming him and also upon the person or persons in actual occupancy of any tract of land, without naming him of the day and hour of such hearing, which notice shall be for the same time and served in the same manner as is provided for the establishment of a levee or drainage district, and shall state the amount of assessment of costs and expenses of construction apportioned to each owner upon each forty acre tract or less, and that all objections thereto must be in writing and filed with the auditor at or before the time set for such hearing. At the time fixed or at an adjourned hearing, the board shall hear and determine all objections filed to said report and shall fully consider the said report, and may affirm, increase, or diminish the percentage of benefits or the apportionment of costs and expenses made in said report against any body or tract of land in said district as may appear to the board to be just and equitable.

The classification as finally adopted shall remain the basis of all future assessments for the purpose of said district unless revised by the board in the manner provided for reclassification. If the first assessment made by the board for the original cost or for repairs of any improvement is insufficient, the board shall make an additional assessment and levy in the same ratio as the first for either purpose, payable at the next taxpaying period after such indebtedness is incurred subject, however, to the provisions of section 49 and section 107 of this act.

Sec. 46. Evidence - argument - levy. At such hearing, the board may hear evidence both for and against the approval of said report or any portion thereof, but it shall not be competent to show that any of the lands in said district assessed for benefits or against which an apportionment of costs and expenses has been made will not be benefited by such improvement in some degree.

Any interested party may be heard in argument by himself or counsel. The board shall cause notice to be served upon the owner of any tract of land against which it is proposed to increase the assessment, requiring him to appear at a fixed date, not less than ten (10) nor more than twenty (20) days from the date of service, and show cause why such assessment should not be so increased, which notice shall be served in the same manner as an original notice upon residents of the county or counties in which the district is located, and upon nonresidents of the county or counties by service on any tenant or occupant of the land affected, and upon any agent of any railroad company affected. When the board has finally determined the matter of assessments of benefits and apportionment, it shall levy such assessments as fixed by it upon the lands within such district, and all assessments shall be levied at that time as a tax and shall bear interest at six per cent (6%) per annum from that date, payable annually except as hereinafter provided as to cash payments thereof within a specified time. Such taxes shall be a lien upon all premises against which they are assessed as fully as taxes levied for state and county purposes.

Sec. 47. Record of drainage taxes - separate fund. All drainage or levee tax assessments shall be entered in the drainage record of the district to which they apply and also upon the tax records of each county.

All drainage or levee tax assessments shall become due and payable at the same time as other taxes and shall be collected in the same manner with the same penalties for delinquency and the same manner of enforcing collection by tax sales.

Such taxes when collected shall be kept in a separate fund known as the drainage or levee fund of the district to which they belong, and shall be paid out only for purposes properly connected with and growing out of the drainage or levee improvement of such district and on order of the board. Interest collected by the treasurer on drainage or levee districts funds shall be credited to the drainage or levee district to which such funds belong.

Sec. 48. Payment of assessments before bond or certificate issue. All assessments for benefits, as corrected and approved by the board, shall be levied at one time against the property benefited, and when levied and certified by the board, shall be payable at the office of the county treasurer. Each person or corporation shall have the right, within twenty (20) days after the levy of assessments, to pay his or its assessment in full without interest, and before any improvement certificate or drainage bond is issued therefor, and any certificate at any time after issue, with accrued interest.

Sec. 49. Installment payments - waiver. If the owner of any premises against which a levy exceeding twenty dollars (\$20.00) has been made and certified shall, within thirty (30) days from the date of such levy, agree in writing indorsed upon any improvement certificate referred to in section sixty hereof or in a separate agreement, that in consideration of having a right to pay his assessment in installments, he will not make any objection as to the legality of his assessment for benefit, or the levy of the taxes against his property, then such owner shall have the following options as to such payments:

1. One-third (1/3) of the amount of such assessment at the time of filing such agreement; one-third (1/3) within twenty (20) days after the engineer in charge shall certify to the auditor that the improvement is one-half (1/2) completed; and the remaining one-third (1/3) within twenty (20) days after the improvement has been completed and accepted by the board. All such installments shall be without interest if paid at said times, otherwise said assessments shall bear interest from the date of the levy at the rate of six per cent (6%) per annum, payable annually, and be collected as other taxes on real estate, with like penalty for delinquency.

2. Such assessments may be paid in not less than ten (10) nor more than twenty (20) equal installments, the number to be fixed by the board and shall bear interest at the rate fixed by the board, not exceeding six per cent (6%) per annum. One such installment shall be payable at the March semiannual tax paying date in each year; provided, however, that the county treasurer shall, at the March semiannual tax-paying date, require only the payment of a sufficient portion of the assessments to meet the interest and the amount maturing on bonds or certificates prior to the regular time for the payment of the second installment of taxes and the balance shall be collected with such second installment and without penalty. If the board of supervisors provides for the issuance of improvement certificates by the owners of lands, the township trustees may execute waivers, and there may be issued improvement certificates for such part of the assessment for benefits to highways as is to be paid by the township, such waivers and certificates to conform as nearly as may be to those executed upon the assessments against lands.

Sec. 49-a1. Option of installment payments after appeal. When an owner takes an appeal from the assessment against any of his land, the option to pay in installments whatever assessment is finally established against such land in said appeal shall continue, if within twenty days after the final determination of said appeal he shall file in the office of the auditor his written election to pay in installments, and within said period pay such installments as would have matured prior to that time if no appeal had been taken, together with all accrued interest on said assessment to the last preceding interest paying date.

Sec. 50. Auditor to give notice of half completion - completion. Within two (2) days after the engineer has filed a certificate that the work is half completed and within two (2) days after the board of supervisors has accepted the completed improvement as in this chapter provided, the county auditor shall notify the owner of each lot or parcel of land who has signed an agreement of waiver as provided in the preceding section, of such fact. Such notice shall be given by registered mail sent to such owners, respectively, at the addresses filed with the auditor at the time of making such agreement of waiver.

Sec. 51. Deferred installments - when lien attaches. No deferred installment of the amount assessed as between vendor and vendee, mortgagor and mortgagee shall become a lien upon the property against which it is assessed and levied until the thirty-first (31st) day of December of the year next preceding that in which it is due and payable.

Sec. 51-a1. In all cases where a drainage district has been constructed consisting of main ditches which are beneficial to the entire district, and also of laterals, and where the assessments have been made based upon the estimated cost of such laterals and it can be ascertained that the actual cost of constructing such laterals was less than such estimated cost thereof, then the board of supervisors or joint board of supervisors or other officers having control of such drainage district shall be, and hereby are, authorized and directed to return to the party or parties who owned the land benefited and assessed for such laterals at the time the assessment was fixed and levied by the board or boards of supervisors the respective proportional parts of such excess assessments made for such laterals by the issue of warrants drawn upon the district fund.

Sec. 52. Subdrainage district - how established. After the establishment of a drainage district, any person, company or corporation owning land within such district which has been assessed for benefits, but which is separated from the main ditch, drain, or watercourse for which it has been so assessed, by the land of others, who desires a ditch or drain constructed from his land across the land of such others in order to connect with the main ditch, drain, or watercourse, and shall be unable to agree with such intervening owners on the terms and

conditions on which he may enter upon their lands and cause to be constructed such connecting drain or ditch, may file a petition for the establishment of a subdistrict and thereafter the proceedings shall be the same as provided for the establishment of an original district. Such connecting ditch or drain which he shall cause to be constructed shall be presumed conducive to the public health, welfare, convenience, and utility the same as if it had been so constructed as a part of the original improvement of said district. When such sub-district has been established and constructed it shall become and be a part of the improvement of such drainage district as a whole and be under the control and supervision of the board to the same extent and in every way as if it had been a part of the original improvement of such district.

Sec. 54. Reclassification generally. After a drainage or levee district has been established and the improvements thereof constructed and put in operation, if the board or boards shall find that the original assessments are not equitable as a basis for the expenses of any enlargement or extension thereof which may have become necessary, they shall order a new classification of all the lands in said district by resolution, and appoint three (3) commissioners, one (1) of whom shall be a civil engineer with qualifications as provided in this chapter and two (2) of whom shall be resident freeholders of the county not living within any township into which the improvement extends, and not interested therein nor related to any party whose land is affected thereby, who shall be duly sworn as hereinbefore provided for such commissioners.

In case the board shall finally determine that any such changes shall be made involving an expenditure of Five Thousand Dollars (\$5,000.00) or more, said work shall be let by bids in the same manner as is provided for the original construction of such improvements.

Sec. 55. Rules governing reclassification. The proceedings for such reclassification shall in all particulars be governed by the same rules as for original classification. The commissioners shall fix the percentage of actual benefits and make an equitable apportionment of the costs and expenses of construction, enlargement, or extension and file a report thereof with the auditor in the same form and manner as for original classification. Thereafter all the proceedings in relation thereto as to notice, hearing, and fixing of percentage of benefits and amount of assessments shall be as in this chapter provided in relation to original classification and assessments, and at such hearing the board may affirm, increase or diminish the percentage and assessment of benefits and apportionment of costs and expenses so as to make them just and equitable, and cause the record of the original classification, percentage of benefits, and assessments to be modified accordingly.

Sec. 56. Drainage warrants received for taxes and assessments. Warrants drawn upon the funds of any district shall be accepted by the treasurer in payment of assessments levied upon any lands in that district owned by the persons to whom said warrants were issued, and when the amount of the warrant exceeds the amount of the assessment, the treasurer shall cancel the said warrant, and give the holder thereof a certificate for the amount of such excess, which certificate shall be filed with the auditor, who shall issue a warrant for the amount of such excess, and charge the treasurer therewith. Such certificate is transferable by indorsement, and will entitle the holder to the new warrant, made payable to his order, and bearing the original number, preceded by the words, "Issued as unpaid balance due on warrant number _____".

Sec. 57. Warrants unpaid - calls - payment. All warrants drawn upon the funds of any drainage district, which can not be paid for want of funds, shall bear interest at the rate of six per cent (6%) per annum, payable annually, from and after the date of presentation thereof to the treasurer. The treasurer shall indorse such warrants "Not paid for want of funds", keep a record of the same, together with the name and postoffice address of the holder, issue calls for outstanding warrants at such times as he may have funds to pay the same, and pay such warrants under the same procedure as is provided by law in relation to county warrants generally. No additional presentation of warrants shall be required to entitle the holder to interest on overdue annual interest.

Sec. 58. Assignee to notify treasurer - name and address. When such drainage warrant shall be assigned and transferred after having been so indorsed by the treasurer, the assignee thereof shall notify the treasurer of such assignment, giving the treasurer his name and postoffice address; and upon receipt of such notice by the treasurer he shall make a memorandum in the record kept of such warrant, showing the name and address of each successive assignee or holder.

Sec. 59. Call mailed to owner - interest to cease. When the treasurer shall have funds on hands to pay any such warrant or warrants, he shall, in addition to the call provided by law for calling for payment of county warrants generally, mail a written notice of such call to the then holder thereof as shown by his said record, and shall make a record of the date of mailing such notice, and at the expiration of thirty (30) days thereafter if such warrants are not presented for payment, interest thereon shall cease.

Sec. 60. Improvement certificates. The board may provide by resolution for the issuance of improvement certificates payable to bearer or to the contractors, naming them, who have constructed the said improvement or completed any part thereof, in payment or part payment of such work.

Sec. 61. Certificates negotiable - what to contain. Each of such certificates shall state the amount of one (1) or more drainage assessments or part thereof made against the property, designating it and the owner thereof liable for the payment of such assessments. Said certificates shall be negotiable and transfer to the bearer all right and interest in and to the tax in every such assessment or part thereof described in such certificates, and shall authorize such bearer to collect and receive every assessment embraced in said certificate by or through any of the methods provided by law for their collection as the same mature.

Sec 62. Interest on certificates. Such certificates shall bear interest not to exceed six per cent (6%) per annum, payable annually, and shall be paid by the taxpayer to the county treasurer, who shall receipt for the same and cause the amount to be credited on the certificates issued therefor.

Sec. 63. Certificate negotiable at par - payable at any date. Any person shall have the right to pay the amount of his assessment represented by any outstanding improvement certificate, with the interest thereon to the date of such payment, at any time. No improvement certificate shall be issued or negotiated for the use of the drainage district for less than par value with accrued interest up to the delivery or transfer thereof. Every such certificate, when paid, shall be delivered to the treasurer and by him surrendered to the party to whose assessment it relates.

Sec. 64. Drainage bonds - when issued. When a drainage district has been established or the making of any subsequent repair or improvement determined upon, if the board of supervisors shall find that the cost of such improvements will create assessments against the land included therein greater than should be levied in a single year upon the lands benefited by such improvement, then, instead of issuing improvement certificates, as provided in the four (4) preceding sections, the board may fix the amount that shall be levied and collected each year until such cost and expenses are paid, and may issue drainage bonds of the county covering all assessments exclusive of assessments of twenty dollars (\$20.00) and less.

Sec. 65. Time for issuing bonds. The bonds issued under the provisions of the preceding and the six (6) following sections or the proceeds thereof shall be issued in time to be available for the use of the district at a date not later than ninety (90) days after the actual commencement of the work on the improvements of such district; but in districts where an appeal or appeals have been taken, not later than ninety days after such appeals have been finally determined.

Sec. 66. Amount - maturity - rate of interest. Such bonds shall not be issued for a greater amount than the aggregate amount of assessments for the payment of which they are issued, nor for a longer period of maturity than twenty (20) years, and bear a rate of interest not to exceed five per cent (5%) per annum, payable semiannually, on June first and December first of each year.

Sec. 67. Sale or application not less than par - premium. Such bonds may be applied at par with accrued interest to the payment of work as it progresses upon the improvements of the district, or, the board may sell, through the county treasurer, said bonds at not less than par with accrued interest and devote the proceeds to such payment. Any premium derived from the sale of said bonds shall be credited to the drainage fund of the district.

If any levy of assessments is not sufficient to meet the interest and principal of outstanding bonds, additional assessments may be made on the same classification as the previous ones. Additional bond issues may be made when necessary to complete full payment for improvements, by the same proceedings as previous issues.

Sec. 68. Right to pay in cash - time fixed - minimum. All assessments of twenty dollars (\$20.00) and less shall be paid in cash. The board at the time of making the levy, shall fix a time within which all assessments in excess of twenty dollars (\$20.00) may be paid in cash, and before any bonds are issued, publish notice in an official newspaper in the county where the district is located, of such time. After the expiration of such time, no assessments may be paid except in the manner and at the times fixed by the board in the resolution authorizing the issue of the bonds.

Sec. 69. Drainage bond - what to contain. Each of such bonds shall be numbered and have printed upon its face that it is a "Drainage Bond", stating the county and number of the district for which it is issued, the date and maturity thereof, that it is in pursuance of a resolution of the board of supervisors, that it is to be paid only from taxes for levee and drainage improvement purposes levied and collected on the lands assessed for benefits within the district for which the bond is issued. A record of the numbers, amounts, and maturities of all such bonds shall be kept by the auditor showing specifically the lands embraced in the district upon which the tax has not been previously paid in full. In no case shall the aggregate amount of all bonds issued exceed the benefits assessed.

Sec. 71. Amount - maturity - interest - highway benefits. The board shall fix the amount, maturity, and interest of all bonds to be issued. It shall determine the amount of assessments to highways for benefits within the district to be covered by each bond issue. The taxes levied for benefits to highways within any drainage or levee district shall be paid at the same times and in the same proportion as assessments against the land of private owners.

Sec. 72. Appeals from final actions of the board. Any person aggrieved may appeal from any final action of the board in relation to any matter involving his rights, to the district court of the county in which the proceeding was held.

Sec. 73. Appeals in inter-county districts. In districts extending into two (2) or more counties appeals from final orders resulting from the joint action of the several boards or the board of trustees of such district may be taken to the district court of any county into which the district extends.

Sec. 74. Time and manner of taking appeals. All appeals shall be taken within twenty (20) days after the date of final action or order of the board from which such appeal is taken by filing with the auditor a notice of appeal designating the court to which the appeal is taken, the order or action appealed from, and stating that the appeal will come on for hearing at the next succeeding term of the court and designating such term. This notice shall be accompanied by an appeal bond with sureties to be approved by the auditor conditioned to pay all costs adjudged against the appellant and to abide the orders of the court.

Sec. 75. Duty of auditor.- when appeal taken. When notice of any appeal with the bond as required by the preceding section shall be filed with the auditor, he shall forthwith make and certify a transcript of the notice of appeal and appeal bond, and file the same with the clerk.

Sec. 76. Petition on appeal - docket fee - waiver - dismissal. On or before the first day of the next succeeding term of court, the appellant shall file a petition setting forth the order or final action of the board appealed from and the grounds of his objections and his complaint, with a copy of his claim for damages or objections filed by him with the auditor. He shall pay to the clerk the filing fee as provided by law in other cases. A failure to pay the filing fee or to file such petition shall be deemed a waiver of the appeal and in such case the court shall dismiss the same. It shall not be necessary for the appellees to file an answer to the petition unless some affirmative defense is made thereto, but they may do so.

Sec. 77. Actions and appeals - proper parties. In all actions or appeals affecting the district, the board of supervisors shall be a proper party for the purpose of representing the district and all interested parties therein, other than the adversary parties, and the employment of counsel by the board shall be for the purpose of protecting the rights of the district and interested parties therein other than the adversary parties. In all appeals or actions adversary to the district, the appellant or complaining party shall be entitled the plaintiff, and the board of supervisors and drainage district it represents, the defendants, and in all appeals or actions for or in behalf of the district, the board and the drainage district it represents may sue as the plaintiffs.

Sec 78. When appeals triable at law - when in equity. Appeals from orders or actions of the board fixing the amount of compensation for lands taken for right of way or the amount of damages to which any claimant is entitled shall be tried as ordinary proceedings. All other appeals shall be triable in equity. The court may, in its discretion, order the consolidation for trial of two or more of such equitable cases.

Sec. 80. Evidence not competent on appeal. On the trial of an appeal from the action of the board in fixing and assessing the amount of benefits to any land within the district as established, it shall not be competent to show that any lands assessed for benefits within said district as established are not benefited in some degree by the construction of the said improvement.

Sec. 81. Order of court as to damages found - duty of clerk - cost. If the appeal is from the action of the board as to the amount of damages or compensation awarded, the amount found by the court shall be entered of record, but no judgment shall be rendered therefor. The amount thus ascertained shall be certified by the clerk of said court to the board of supervisors who shall thereafter proceed as if such amount had been by it allowed to the claimant. Unless the result on the appeal is more favorable to the appellant than the action of the board, all costs of the appeal shall be taxed to the appellant, but if more favorable, the cost shall be taxed to the appellees.

Sec. 83. Decree on appeal as to establishing district - transcript - costs. On appeal from the action of the board in establishing or refusing to establish said district, or in including land within the district, the court may enter such order or decree as may be equitable and just in the premises, and the clerk of said court shall certify the decree or order to the board of supervisors which shall proceed thereafter in said matter as if such order had been made by the board. The taxation of costs among the litigants shall be in the discretion of the court.

Sec. 84. Exclusive remedy. Upon appeal the decisions of the court, shall in no manner affect the rights or liabilities of any person who did not appeal. The remedy by appeal provided for in this chapter shall be exclusive of all other remedies.

Sec. 85. Reversal by court - rescission by board. In any case where the decree has been entered setting aside the establishment of a drainage district for errors in the proceedings, and such decree becomes final, the board shall rescind its order establishing the drainage district, assessing benefits, and levying the tax based thereon, and shall also cancel any contract made for construction work or material, and shall refund any and all assessments paid.

Sec. 86. Proceedings after setting aside for errors. After the court on appeal has entered a decree revising or modifying the action of the board, the board shall fix a new date for hearing, and proceed in all particulars in the manner provided for the original establishment of the district, avoiding the errors and irregularities for which the original establishment was set aside, and after a valid establishment thereof, proceed in all particulars as provided by law in relation to the original establishment of such districts.

Sec. 86-a1. Reassessment to cure illegality. Whenever any special assessment upon any lands within any drainage district shall have been heretofore adjudged to be void for any jurisdictional defect or for any illegality or uncertainty as to the terms of any contract and the improvement shall have been wholly completed, the board or boards of supervisors shall have power to remedy such illegality or uncertainty as to the terms of any such contract with the consent of the person with whom such contract shall have been entered into and make certain the terms of such contract and shall then cause a re-assessment of such land to be made on an equitable basis with the other land in the district by taking the steps required by law in the making of an original assessment and relieving the tax in accordance with such assessment, and such tax shall have the same force and effect as though the board or boards of supervisors had jurisdiction in the first instance and no illegality or uncertainty existed in the contract.

Sec. 87. Monthly estimate - payment. The supervising engineer shall, on or before the tenth day of each calendar month, furnish the contractor and file with the auditor estimates for work done during the preceding calendar month under the contract on each section, and the auditor shall at once draw warrants in favor of such contractor on the drainage funds of the district or give him an order directing the county treasurer to deliver to him or them improvement certificates, or drainage bonds as the case may be for eighty per cent (80%) of the estimate on work done. Such monthly estimates shall remain on file in the office of the auditor as a part of the permanent records of the district to which they relate.

Sec. 88. Completion of work - report - notice - hearing. When the work to be done under any contract is completed to the satisfaction of the engineer in charge of construction, he shall so report and certify to the board, which shall fix a day to consider said report and shall give notice of the time and purpose of such meeting by one (1) publication in a newspaper of general circulation published in the county seat in said county and the date fixed for considering said report shall be not less than five (5) days after the date of such publication.

Sec. 89. Objections to report of completion. Any party interested in the said district or the improvement thereof may file objections to said report and submit any evidence tending to show said report should not be accepted.

Sec. 90. Settlement when work completed. If it finds the work under any contract has been completed and accepted, the board shall compute the balance due, and if there are no liens on file against such balance, it shall enter of record an order directing the auditor to draw a warrant in favor of said contractor upon the levee or drainage fund of said district or give him an order directing the county treasurer to deliver to him improvement certificates or drainage bonds, as the case may be, for such balance found to be due, but such warrants, improvement certificates or bonds shall not be delivered to the contractor until the expiration of thirty (30) days after the acceptance of the work.

Sec. 91. Abandonment of work before completion - demand. In case any contractor abandons or fails to proceed diligently and properly with the work before completion, or in case he fails to complete the same in the time and according to the terms of the contract, the board shall make written demand on him and his surety to proceed with the work within ten (10) days. Service of said demand may be personal, or by registered mail addressed to the contractor and the surety, respectively, at their places of residence or business, as shown by the records in the auditor's office.

Sec. 92. New contract - suit on bond. Unless the contractor or the surety on his bond shall appear and in good faith proceed to comply with the demand, and resume work under the contract within the time fixed, the board shall proceed to let contracts for the unfinished work in the same manner as original contracts, and apply all funds not paid to the original contractor toward the completion of the work, and if not sufficient for such purpose, may cause suit to be brought upon the bond of the defaulting contractor for the benefit of the district, and the amount of recovery thereon shall be credited to the district.

Sec. 94. Construction on or along highway. When a levee or drainage district shall have been established by the board and it shall become necessary or desirable that the levee, ditch, drain, or improvement shall be located and constructed within the limits of any public highway, it shall be so built as not materially to interfere with the public travel thereon; and the board shall have power to establish public highways along and upon any levee or embankment along any such ditch or drain, but when so established the same shall be worked and maintained as other highways and so as not to obstruct or impair the levee, ditch, or drain.

Sec. 95. Construction across highway. When such levee, ditch, drain, or change of any natural watercourse crosses a public highway, necessitating moving or building or rebuilding any county or township bridge, the board of supervisors shall move, build or rebuild the same, paying the costs and expenses thereof from the county bridge fund, or primary road fund.

Sec. 96. Construction across railroad - notice. Whenever the board of supervisors shall have established any levee, or drainage district, or change of any natural watercourse and the levee, ditch, drain or watercourse as surveyed and located crosses the right of way of any railroad company, the county auditor shall immediately cause to be served upon such railroad company, in the manner provided for the service of original notices, a notice stating the nature of the improvement to be constructed, the place where it will cross the right of way of such company, and the full requirements for its complete construction across such right of way as shown by the plans, specifications, plat and profile of the engineer appointed by the board, and directing such company to construct such improvement according to said plans and specifications at the place designated, across its right of way, and to build and construct or rebuild and reconstruct the necessary culvert or bridge where any ditch, drain or watercourse crosses its right of way, so as not to obstruct, impede or interfere with the free flow of the water therein, within thirty (30) days from the time of the service of such notice upon it.

Sec. 97. Duty of railroad company - expense. Upon receiving the notice provided in the preceding section, such railroad company shall construct the improvement across its right of way according to the plans and specifications prepared by the engineer for said district, and build or rebuild the necessary culvert or bridge and complete the same within the time specified.

The cost of building, rebuilding, constructing, reconstructing, changing, or repairing, as the case may be, any culvert or bridge, when such improvement is located at the place of the natural waterway or place provided by the railroad company for the flow of the water, shall be borne by such railroad company without reimbursement therefor.

Sec. 98. Construction when company refuses. If the railroad company shall fail, neglect, or refuse to comply with said notice, the board shall cause the same to be done under the supervision of the engineer in charge of the improvement, and such railroad company shall be liable for the cost thereof to be collected by the county for said district in any court having jurisdiction. The cost of constructing the improvement across the right of way of such company, not including the cost of building or rebuilding and constructing or reconstructing any necessary culvert or bridge, when such improvement is located at the place of the natural waterway or place provided by the railroad company for the flow of the water, shall be considered as an element of such company's damages by the appraiser to appraise damages.

Sec. 99. Passage across railway right of way for equipment. It shall be the duty of any steam or electric railway company to furnish the contractor unrestricted passage across its right of way, telegraph, telephone and signal lines for his machines and equipment, whenever recommended by the engineer and approved by the board of supervisors and the cost thereof, shall be considered as an element of such company's damages by the appraisers thereof; provided that if such company shall fail to do so within thirty (30) days after written notice from the auditor, the engineer shall cause the same to be done under his direction and the company shall be liable for the cost thereof to be collected by the county in any court having jurisdiction. Provided, further, that the railway company shall have the right to designate the day and hours thereof within said period of thirty (30) days above mentioned when such crossing shall be made.

Sec. 100. Passage across public utilities other than railways. The owner or operator of a public utility, whether operated publicly or privately other than steam and electric railways shall afford the contractor of any drainage project under this act unrestricted passage for his machines and equipment across the right of way, lines or other equipment of such utility whenever recommended by the engineer and approved by the board of supervisors.

Sec. 101. Failure to comply by utilities mentioned in preceding section. If the owner or operator of the utility fails to afford such passage within fifteen (15) days after written notice from the drainage engineer so to do, the contractor, under the supervision of the engineer, may proceed to do the necessary work to afford such passage and to place said utility in the same condition as before said passage; but the owner or operator shall have the right to designate the hours of the day when such crossing or passage shall be made.

Sec. 102. Expenses. The work necessary to afford such passage shall be deemed to be covered by and included in the contract with the district under which the contractor is operating and if the work is done by the owner or operator of such utility the reasonable expense thereof shall be paid out of the drainage funds of the district and charged to the account of the contractor.

Sec. 103. Annexation of additional lands. After the establishment of a levee or drainage district, if the board becomes convinced that additional lands are benefited by the improvement and should have been included in the district as originally established, it may adopt a resolution of necessity for annexation of such additional land and appoint an engineer with the qualifications provided in this chapter to examine such additional lands, to make a survey and plat thereof showing their relation, elevation, and conditions of drainage with reference to such established district, and to make and file with the auditor a report as in this chapter provided for the original establishment of such district.

Sec. 104. Proceedings on report for annexation. If said report recommends the annexation of such lands or any portion thereof, the board shall consider such report, plats, and profiles and if satisfied that any of such lands are materially benefited by the district and that such annexation is feasible, expedient, and for the public good, it shall proceed in all respects as to notice, hearing, appointment of appraisers to fix damages and as to hearing thereon; and (if such annexation is finally made,) as to classification and assessment of benefits to the same extent and in the same manner as provided in the establishment of an original district. All parties shall have the right to receive notice, to make objections, to file claims for damages, to have hearing, to take appeals and to do all other things to the same extent and in the same manner as provided in the establishment of an original district.

Sec. 105. Proceedings to annex begun by petition. Annexation may be made and brought under the jurisdiction of the board for all of said purposes upon the petition of the owners of all the lands to be annexed.

Sec. 106. Subsequent proceedings - use of former surveys. In cases where proceedings have been taken for the establishment of a levee or drainage district and an engineer has been appointed who has made a survey, return and plat thereof and for any reason the improvement has been abandoned and the proceedings dismissed, and afterwards proceedings are instituted for the establishment of a levee or drainage district which will benefit any territory surveyed in said former proceedings, the engineer shall use so much of the return, levels, surveys, plat and profile made in the former proceedings as may be applicable. He shall specify in his reports the parts thereof so used, and in case the cost of said returns, levels, surveys, plat, and profile made in said former proceedings has been paid by the former petitioners or their bondsmen, then a reasonable amount shall be allowed said petitioners or bondsmen for the use of the same.

Sec. 108. Reestablishment where former proceedings failed. When proceedings have been instituted for the establishment of a drainage district or for any change or repair thereof, or the change of a natural watercourse, and the establishment thereof has failed for any reason either before or after the improvement is completed, the board shall have power to reestablish such district or improvement and any new improvement in connection therewith as recommended by the report of the engineer. As to all lands benefited by such reestablishment, repair, or improvement, the board shall proceed in the same manner as in the establishment of an original district, using as a basis for assessment the entire cost of the proceedings, improvement, and maintenance from the beginning; but in awarding damages and in the assessment of benefits account shall be taken of the amount of damages and taxes, if any, theretofore paid by those benefited, and credit therefor given accordingly. All other proceedings shall be the same as for the original establishment of the district, making of improvements and assessment of benefits.

Sec. 109. New district including old district or improvements. If any levee or drainage district or improvement established either by legal proceedings or by private parties shall be insufficient to properly drain all of the lands tributary thereto, the board upon petition as for the establishment of an original levee or drainage district, shall have power to establish a new district covering and including such old district or improvement together with any additional lands deemed necessary. All outstanding indebtedness of the old levee or drainage district shall be assessed only against the lands included therein.

Sec. 110. Credit allowed for old improvement. When such district as contemplated in the preceding section and the new improvement therein shall include the whole or any part of the former improvement, the commissioners, for classification of lands for assessment of benefits and apportionment of costs and expenses of such new improvement, shall take into consideration the value of such old improvement in the construction of the new one and allow proper credit therefor to the parties owning the old improvement as their interests may appear. In all other respects the same proceedings shall obtain as are provided for the original establishment of levee and drainage districts.

Sec. 116. Control - repair - apportionment. When any levee or drainage district shall have been established and the improvement constructed the same shall be at all times under the supervision of the board of supervisors except as otherwise provided for control and management by a board of trustees, and it shall be the duty of the board to keep the same in repair and for that purpose it may cause the ditches, drains, and watercourses thereof to be enlarged, reopened, deepened, widened, straightened or lengthened, or the location changed for better service, or may cause any part thereof to be converted into a closed drain when considered for the best interest of the public. Such repairs shall be paid for out of the funds of the levee or drainage district in the hands of the county treasurer if there be any.

If such funds are not sufficient and the cost thereof does not exceed ten per cent of the original cost of the improvements in the district a new assessment shall be made on the basis of the old apportionment and no notice of such assessment shall be necessary.

If the cost thereof does exceed ten per cent of the original cost of the improvements in the district, the board may for good reason order a new apportionment of, and assessment upon, the lands in the district to be made; and the same proceedings shall be had and the same rules shall be applied as are provided in this act for an original apportionment and assessment; and the same right to appeal shall be given to any interested party.

If additional land is required in making such repairs or changes then the same proceedings shall be had as to such additional land as are provided in this act for the original establishment of the district and the same rights shall be given all interested parties including the right of appeal from the decision of the board concerning any inclusion of land, damages, apportionment of benefits and assessment for costs.

Sec. 116-a2. But notwithstanding the provisions of the last preceding section so much of the cost of the work and materials as is required to clean out any specific open ditch or main so as to restore it to its original efficiency or capacity and to preserve its sides at a practical slope must be assessed to the lands in the whole district in the same proportion as the costs and expenses of the construction of such specific open ditch was originally assessed to said lands; and so much of the cost of the work and materials as is required to restore any tile line or lateral to its original efficiency, or to clean any tile line, or to replace broken or defective tile, or to rebuild any bulk head, must be assessed to the lands benefited by such specific tile line or lateral in the same proportion as the original cost thereof.

If, however, it shall appear that the original assessment or apportionment did not designate separately the amount each tract should pay for the main ditch or drain and the amount it should pay for the lateral drain, then the board shall make such reclassification whenever a new assessment is necessary for repairs or changes according to the principles and rules set forth in section forty and forty-one of this act.

Sec. 116-a3. Improvement of common outlet. When two or more drainage districts outlet into the same ditch, drain, or natural watercourse and the board determines that it is necessary to clean out, deepen, enlarge, extend, or straighten said ditch, drain, or natural watercourse in order to expeditiously carry off the combined waters of such districts, the board may proceed as provided in the last preceding section. Each district shall be assessed for the cost of such work in proportion to the benefits derived.

Sec. 116-a4. Commissioners to apportion district benefits. For the purpose of ascertaining the proportionate benefits, the board shall appoint commissioners having the qualifications of benefit commissioners, one of whom shall be an engineer, to determine the percentage of benefits and the sum total to be assessed to each district for the improvement.

Sec. 116-a5. Time of report. When said commissioners are appointed, the board shall, by proper order, fix the time when the commissioners shall report their findings, but a report filed within thirty (30) days of the time so fixed shall be deemed a compliance with said order.

Sec. 116-a6. Report and review thereof. The commissioners shall file with the board a detailed report of their findings. Said board shall review said report and may, by proper order, increase or decrease the amount which shall be charged to each district. If the amount finally charged against a district does not exceed ten per cent (10%) of the original cost of the improvement in said district, the board shall proceed to levy said amount against all lands, highways, and railroad rights of way and property within the district, in accordance with the original classification and apportionment. If the amount finally charged against a district exceeds ten per cent (10%) of the original cost of the improvement, the board shall order a reclassification as provided for the original classification of a district and upon the final adoption of the new classification and apportionment shall proceed to levy said amount upon all lands, highways and railway rights of way and property within the district, in accordance with said new classification and apportionment.

Sec. 117. Removal of obstructions. The board shall cause to be removed from the ditches, drains, and laterals of any district any obstructions which interfere with the flow of the water, including trees, hedges, or shrubbery and the roots thereof, and may cause any tile drain so obstructed to be relaid in concrete or any other adequate protection, such work to be paid for from the drainage funds of the district.

Sec. 119. Trees and hedges outside right of way. When it becomes necessary to destroy any trees or hedges outside the right of way of any ditch, lateral, or drain in order to prevent obstruction by the roots thereof, if the board and the owners of such trees or hedges can not agree upon the damage for the destruction thereof, the board may proceed to acquire the right to destroy and remove such trees or hedges by the same proceedings provided for acquiring right of way for said drainage improvement in the first instance.

Sec. 120. Outlet for lateral drains - specification. The owner of any premises assessed for the payment of the costs of location and construction of any ditch, drain, or watercourse as in this chapter provided, shall have the right to use the same as an outlet for lateral drains from his premises. The board of supervisors shall make specifications covering the manner in which such lateral drains shall be connected with the main ditches or other laterals and be maintained, and the owner shall follow such specifications in making and maintaining any such connection.

Sec. 122. Subdistricts in inter-county districts - repair - assessments. The board of supervisors of any county shall have jurisdiction to establish sub-drainage districts of lands included within a district extending into two (2) or more counties when the lands to compose such subdistricts lie wholly within such county, and to make improvements therein, repair and maintain the same, fix and levy assessments for the payment thereof, and the provisions of this section shall apply to all such drainage subdistricts, the lands of which lie wholly within one (1) county. The proceedings for all such purposes shall be the same as for the establishment, construction, and maintenance of the original levee or drainage district the lands of which lie wholly within one (1) county, so far as applicable, except that one or more persons may petition for a sub-district as provided in section 52 of this chapter.

Sec. 123. Drainage district by mutual agreement - presumption. The owners of lands may provide by mutual agreement in writing duly signed, acknowledged, and filed with the auditor for combined drainage of their lands by the location and establishment of a drainage district for such purposes and the construction of drains, ditches, and watercourses upon and through their said lands. Such drainage district shall be presumed to be conducive to the public welfare, health, convenience, or utility.

Sec. 124. What the agreement shall contain. Such agreement shall contain the following:

1. A description of the lands by congressional divisions, metes, and bounds, or other intelligible manner, together with the names of the owners of all said lands.
2. The location of the drains and ditches to be constructed, describing their sources and outlets and the courses thereof.
3. The character and extent of drainage improvement to be constructed.
4. The assessment of damages if any.
5. The classification of the lands included in such district, the amount of drainage taxes or special assessments to be levied upon and against the several tracts, and when the same shall be levied and paid.
6. Such other provisions as may be mutually agreed upon relating to establishment and maintenance of such joint and mutual drainage district.

Sec. 125. Board to establish. When such agreement is filed with the auditor he shall record it in the drainage record. The board shall at a regular, special, or adjourned session thereafter locate and establish a drainage district and locate the ditches, drains, and watercourses thereof as provided in said agreement, and enter of record an order accordingly. The board thereafter shall carry out the object, purpose, and intent of such agreement and cause to be completed and constructed the said improvement and shall retain jurisdiction of the same as fully as in districts established in any other manner. It shall cause to be levied upon and against the lands of such district, the drainage taxes and assessments according to said agreement and when collected said taxes and assessments shall constitute the drainage funds of said district to be applied upon order of the board as in said agreement provided.

Sec. 127. Establishment - board to proceed. The board shall proceed to carry out the provisions of the agreement, advertising for and receiving bids, letting the work, making contracts, levying assessments, paying on estimates, issuing warrants, improvement certificates or drainage bonds as the case may be, in the same manner as in districts established on petition, except as in said mutual agreement otherwise provided.

Sec. 128. Outlet in adjoining county. When a drainage district is established in any county in the state and no practicable outlet can be obtained except through lands in an adjoining county, the board of the county in which the district is located shall have power to purchase a right of way for such outlet in such adjoining county and pay for the same out of the funds of such district. In case the board and the owners of the land required for such outlet cannot agree upon the price to be paid as compensation for the land taken, such board is hereby empowered to exercise the right of eminent domain in order to procure such necessary right of way.

Sec. 129. Outlet in another state - right of way. When a district is established in any county in this state and no practicable outlet can be obtained except through lands in an adjoining state, the board of supervisors of such county shall have power to purchase a right of way for such outlet in such adjoining state and pay for the same out of the funds of such district.

Sec. 130. Injuring or obstructing drainage improvements - damages. Any person who shall willfully break down or through or injure any levee or who shall dam up, divert, obstruct, or wilfully injure any ditch, drain, or other drainage improvement authorized by law shall be liable to the person or persons owning or possessing the lands for which such improvements were constructed in double the amount of damages sustained by such owner or person in possession; and in case of a subsequent offense by the same person he shall be liable in treble the amount of such damages.

Sec. 131. Obstructing or damaging - penalty. Any person or persons wilfully diverting, obstructing, impeding, or filling up, without legal authority, any ditch, drain, or watercourse or breaking down or injuring any levee established, constructed, and maintained under any provision of law shall be deemed guilty of a misdemeanor and punished accordingly.

Sec. 132. Obstruction - nuisance - abatement. Any ditch, drain, or watercourse which is now or hereafter may be constructed so as to prevent the surface and overflow water from the adjacent lands from entering and draining into and through the same is hereby declared a nuisance and may be abated as such.

Sec. 133. Drainage record. The board shall provide a drainage record book, which shall be in the custody of the auditor, who shall keep a full and complete record therein of all proceedings relating to drainage districts, so arranged and indexed as to enable any proceedings relative to any particular district to be examined readily.

Sec. 134. Preliminary expenses - how paid. If the proposed district is all in one (1) county, the board of supervisors is authorized to pay all necessary preliminary expenses in connection therewith from the general fund of the county. If it extends into other counties, the boards of the respective counties are authorized to pay from the general fund thereof, such proportion of said expenses as the work done or expenses created in each county bears to the whole amount of work done or expenses created. Said amounts shall be ascertained and reported by the engineer in charge of the work and be approved by the respective boards which shall, as soon as paid, charge the amount to said district in favor of the general fund of the counties, as their interest may appear, as soon as the said district is established. If said district shall not be established, the said amounts shall be collected upon the bond or bonds of the petitioners.

Sec. 135. Additional help in offices of auditor. If the work in the office of the auditor by reason of the existence of drainage districts is so increased that the regular officer is unable by diligence to do the same, the board of supervisors may employ such additional help as may be necessary to keep the records and transact the business of the drainage districts. The expense of such help shall be paid by the districts in proportion to the amount of work done therefor.

Sec. 136. Employment of counsel. The board is authorized to employ counsel to advise and represent it and drainage districts in any matter in which they are interested. Attorneys' fees and expenses shall be paid out of the drainage fund of the district for which the services are rendered, or may be apportioned equitably among two (2) or more districts. Such attorneys shall be allowed reasonable compensation for their services, also necessary traveling expenses while engaged in such business. Attorneys rendering such services shall file with the auditor an itemized, verified account of all claims therefor, and statement of expenses, and the same shall be audited and allowed by the board in the amount found to be due.

Sec. 138. Compensation of persons to assess. Persons appointed to appraise and award damages and make classification of lands and assess benefits, other than the engineer, shall receive such compensation as the board may fix, not to exceed, however, five dollars (\$5.00) per day each, and in addition thereto, the necessary expense of transportation of said persons while engaged upon their work. They shall file with the auditor an itemized, verified account of the amount of time employed upon said work and their expenses.

Sec. 139. Fees for publication of notice. Fees for publication of all notices required to be published by the provisions of this chapter shall be fixed by the board not exceeding thirty-three and one-third cents (33 1/3c) for each insertion for each ten (10) lines of brier type or its equivalent.

Sec. 140. Payment of compensation - fees - expenses. All compensation for services rendered, fees, costs, and expenses when properly shown by itemized and verified statement shall be filed with the auditor and allowed by the board in such amounts as shall be just and true, and when so allowed shall be paid on order of the board from the levee or drainage funds of the district for which such services were rendered or expenses incurred, by warrants drawn on the treasurer by the auditor.

Sec. 141. Power to purchase at tax sale. When land in a levee, drainage, or improvement district is being sold at a tax sale for delinquent taxes or assessment, the board of supervisors or the district trustees, as the case may be, shall have authority to bid in such land or any part of it, paying the amount of the bid from the funds of the district, and taking the certificate of sale in their names as trustees for such district, and may thereafter pay any assessments for taxes or benefits levied against said premises from the district funds. The amount paid for redemption which shall include such additional payments, shall be credited to the district. If no redemption shall be made the board of supervisors or trustees, as the case may be, shall receive the tax deed as trustees for the district. They shall credit the district with all income from said property. They may lease or sell and convey said property as trustees for such district and shall deposit all money received therefrom to the credit of such district.

In case any proposition arises in said district to be determined by the vote of parties owning land therein, notice of such hearing shall be given and the board of supervisors or trustees, as the case may be, while holding title in trust to any such land, shall have the same right to vote for or against such proposition as the former owner would have had if he had not been divested of the title to said land.

Sec. 142. Inspection of drainage and levee improvements. The board of any county into which a levee or drainage improvement extends shall cause a competent engineer to inspect such levee or drainage improvement as often as it deems necessary for the proper maintenance and efficient service thereof. The engineer shall make report to the board of the condition of the improvement, together with such recommendations as he deems necessary. For any claim for services and expenses of inspection, the engineer shall file with the auditor an itemized and verified account of such service and expense to be allowed by the board in such amount as it shall find due and paid out of the drainage funds of the district. If the district extends into two (2) or more counties, such action shall be had jointly by the several boards, and the expenses equitably apportioned among the lands in the different counties.

Sec. 143. Watchmen. When a levee has been established and constructed in any county, the board shall be empowered to employ one (1) or more watchmen, and fix their compensation, whose duty it shall be to watch such levee and make repairs thereon in case of emergency. Such employee shall file with the auditor an itemized verified account for services rendered, and cost and expense incurred in watching or repairing such levee, and the same shall be audited and allowed by the board as other claims and paid by the county from funds belonging to such district.

Sec. 144. Liberal construction of drainage laws. The provisions of this chapter and all other laws for the drainage and protection from overflow of agricultural or overflow lands shall be liberally construed to promote leveeing, ditching, draining, and reclamation of wet, swampy, and overflow lands. The collection of drainage taxes and assessments shall not be defeated where the board has acquired jurisdiction of the interested parties and the subject matter, on account of technical defects and irregularities in the proceedings occurring prior to the order of the board locating and establishing the district and the improvements therein. The final order establishing such district when not appealed from, shall be conclusive that all prior proceedings were regular and according to law.

CHAPTER 2

INTER-COUNTY LEVEE OR DRAINAGE DISTRICTS

Sec. 146. Establishment through two or more counties. When the levee or drainage district embraces land in two (2) or more counties, a duplicate of the petition of any owner of land to be affected or benefited by such improvement shall be filed with the county auditor of each county into which said levee or drainage district will extend, accompanied by a duplicate bond to be filed with the auditor of each of the said counties as provided when the district is wholly within one (1) county, in an amount and with sureties approved by the auditor of the county in which the largest acreage of the district is situated, which bond shall run in favor of the several counties in which it is filed.

Sec. 147. Commissioners to investigate and report. Upon the filing of such petition in each county and the approval of such duplicate bond by the proper auditor, the board of each of such counties shall appoint a commissioner and the commissioners of the several counties so appointed shall meet within thirty (30) days thereafter and appoint a competent engineer who shall also act as a commissioner. The commissioners thus appointed shall examine the application and make an inspection of all the lands embraced in the proposed district and shall determine what improvements in the way of levees, ditches, drains, or change of natural watercourses are necessary for the drainage of the lands described in the petition. Such commissioners including the engineer shall file

a detailed report of their examination and their findings and file a duplicate thereof in the office of the auditor of each of said counties.

Sec. 148. Duty of engineer. In addition to the report of the commissioners as a whole, the engineer appointed, shall perform the same duties and in the same manner required of the engineer by chapter one (1) of this act when the proposed district is located wholly within one (1) county, and his surveys, plats, profiles, field notes, and reports of his surveys shall be made and filed in duplicate in each county.

Sec. 149. Notice of hearing. Immediately upon the filing of the report of the commissioners and the engineer, if the same recommends the establishment of such district, notice shall be given by the auditor of each county to the owners of all the lots and tracts of land in his own county respectively embraced within such district as recommended by the commissioners as shown by the transfer books in the office of the auditor of each of said counties and also to the persons in actual occupancy of all the lots or tracts of land in such district, and also to each lienholder or incumbrancer of any of such lots or tracts as shown by the records of the respective counties. Such notice shall state the time and place, when and where the boards of the several counties will meet in joint session for the consideration of said petition and the report of the commissioners and engineer thereon, and shall in other respects be the same and served in the same time and manner as required when the district is wholly within one county, except that the auditor of each county shall give notice only to the owners, occupants, incumbrancers, and lienholders of the lots and tracts of land embraced within the proposed district in his own county as shown by the records of such county.

Sec. 150. Claims for damages and compensation - where filed. Any person filing objections or claiming damages or compensation on account of the construction of such improvement shall file the same in writing in the office of the auditor of the county in which his land is situated, at or before the time set for hearing. He may, however, file it at the time and place of hearing. If he shall fail to file such claim at the time specified he shall be held to have waived his right thereto, but claims for land taken for right of way for any open ditch need not be filed.

Sec. 151. Hearing - appraisers to appraise damages. At the time set for hearing such petition, the board of the several counties shall meet at the place designated in said notice. They shall organize by electing a chairman and a secretary, and when deemed advisable may adjourn to meet at the call of such chairman at such time and place as he may designate, or may adjourn to a time and place fixed by said joint boards. They shall sit jointly in considering the petition, the report and the recommendations of the engineer, in the same manner as if the district were wholly within one (1) county. The said boards by their joint action may dismiss the petition and refuse to establish such district, or they may approve and tentatively adopt the plans and recommendations of the engineer for the said district. If the said boards shall adopt a tentative plan for the district, the board of each county shall select an appraiser and the several boards by joint action shall employ an engineer, and the said appraisers and engineer shall constitute the appraisers to appraise the damages and value of all right of way required for open ditches. The appraisers shall proceed in the same manner and make return of their findings and appraisement the same as when the district is wholly within one (1) county, except that a duplicate thereof shall be filed in the auditor's office of each of the several counties. After the filing of the report of the appraisers, all further proceedings shall be the same as where the district is wholly within one (1) county, except as otherwise provided.

Sec. 152. Times and places for meetings of joint boards. The board of supervisors of any county in which a petition for the establishment of a levee or drainage district to extend into or through two (2) or more counties is on file, may meet with the board or boards of any other county or counties in which such petition is on file, for the purpose of acting jointly with such other board or boards in reference to said petition or any business relating to such district. Any such joint meetings held in either of the counties in which such petition is on file shall constitute a valid and legal meeting of said joint boards for the transaction of any business pertaining to said petition or to the business of such district.

Sec. 153. Equalizing voting power of boards. When the boards are of unequal membership, for the purpose of equalizing their voting power each member of the smallest board shall cast a full vote and each member of a larger board shall cast such fractional part of a vote as results from dividing the smallest number by such larger number.

Sec. 154. Commissioners to classify and assess. If the boards of the several counties acting jointly shall establish the district, they shall appoint a commission consisting of one (1) from each county, and in addition thereto a competent engineer who shall within twenty (20) days begin to inspect the premises and classify the lands in said district fixing the percentages and assessments of benefits and the apportionment of costs and expenses and shall complete said work within the time fixed by the boards. The qualifications of said commissioners, their classification of lands, fixing percentages and assessments of benefits and apportionment of costs and the report thereof in all details shall be governed in all respects by the provisions of chapter one (1) of this act for districts wholly within one (1) county.

Sec. 155. Joint hearing of boards - notices. Upon the filing of the report of the commissioners to classify lands, fix and assess benefits and apportion costs and expenses, the auditors of the several counties, acting jointly, shall cause notice to be served upon all interested parties of the time when and the place where the boards will meet and consider such report and make a final assessment of benefits and apportionment of costs, which notice shall be the same and served for the time and in the manner and all proceedings thereon shall be the same as provided in chapter one (1) of this act in districts wholly within one (1) county, except publication of notice as provided in section seventeen (17) shall be in each of the counties into which the district extends, and also except that the objections not filed prior to the date of the hearing shall be filed with the boards at the time and place of such hearing.

Sec. 156. Boards to levy in respective counties - improvement certificates - bonds. After the amount to be assessed and levied against the several tracts of land shall have been finally determined, the several boards, acting separately, and within their own counties, shall levy and collect the taxes apportioned and levied in their respective counties. They may issue warrants, improvement certificates, or bonds for the payment of the cost of such improvement within their respective counties, with the same right of land owners to pay without interest or in installments all as provided where the district is wholly within one (1) county.

Sec. 157. Time bonds or proceeds available. When drainage bonds are to be issued under the provisions of the preceding section they shall be issued at such time that they or the proceeds thereof shall be available for the use of the district at a date not later than ninety (90) days after the actual commencement of the work on the improvement as provided in relation to districts wholly within one county, and subject to the same exceptions in cases of appeals set forth in section 65 hereof.

Sec. 158. Supervising engineer. At the time of finally establishing the district, the boards of the several counties, acting jointly, shall employ a competent engineer to have charge and supervision of the construction of the improvement and they shall fix his compensation and he shall, before entering upon said work, give a bond running to the several counties for the use and benefit of the district in the same amounts and of like tenor and effect as is provided in districts wholly within one (1) county. A duplicate of such bond shall be filed with the auditor of each of said counties.

Sec. 159. Duty of engineer. The duties of the supervising engineer shall be the same in all respects as is provided by chapter one (1) of this act for districts wholly within one (1) county.

Sec. 160. Letting work. If the boards, acting jointly, shall establish such district, the auditors of the several counties shall immediately thereafter, acting jointly, cause notice to be given of the time and place of the meeting of the boards for letting contracts for the construction of the improvement. The notices, bids, bonds, and all other proceedings in relation to letting contracts shall be the same as provided where the district is wholly within one (1) county, but duplicates of contractors' bonds shall be filed with the auditor of each county.

Sec. 161. Contracts. All contracts made for engineering work and the work of constructing improvements of an inter-county district shall be made by written contract executed by the contractor and such person as may be authorized by the boards of the several counties and by joint resolution and shall specify the work to be done, the amount of compensation therefor and the times and manner of payment, all as provided in relation to districts wholly within one (1) county.

Sec. 162. Monthly estimate - payment - final settlement. The engineer in charge of the work shall furnish the contractor monthly estimates of the amount of work done on each section and the amount thereof done in each county, a duplicate of which shall be filed with the auditor of each of the several counties. Upon the filing of each statement, each auditor shall draw a warrant for the contractor or give him an order directing the treasurer to deliver to him improvement certificates or drainage bonds, as the case may be, in favor of the contractor for eighty per cent (80%) of the amount due from his county.

Sec. 163. Completion of work - final settlement. When the work to be done on any contract is completed to the satisfaction of the supervising engineer he shall so report and certify to the boards of the several counties, which by joint action shall fix a day to consider said report, and all the provisions shall apply in relation to objections to said report and the approval of the same and the completion of any unfinished or abandoned work as is provided in chapter one (1) of this act relating to completion of work and final settlement in districts wholly within one (1) county, except that, when the completed work is accepted by the joint action of the boards of supervisors of the several counties into which the district extends such acceptance shall be certified to the auditor of each county who shall draw a warrant for the contractor or give him an order directing the treasurer to deliver to him, improvement certificates, or drainage bonds, as the case may be, for the balance due from the portion of the district in such county.

Sec. 164. District court to establish - when. When the establishment of a district, extending into two (2) or more counties, is petitioned for as hereinbefore provided and one (1) or more of such boards fails to take action thereon, the petitioner may cause notice in writing to be served upon the chairman of each board demanding that action be taken upon the petition within twenty (20) days from and after the service of such notice.

Sec. 165. Transfer to district court - notice. If such boards shall fail to take action thereon within the time named, or fail to agree, the petitioners may cause such proceedings to be transferred to the district court of any of the counties into which such proposed district extends by serving notice upon the auditors of the several counties within ten (10) days after the expiration of said twenty (20) days' notice, or after the failure of such boards to agree.

Sec. 166. Transfer to district court - transcript - how tried. Upon the giving of such notice the auditors shall, acting jointly, prepare and certify to the clerk of the district court a full and complete transcript of all proceedings had in such case, on or before the first day of the next succeeding term of said court. The clerk of the district court shall thereupon docket the case and the same shall be tried as in equity and the appearance term shall be the trial term. The court shall enter judgment and decree dismissing the case or establishing such district and may by proper orders and writs enforce the same.

Sec. 167. Law applicable. Except as in this chapter otherwise stipulated the provisions and procedure set forth in chapter one of this act shall govern and apply to the formation, establishment and conduct of every levee or drainage district extending into two or more counties, the petition therefor, the giving or publication or service of notice therein, the appointment and duties of all officers or appraisers or commissioners, the making or filing of waivers, reports, plats, profiles, recommendations, notices, contracts and papers, the classification and apportionment and assessment of lands and all other property, the taking and hearing of appeals, the issuance and delivery of warrants, bonds and assessment certificates, the payment of taxes and assessments, the making of improvements, ditches, drains, changes, enlargements, extensions and repairs, the inclusion of lands, and the making or performance of every other matter or thing whatsoever relevant to or in any wise connected with such joint drainage or levee district and the rights, privileges and duties of all persons, land owners, officers, appellants and courts.

Sec. 167-a1. The land owner may have any beneficial use of the land to which he has fee title and which is occupied by the waste banks of an open ditch when such use does not interfere in any way with the easement or rights of the drainage district as contemplated by this act. For the purpose of gaining such use the land owner may smooth said waste banks but in doing so he must preserve the terms of such open ditch without depositing any additional dirt upon them.

CHAPTER 3

DRAINAGE DISTRICT EMBRACING PART OR WHOLE OF CITY OR TOWN.

Section 168. Cities and towns included - notice. The board of any county shall have the same power to establish a drainage district that includes the whole or any part of any incorporated town or city, including cities under special charter, as they have to establish districts wholly outside of such cities and towns, including assessment of damages and benefits within such cities and towns, but no board of supervisors shall have power or authority to establish a drainage or levee district which lies wholly within the corporate limits of any city or town, nor in any case to establish any district for sewer purposes. Notice of the filing of the petition for such district and the time of hearing thereon, shall set forth the boundaries of the territory included within such city or town and directed to the town or city clerk and the owners and lienholders of the property within such boundaries without naming individuals, to be served in the same manner as notices where the district is wholly outside of such city or town.

Sec. 169. Assessments in cities and towns. When the streets, alleys, public ways, or parks or lots or parcels including railroad rights of way of any incorporated town or city, or city under special charter, so included within a levee or drainage district, will be beneficially affected by the construction of any improvement in such district, it shall be the duty of the commissioners appointed to classify and assess benefits to estimate and return in their report the percentage and assessment of benefits to such streets, alleys, public ways, and parks, or lots or parcels including railroad rights of way and notice thereof shall be served upon the clerk of such incorporated town or city irrespective of the form of government and upon owner of lots, parcels and railroad rights of way so assessed.

Sec. 170. Objections to assessments in cities and towns. The council or clerk of such town or city or individual owners may file objections to such percentage and assessment of benefits in the time and manner provided in case of landowners, outside such city or town, and they shall have the same right to appeal from the finding of the board with reference to such assessment. Such assessment as finally made shall draw interest at the same rate and from the same time as assessment against lands, and the board of supervisors and the town or city council shall have the same power in reference to issuing improvement certificates or drainage bonds and executing waivers on account of such assessment for benefits to streets, alleys, public ways, and parks as is herein conferred upon the board of supervisors and the township trustees in reference to assessment for benefits highways, and such cities or towns may issue their funding bonds for the purpose of securing money to pay any assessment against it as provided by law.

Sec. 172. Board of supervisors may relinquish to city or town - conditions. When the board of any county has heretofore established any drainage district which is located wholly within the corporate limits of any city or town, including those the outlets of which are outside of such limits, and the drains thereof have been wholly or partially constructed of sewer tile, or when the ground that is used for said drains is needed by the city or town for storm sewer and drainage purposes, said board shall relinquish all authority or control of all of said drain that is included within such corporate limits, to the city or town upon request of the city or town council as provided in the next section.

Sec. 173. Duty of council. It is hereby made the duty of any city or town council, if it deems the same for the best interest of the said city or town, to pass, by a majority vote, a resolution requesting the board of supervisors to permit the city or town to take over and control the drains within its corporate limits which resolutions shall be certified to the board of supervisors of the county and filed by the auditor, who shall spread the same upon the records of the drainage district.

Sec. 174. Duty of supervisors. Upon the request of the city or town council, as provided in the preceding section, it shall be the duty of the board to pass a resolution and have the same made a part of its proceedings, relinquishing all authority and control of the drainage district which is within the corporate limits, to the said city or town.

Sec. 175. Jurisdiction of municipality. After the drainage district has been taken over by the city or town, it shall have complete control thereof, and may use the same for any purpose that said city or town through its

city or town council deems proper and necessary for the advancement of the city or town or its health or welfare, and the city or town shall be responsible for the maintenance and upkeep of said drainage district only from and after its relinquishment by the board of supervisors to the city or town.

CHAPTER 3-A

HIGHWAY DRAINAGE DISTRICTS.

Section 175-a1. Establishment of highway drainage district. Whenever, in the opinion of the board of supervisors, it is necessary to drain any part of any public highway under its jurisdiction, and any land abutting upon or adjacent thereto, it may proceed without petition or bond to establish a highway drainage district by proceeding in all other respects as provided in chapter one (1) of this act. When the board does not proceed on its own motion, it shall so proceed when petitioned by the board of township trustees as to any highway under the jurisdiction of said board of trustees. Such district, when established, shall have the powers granted to drainage and levee districts, and all parties interested shall have the same rights so far as applicable.

Sec. 175-a2. Manner of initiating without petition. When the board of supervisors determines on its own action to proceed to the establishment of a highway drainage district, it shall do so by the adoption of a resolution of necessity to be placed upon its records, in which it shall describe in a general way the portion of any highway or highways to be included in such district, together with the description of abutting or adjacent land and railroad rights of way to be included in such district and made subject to assessment for such improvement.

Sec. 175-a3. Engineer. The board shall appoint a competent engineer for the district. If the county engineer is appointed, he shall serve without additional compensation. In no case shall the county engineer act as a member of the assessment commission in a drainage district provided for in this chapter.

Sec. 175-a4. Engineer survey and report. The engineer shall make a survey of the proposed district and report the same to the board, being governed in all respects as provided by sections thirteen (13) and fourteen (14) of this act, and designate particularly any portion of the county road system, the primary road system or the township road system, or any portion of either and all of said systems, as well as all lands adjoining and adjacent thereto, including lands and rights of way of railway companies which in his judgment will be benefited by drainage of highways in such district, and which should be embraced within the boundaries of such district.

Sec. 175-a5. Commission. The commission for assessment of benefits and classifying the property assessed shall determine and report:

1. The separate amount which shall be paid by the county on account of the county road system and the primary road system.

2. The amounts which shall be paid by the township or townships on account of the township road system.

3. The amounts of which shall be assessed against the right of way or other real estate of each railway company within such district.

4. The amounts which shall be assessed against each forty acre tract or less within such district.

Sec. 175-a6. Advanced payments. The board on construction of such improvement may advance out of the county road fund that portion to be collected by special assessment, the amount so advanced to be replaced in said county funds as the first special assessments are collected. The board may in lieu of making such advancements, issue warrants to be known as "Drainage Warrants", said warrants to draw not to exceed 6% interest per annum payable annually from the date of issue and to be paid out of the special assessments levied therefor when the same are collected.

Sec. 175-a7. Payment from road funds. The amount fixed by the final order of the board to be paid on account of the primary road system shall be payable out of the primary road fund. The amount fixed by the final order of the board to be paid on account of the county road system may be payable out of the county road fund or out of the county drainage fund. The amount fixed by the final order of the board to be paid on account of the township road system shall be payable out of the township road fund or out of the township drainage fund.

Sec. 175-a8. Dismissal - costs. If such proceedings are dismissed or said improvement abandoned, all costs of such proceedings shall be paid out of the road system for the benefit of which said proceeding was initiated.

Sec. 175-a9. Condemnation of right of way. When in the judgment of the board of supervisors, it is inadvisable to establish a drainage district but necessary to acquire right of way through private lands for the construction of ditches or drains as outlets for the drainage of highways, the board of supervisors may cause such right of way to be condemned by proceedings in the manner required for the exercise of the right of eminent domain as for works of internal improvement, and apportion the costs and expenses thereof equitably among the several road systems benefited thereby, but no attorney's fees will be taxed.

Sec. 175-a10. Laws applicable. All proceedings for the construction and maintenance of highway drainage districts except as provided for in this chapter shall be as provided for in chapters one (1) and two (2) and three (3) of this act.

Sec. 175-a11. Removal of trees from highway. When the roots of trees located within a highway obstruct the ditches or tile drains of such highway, the board of supervisors or the board of township trustees, shall remove such trees from highways under their respective jurisdictions, except shade or ornamental trees adjacent to a dwelling house or other farm buildings or feed lots.

Sec. 175-a12. Trees outside of highways. When the roots of trees and hedges growing outside a highway obstruct the ditches or tile drains of any highway, the board of supervisors or the board of township trustees, as the case may be, may acquire the right to destroy such trees in the manner provided for taking private property for public use. Ornamental trees adjacent to any dwelling, orchard trees and trees used as windbreaks for a dwelling house, outbuildings, barn or feed lots, shall be exempt from the provisions of this section.

CHAPTER 4

DRAINAGE AND LEVEE DISTRICTS WITH PUMPING STATIONS.

Section 176. Pumping stations. The board of supervisors of any county or counties in which a drainage or levee district has been organized as by law provided, may establish and maintain a pumping station or stations, when and where the same may be necessary to secure a proper outlet for the drainage of the land comprising the district or any portion thereof, and the cost of construction and maintenance of said pumping station or stations shall be levied upon and collected from the lands in the district benefited by such pumping station or stations, in the same manner as provided for in the construction and maintenance of said districts.

Sec. 177. Pumping stations - petition - procedure. Such pumping station shall not be established or maintained unless a petition therefor shall be presented to the board signed by not less than one-third ($1/3$) of the owners of lands benefited thereby. The lands benefited by such pumping station shall be determined by the board on said petition and report of the engineer, and such other evidence as it may hear. No additional land shall be taken into any such drainage district after the improvements therein have been substantially completed, unless one-third ($1/3$) of the owners of the land proposed to be annexed have petitioned therefor or consented in writing thereto.

Sec. 178. Additional pumping station - transfer of pumps - cost. After the establishment of a drainage district, including a pumping plant, and before the completion of the improvement therein, the board or boards may, if deemed necessary to fully accomplish the purposes of said improvement, by resolution authorize the establishment and maintenance of such additional pumping station or stations as the engineer may recommend, and if a petition is filed by one-third ($1/3$) of the owners of land within such district asking the establishment of such pumping plant or plants, the board or boards must direct the engineer to investigate the advisability of the establishment thereof and upon the report of said engineers the board or boards shall determine whether such additional pumping plant or plants shall be established. If the board or boards determine that additional pumping plant or plants shall be established and maintained, a pump or pumps may be removed from any pumping station already established and may be installed in any such additional plant, if such removal can be made without injuring the efficient operation of the plant from which removed. The cost of the establishment of such additional pumping plant or plants shall be paid in the same manner and upon the same basis as is provided for the cost of the original improvement.

Sec. 179. Dividing districts with two or more pumping plants - petition - notice. When a drainage district has been created and more than one (1) pumping plant is established therein, the board or boards of supervisors may and upon petition of one third ($1/3$) of the owners of land within said district shall appoint an engineer to investigate the advisability of dividing said district into two (2) or more districts so as to include at least one (1) pumping plant in each of such districts. If the engineer recommends such division the board of supervisors shall fix a time for hearing upon the question of such division and shall publish notice directed to all whom it may concern of the time and place of such hearing, for the time and in the manner as is required for the publication of notice of the establishment of said district, except that said notice need not name the owners and lienholders.

Sec. 180. Hearing - jurisdiction of divided districts. At the time fixed, the board shall determine the advisability of such division and shall make such order with reference thereto as shall be deemed proper, having consideration for the interest of all concerned. If such division is made, the board or boards having jurisdiction of the original district shall retain jurisdiction of the new districts created by such division for the purpose of collecting assessments theretofore made and making such additional assessments as are necessary to pay the obligations theretofore contracted. For all other

purposes, each division shall be under the jurisdiction of the board or boards of supervisors which would have had jurisdiction thereof if originally established as an independent district.

Sec. 181. District divided by streams and subdistricts. After a levee or drainage district operating a pumping plant shall have been established and the improvement constructed and accepted, if it shall become apparent that the lands can be more effectually drained, managed, or controlled by a division thereof, then the said board or boards, or trustees, may, and if the district is divided by a stream, they shall, divide the district.

Sec. 182. Assessments not affected - maintenance tax. Each district after the division shall be conducted as though established originally as a district. Nothing herein shall affect the legality or collection of any assessments levied before the division; but the maintenance tax, if any, shall be divided in proportion to the amount paid in by each district.

Sec. 183. Election and apportionment of trustees. If said district, before the division was made, was under the control and management of trustees, then each trustee shall continue to serve in the district in which he is situated, and other trustees shall be elected in each new district. The election for said new trustees shall be called by the old board of trustees in each district within ten (10) days after said division is made and shall be conducted as provided for the election of trustees.

Sec. 184. Overflow lands - settling basin - channel. If, before a district operating a pumping plant is completed and accepted, it appears that portions of the lands within said district are wet or nonproductive by reason of the floods or overflow waters from one (1) or more streams running into, through or along said district and that said district or some other district of which such district shall have formed a part, shall have provided a settling basin to care for the said floods and overflow waters of said stream or watercourse, but no channel to said settling basin has been provided, said board or boards are hereby empowered to lease, buy, or condemn the necessary lands within or without the district for such channel. Proceedings to condemn shall be as provided for the exercise of the right of eminent domain.

Sec. 184-a1. Funding bonds for district with pumping station - petition. When the owners of ten per cent (10%) of the land in a drainage or levee district having and operating a pumping station shall petition the board of supervisors to extend the time of payment of the taxes assessed against the lands within said district for a period not exceeding twenty (20) years, under such rules and regulations as said board may direct, the interest on such assessments to be paid annually the same as other taxes levied against the property, not less than one-twentieth of the principal of said extended tax to be paid each year until the entire tax is paid, and the lien of such tax to continue until fully paid, the board of supervisors may settle, adjust, renew or extend the legal indebtedness of such district as shown by the assessments levied against the lands therein whether evidenced by certificates, warrants, bonds or judgments by refunding all such indebtedness and issuing coupon bonds therefor when such indebtedness amounts to one thousand dollars (\$1,000.00) or upwards, but for no other purpose.

Sec. 184-a2. Form and denomination of bonds. Such bonds shall be issued in sums of not less than one hundred dollars or more than one thousand dollars each, running not more than twenty years, bearing interest not exceeding six per cent (6%) per annum, payable annually or semiannually, and shall be substantially in the form provided by law for funding bonds issued for drainage purposes.

Sec. 184-a3. Numbering and signing - interest coupons. Such bonds shall be numbered consecutively, signed by the chairman of the board of supervisors, attested by the county auditor. The interest coupons attached thereto shall be executed in the same manner.

Sec. 184-a4. Resolution - requisites - record. All bonds issued under the provisions of this chapter shall be issued pursuant to and in conformity with a resolution adopted by the board of supervisors, which shall specify the amount authorized to be issued, the purpose for which issued, the rate of interest they shall bear and whether payable annually or semiannually, the place where the principal and interest shall be payable and when it becomes due, and such other provisions not inconsistent with law in reference thereto as the board of supervisors shall think proper, which resolution shall be entered of record upon the minutes of the proceedings of the said board and a complete copy thereof printed on the back of each bond, which resolution shall constitute a contract between the drainage district and the purchasers or holders of said bonds.

Sec. 184-a5. Registration - certification - report. When bonds have been executed as aforesaid they shall be delivered to the county treasurer and his receipt taken therefor. He shall register the same in a book provided for that purpose, which shall show the number of each bond, its date, date of sale, amount, date of maturity and the name and address of the purchaser and if exchanged what evidences of debt were received therefor, which record shall at all times be open to the inspection of the owners of property within the district. The treasurer shall thereupon certify on the back of each bond as follows:

"This bond duly and properly registered in my office this _____ day of _____ 19____.

Treasurer of the County of _____

The treasurer shall stand charged on his official bond with all bonds so delivered to him and the proceeds thereof. He shall report under oath to the board of supervisors, at each first regular session thereof in each month, a statement of all such bonds sold or exchanged by him since his last report and the date of such sale or exchange and when exchanged a description of the indebtedness for which exchanged.

Sec. 184-a6. Sale - application of proceeds. He shall, under a resolution and the direction of the said county board of supervisors, sell the bonds for cash on the best available terms or exchange them on like terms for a legal indebtedness of the said district evidenced by bonds, warrants, or judgments outstanding at the date of the passage of the resolution authorizing the issue thereof and the proceeds shall be applied and exclusively used for the purpose for which said bonds are issued. In no case shall they be sold or exchanged for a less sum than their face value and all interest accrued at the date of sale or exchange. After registration the treasurer shall deliver said bonds to the purchaser thereof and when exchanged for indebtedness of said district shall at once cancel all warrants or bonds or secure proper credits therefor on judgments.

Sec. 184-a7. Levy required. Drainage districts issuing funding or refunding bonds under this chapter shall levy taxes for the payment of the principal and interest thereof, where there has not been a prior levy covering same, in accordance with the provisions of the law relating to taxation.

Sec. 184-a8. Scope of act. Refunding bonds for the purposes set out in this chapter may be issued to pay off and take up bonds issued in payment for drainage improvements under prior laws or to refund any part thereof. Bonds thus issued shall substantially conform to the provisions of the law relating to drainage bonds and the face amount thereof shall be limited to the amount of the unpaid assessments, with interest thereon, applicable to the payment of the bonds so taken up.

Sec. 184-a9. Funds available to pay bonds. When refunding bonds shall be issued to pay for drainage improvements under the provisions of this chapter, all special assessments, taxes and sinking funds applicable to the payment of such bonds previously issued shall be applicable in the same manner and the same extent to the payment of the refunding bonds issued hereunder, and all the powers and duties to levy and collect special assessments and taxes or create liens upon property shall continue until all refunding bonds shall be paid.

The drainage district shall collect the special assessment out of which the said bonds are payable and hold the same separate and apart in trust for the payment of said refunding bonds but the provisions of this chapter shall not apply to assessments or bonds adjudicated to be void.

Sec. 184-a10. Limitation of actions to question validity. No action shall be brought questioning the validity of any of the bonds authorized by this chapter from and after three months from the time the same are ordered issued by the proper authorities.

CHAPTER 5

MANAGEMENT OF DRAINAGE OR LEVEE DISTRICTS BY TRUSTEES.

Section 185. Management by trustees - proceedings. In the manner provided in this chapter, any drainage or levee district in which the original construction has been completed and paid for by bond issue, or otherwise, may be placed under the control and management of a board of three (3) trustees to be elected by the persons owning land in the district that has been assessed for benefits.

Sec. 186. Petition - election - judges and clerks. A petition shall be filed in the office of the auditor signed by a majority of the persons including corporations owning land within the district assessed for benefits.

The board, at the next regular, adjourned, or special session shall canvass the petition and if signed by the requisite number of landowners, it shall order an election to be held at some convenient place in the district not less than forty (40) nor more than sixty (60) days from the date of such order, for the election of three (3) trustees of such district. It shall appoint from the freeholders of the district who reside in the county or counties, three (3) judges and two (2) clerks of election.

Sec. 187. Inter-county district - petition - where filed. If the district extends into two (2) or more counties, a duplicate of the petition shall be filed in the office of the auditor of each county. The boards of supervisors shall, within thirty (30) days after the filing of such petition, meet in joint session and canvass the same, and if found to be signed by a majority of the owners of land in the district assessed for benefits, they shall by joint action order such election and appoint judges and clerks of election as provided in the preceding section.

Sec. 188. Subdistricts to secure proper distribution of trustees. When a petition has been filed for the election of trustees to manage a district containing 3,000 acres or more, the board, or, if the district extends into more than one (1) county, the boards of such counties by joint action, shall, before the election, divide the district into three (3) election districts for the purpose of securing a proper distribution of trustees in such district, and such division shall be so made that each election district will have substantially equal voting power and acreage, as nearly as may be. After such division is made there shall be elected one (1) trustee for each of said election districts, but at such election all the qualified voters for the entire district shall be entitled to vote for each trustee. The division here provided for shall be for the purposes only of a proper distribution of trustees in the district and shall not otherwise affect said district or its management and control.

Sec. 189. Record and plat of election districts. At the time of making a division into election districts, as provided in the preceding section, the board or boards shall designate by congressional divisions, subdivisions, metes and bounds, or other intelligible description, the lands embraced in each election district, and the auditor or auditors, if more than one (1) county shall make a plat thereof in the drainage record of the district indicating thereon the boundary lines of each election district, numbering them, one (1), two (2) and three (3), respectively.

Sec. 190. Eligibility of trustees. Each trustee shall be a citizen of the United States not less than twenty-one (21) years of age, a resident of the county and the owner of land in the election district for which he is elected.

Sec. 191. Notice of election. The board, or, if in more than one (1) county, the boards acting jointly, shall cause notice, of said election to be given, setting forth the time and place of holding the same and the hours when the polls will open and close. Such notice shall be published for two (2) consecutive weeks in a newspaper in which the official proceedings of the board are published in the county, or if the district extends into more than one (1) county, then in such newspaper of each county. The last of such publications shall not be less than ten (10) days before the date of said election.

Sec. 192. Assessment to determine right to vote. Before any election is held, the election board shall obtain from the county auditor or auditors a certified copy of so much of the record of the establishment of such district as will show the lands embraced therein, the assessment and classification of each tract and the name of the person against whom the same was assessed for benefits, and the present record owner, and such certified record shall be kept by the trustees after they are elected, for use in subsequent elections. They shall, preceding each subsequent election, procure from the county auditor or auditors additional certificates showing changes of title of land assessed for benefits and the names of the new owners.

Sec. 193. New owner entitled to vote. Anyone who has acquired ownership of assessed lands since the latest certificate from the auditor shall be entitled to vote at any election if he presents to the election board for its inspection at the time he demands the right to vote evidence showing he has title.

Sec. 194. Qualifications of voters. Each landowner over twenty-one (21) years of age without regard to sex and any railway or other corporation owning land in said district assessed for benefits shall be entitled to one (1) vote only, except as provided in the next section.

Sec. 195. When number of votes determined by assessment. When a petition asking for the right to vote in proportion to assessment of benefits at all elections for any purpose thereafter to be held within said district, signed by a majority of the landowners owning land within said district assessed for benefits, is filed with the board of trustees, then, in all elections of trustees thereafter held within said district, any person whose land is assessed for benefits without regard to age, sex, or condition shall be entitled to one (1) vote for each ten dollars (\$10.00) or fraction thereof of the original assessment for benefits against the land actually owned by him, in said district at the time of the election, but in order to have such ballot counted for more than one (1) vote the voter shall write his name upon the ballot. The vote of any resident of a county in which the district is located in whole or in part must be cast in person.

Sec. 196. Vote by agent - power of attorney. Any nonresident of the county or any corporation owning land or right of way lying wholly or in part within the district and assessed for benefits may have his or its vote cast by some resident taxpayer of the district or agent of such corporation when authorized by a power of attorney signed and acknowledged by such nonresident landowner or duly authorized officer of such corporation. Such power of attorney shall be filed with the auditor of the county where such election is held at least five (5) days prior to the election at which it is to be effective. Every such power of attorney shall specify the particular election for which it is to be used, indicating the day, month, and year of such election, and shall be void for all elections subsequently held.

Sec. 197. Vote of minor or insane. The vote of any person who is a minor, insane, or under other legal incompetency shall be cast by the parent, guardian, or other legal representative of such minor, insane, or other incompetent person and in order to be counted it shall be cast in person. The person casting such vote shall deliver to the judges and clerks of election a written sworn statement giving the name, age, and place of residence of such minor, insane, or other incompetent person, and any false statement knowingly made to secure permission to cast such vote shall render the party so making it guilty of the crime of perjury.

Sec. 198. Ballots for trustees. Each ballot for election of trustees shall have the name of each person voted for printed or legibly written thereon, and the number of the election district for which he is a candidate, and each qualified voter for the whole district shall be entitled to vote for one (1) candidate for each district for which a trustee is to be elected.

Sec. 199. Election - canvass of votes - returns. On the day designated for said election the polls shall open at eight (8) o'clock a.m. and remain open until seven (7) o'clock p.m. The judges of election shall canvass the vote and certify the result, and deposit with the auditor the ballots cast, together with the poll books showing the names of the voters; but if there is more than (1) county in the district, the returns shall be filed with the auditor of the county having the greatest acreage of said district.

Sec. 200. Canvass of returns by board. The canvass of the returns by the board or boards of supervisors shall be on the next Monday following said election and it or they shall make a return of the results of such canvass to the auditor, who shall issue certificates to the trustees elected, and when the district extends into more than one (1) county, then the auditor with whom the election returns were filed shall issue such certificates.

Sec. 201. Tenure of office. Except as provided in the next section, the trustees so elected shall hold office until the fourth Saturday in January next succeeding their election and until their successors are elected and qualified. On the third Saturday in the January next succeeding their original election, an election shall be held at which three (3) trustees shall be chosen, one (1) for one (1) year, one (1) for two (2) years, and one (1) for three (3) years, and each shall qualify and enter upon the duties of his office on the fourth Saturday of the same January. On the third Saturday in each succeeding January, an election shall be held to choose a successor to the trustees whose term is about to expire, and the term of his office shall be for three (3) years and until his successor has qualified.

Sec. 201-a1. Tenure of office in levee and pumping station districts. In a levee district or drainage district having a pumping station an election of trustees shall be held biennially on the third Saturday in January, at which election two trustees shall be elected for a term of three years, but the term of one shall begin one year from the fourth Saturday in January after his election. Ballots shall indicate which of said trustees is for the term beginning on the first Saturday after his election and which for the term beginning one year from such period. For the purpose of carrying out the provisions of this section the terms of trustees in any such districts shall expire on the fourth Saturday of January, 1925, and on the third Saturday of January, 1926, an election of trustees shall be held at which there shall be two trustees elected for two years, and one for three years, and thereafter biennially two trustees shall be elected with terms of office as first above provided.

Sec. 202. Division of districts under trustee management. In all districts already under trustee management, the board of trustees shall prior to the election of trustees in the year nineteen hundred twenty-five (1925) divide the district for which they are trustees, into election districts, and at the election for that and each succeeding year, when a trustee is to be elected, it shall be for a specified election district within such district.

Sec. 203. Elections - how conducted. After the first election of trustees, the trustees shall act as judges of election; the clerk of the board shall act as one (1) of the clerks; and some owner of land in the district shall be appointed by the board to act as another clerk. The trustee shall fill all vacancies in the election board. The result of each election shall be certified to the auditor or the several county auditors if the district is located in more than one county.

Sec. 204. Change of time - annual election. The date on which said annual election shall be held may be changed by the choice of a majority of electors of such district expressed by ballot at any such annual election, and the return of such vote shall be certified in the same manner as the returns for election of trustees.

Sec. 205. Vacancies. If any vacancy occurs in the membership of the board of trustees between the annual elections, the remaining members of the board shall have power to fill such vacancies by appointment of persons having the same qualifications as themselves. The persons so appointed shall qualify in the same manner and hold office until the next annual election when their successors shall be elected. In the event that all places on the board become vacant, then a new board shall be appointed by the auditor, or if more than one (1) county, then by the auditor of the county in which the greater acreage of the district is located. The persons so appointed shall hold office until the next annual election and until their successors are elected and qualified.

Sec. 206. Trustees - bonds. The trustees shall qualify by giving a bond in the sum of not less than one thousand dollars (\$1,000.00) or more than five thousand dollars (\$5,000.00) each, conditioned for the faithful discharge of their duties, said bond to be fixed and approved by the auditor of the county, and if more than one (1), then of the county in which the greater acreage of the district is located.

Sec. 207. Organization - selection of clerk. As soon as the trustees have qualified, they shall organize by electing one (1) of their own number as chairman and may select some other taxpayer of the district as clerk of the board who shall serve during the pleasure of the board of trustees.

Sec. 208. Power and duties of trustees - limitations. Trustees shall have control, supervision, and management of the district for which they are elected and shall be clothed with all of the powers now conferred on the board or boards of supervisors for the control, management, and supervision of drainage and levee districts under the laws of the state, unless otherwise specially provided. But such authority shall extend only to the district for which they are elected.

Sec. 209. Cost and expenses - collection and disbursement. All costs and expenses necessary to discharge the duties by this chapter conferred upon trustees shall be levied and collected as provided by law and such levee shall be upon certificate by the trustees to the board or boards of supervisors of the amount necessary for such levy. Drainage and levee taxes when so levied and collected shall be kept by the treasurer of the county in a separate fund to the credit of the district for which it is collected, shall be expended only upon the orders of trustees, signed by the president of the board, upon which warrants shall be drawn by the auditor upon the treasurer.

Sec. 210. Improvement certificates and bonds. The board of trustees of any district shall have the same power to issue improvement certificates and levee and drainage bonds under the same conditions and with like tenor and effect as is provided by chapter one (1) of this title for such issuance by the board of supervisors, except that in case of the issue of levee or drainage bonds, the same shall be approved by a judge of the district court in and for the county or counties in which such district lies, which approval shall be printed upon such bonds before the same are negotiated.

Sec. 211. Reclassification and other changes - election. If a reclassification of lands or a readjustment of the assessments of property or any important change of the district shall be deemed advisable by the said trustees, they shall submit such questions to the vote of the owners of land of said district assessed for benefits, by ballot, at the next regular election of trustees, or they shall have the power to call a special election therefor, with like notice as for regular elections which shall state the proposition to be submitted. Should the proposition receive the sanction of the majority of the voters at said election, then the trustees shall proceed in the same manner in the reclassification and readjustment of the assessments as is now provided for governing the actions of the board or boards of supervisors.

Sec. 212. Form of ballot for submitting proposition. For the purpose of any election under the preceding section, the trustees shall prepare the form of ballot to be used for such election and shall distinctly and separately state on each ballot the proposition to be submitted. If it is a question of reclassification and readjustment of assessments of the district, the ballot shall so state, and be arranged so that the voter may vote for or against said proposition. If the question is one of extensive improvements or important changes of the district, the form of ballot shall specify the extent and estimated cost of such improvements or changes, and be so arranged that each voter may vote for or against such proposition. Said ballot shall be separate from any

ballot for the election of trustees and when voted, such ballot shall be deposited in a separate box and be kept separate; and the returns of election shall be certified by the judges and clerks of election to the auditor, or if more than one (1) county, to each auditor, and the ballots deposited with the auditor of the county having the largest acreage of the district, and a record made thereof in the drainage record of said district.

Sec. 213. Trustees to report proceedings to auditor. Such trustees shall, from time to time, and with reasonable promptness, furnish the auditor of each county in which any part of said district is situated, with a correct report of their acts and proceedings, which report shall be signed by the chairman and the clerk of the board and shall be recorded by the auditor in the drainage record, and shall be published in one official paper in the county having a general circulation in the district.

Sec. 214. Compensation. The compensation of the trustees and the clerk of the board is hereby fixed at three dollars (\$3.00) per day and necessary expenses, to be paid out of the funds of the drainage or levee district for each day necessarily expended in the transaction of the business of the district, but no one shall draw compensation for services as trustee and as clerk at the same time. They shall file with the auditor or auditors, if more than one (1) county, itemized, verified statements of their time devoted to the business of the district and of the expenses incurred.

Sec. 215. Change from trustee to supervisor management. Any district which has been placed under the management of trustees may be placed back under the management of the board or boards of supervisors in the manner provided in the next section.

Sec. 216. Petition - requisites - canvass. For such purposes a petition signed by a majority of persons, including corporations owning land within the district assessed for benefits and who in the aggregate own more than one-half (1/2) the acreage of such lands, may be filed in the office of the auditor and if more than one (1) county, then a duplicate shall be filed in the office of the auditor of each county.

The trustees shall fix a date not less than ten (10) nor more than thirty (30) days from the date such petition is filed for the canvass of such petition, and the trustees and auditor or auditors shall canvass said petition and certify and record in the drainage record the result.

Sec. 217. No names to be withdrawn or added. Remonstrances signed by the same persons who are qualified to sign the petition may be filed in the office of the auditor and if the same persons petition and remonstrate they shall be counted on the remonstrance only. Such remonstrance shall be filed not less than five days before the time set for hearing.

Sec. 218. When change takes effect. If the result of the canvass shows a majority in favor of such change, then it shall become effectual on the date at which the next annual election of trustees would be held, and on such date the trustees shall surrender and turn over to the board or boards of supervisors the full and complete management and control of such district, together with all books, contracts and other documents relating thereto.

Sec. 219. Final report of trustees. On or before the date such change becomes effective, the said trustees shall make and file with the auditor, or if more than one (1) county, a duplicate with each auditor, a final report setting forth:

1. The amount of cash funds on hand or to the credit of the district.
2. The amount of outstanding indebtedness of the district, and the form thereof, whether in warrants, improvement certificates or bonds and the amount of each.
3. Any outstanding contracts for repairs or other work to be done.
4. A statement showing the condition of the improvements of the district, and specifying any portion thereof in need of repair.

Sec. 220. Duty of supervisors. After such change is made it shall be the duty of the board or boards of supervisors to manage and control the affairs of said district as fully and to the same extent as if it had never been under trustee management. They shall carry out any pending contracts lawfully made by the trustees as fully as if made by the board.

Sec. 220-al. Definition of terms.

1. Within the meaning of this act, the term "board" shall embrace the board of supervisors, the joint boards of supervisors in case of intercounty levee or drainage districts, and the board of trustees in case of a district under trustee management.
2. The term "commissioners" shall mean the men appointed and qualified to classify lands, fix percentages of benefits, apportion and assess costs and expenses in any levee or drainage district, unless otherwise specifically indicated by law.
3. The term "appraisers" shall mean the men appointed and qualified to ascertain the value of all land taken and the amount of damage arising from the construction of levee or drainage improvements.

CHAPTER 6

CERTAIN INDIVIDUAL DRAINAGE RIGHTS.

Sec. 221. Drainage through land of others-application. When the owner of any land shall desire to construct any levee, open ditch, tile, or other underground drain, for agricultural, sanitary, or mining purposes, or for the purpose of securing more complete drainage or a better outlet, across the lands of others, or across or through the right of way and roadbed of a railroad, and shall be unable to agree with the owner of any such lands, or with any such railroad company upon the terms upon which such rights may be obtained, he may file with the township clerk of the township in which any such land or right of way is situated, an application in writing, setting forth a description of the land or other property through which he is desirous of constructing any such levee, ditch or drain, the starting point, route, terminus, character, size and depth thereof.

Sec. 222. Notice of hearing-service. Upon the filing of any such application, the clerk shall forthwith fix a time and place for hearing thereon before the township trustees of his township, which hearing shall be not more than ninety (90) days nor less than thirty (30) days from the time of the filing of such application and cause notice in writing to be served upon the owner of each tract of land across which any such levee, ditch or drain is proposed to be located, as shown by the transfer books in the office of the county auditor, and also upon the person in actual occupancy of any such lands, of the pendency and prayer of such application, and the time and place set for hearing on the same before the township trustees, which notice as to residents of the county and railroad companies, shall be served not less than ten (10) days before the

time set for such hearing, in the manner that original notices are required to be served. Notice to a railroad company may be served upon any station agent.

Sec. 223. Service upon nonresident. In case any such owner is a nonresident of the county, such notice as to him shall be posted in three (3) public places within the township where his land is situated at least fifteen (15) days before the time set for such hearing, one (1) of which places shall be upon the land of which he is the owner.

Sec. 224. Service on omitted parties-adjourment. If at the hearing it should appear that any person entitled to notice has not been served with notice the trustees may postpone such hearing and fix a new time for the same, and notice of such new time of hearing may be served on such omitted persons in the manner and for the time provided by law and by fixing such new time for hearing and by adjourment to such time, the trustees shall not lose jurisdiction of the subject matter of such proceeding nor of any persons previously served with notice.

Sec. 225. Claims for damages or compensation-waiver. Any person or corporation claiming damages or compensation for or on account of the construction of any such improvement, shall file a claim in writing therefor with the township clerk at or before the time fixed for hearing on the application. A failure to file such claim at the time specified shall be deemed to be a waiver of the right to claim or recover such damage.

Sec. 226. Hearing-sufficiency of application-damages. At the time set for hearing on the application, if the trustees shall find that all necessary parties have been served with notice as required, they shall proceed to hear and determine the sufficiency of the application as to form and substance, which application may be amended both as to form and substance before final action thereon. They shall also determine the merits of the application, all objections thereto and all claims filed for damages or compensation, and may view the premises. The trustees may adjourn the proceedings from day to day, but no adjourment shall be for a longer period than ten (10) days.

Sec. 227. Shall locate when-specifications for. If the trustees find that the levee, ditch, or drain petitioned for will be beneficial for sanitary, agricultural, or mining purposes, they shall locate the same and fix the points of entrance and exit on such land or property, the course of the same through each tract of land, the size, character, and depth thereof, when and in what manner the same shall be constructed, how kept in repair, what connections may be made therewith, what compensation, if any, shall be made to the owners of such land or property or damages by reason of the construction of any such improvements, and any other question arising in connection therewith.

Sec. 228. Findings in writing- record. The trustees shall reduce their findings, decision, and determination to writing, which shall be filed with the clerk of such township, who shall record it in the official record of the trustees' proceedings, together with the application and all other papers filed in connection therewith, and he shall cause the findings and decision of the trustees to be recorded in the office of the recorder of the county in which such land is situated and said decision shall be final unless appealed from as provided in the next section.

Sec. 229. Appeal-notice. Either party may appeal to the district court from any such decision by causing to be served, within ten (10) days from the time it was filed with the clerk, a notice in writing upon the opposite party of the taking of such appeal, which notice shall be served in the same manner as is provided for the service of original notices. If the appellant is the party petitioning for the drain, he shall also file a bond, conditioned to pay all costs of appeal that may be assessed against him, which bond, if good and sufficient, shall be approved by the township clerk.

Sec. 230. Appeal-how tried-costs. The cause shall be tried in the district court by ordinary proceedings, upon such pleading as the court may direct, each party having the right to offer such testimony as shall be admissible under the rules of law. If the appellant does not recover a more favorable judgment in the district court than he received in the decision of the trustees, he shall pay all the costs of appeal.

Sec. 231. Parties-judgment-orders. The party claiming damages shall be the plaintiff and the applicant shall be the defendant; and the court shall render such judgment as shall be warranted by the verdict, the facts, and the law upon all the matters involved, and make such orders as will cause the same to be carried into effect.

Sec. 232. Transcript. In case of appeal, the township clerk shall certify to the district court a transcript of the proceedings before the trustees, which shall be filed in said court with the appeal bond, the party appealing paying for said transcript and the docketing of said appeal, as in other cases.

Sec. 233. Costs and damages-payment-construction. The applicant shall pay the costs of the trustees and clerk and for the serving of notices for hearing, the fees of witnesses summoned by the trustees on said hearing, and the recording of the finding of said trustees by the county recorder. Before entering on the construction of the drain, the party applying therefor shall pay to the party through whose land said drain is to be constructed the damages awarded to him, or shall pay the same to the trustees for his use. The applicant may proceed to construct said drain in accordance with the decision of the trustees, and the taking of an appeal shall not delay such work.

Sec. 234. Construction through railroad property-election-deposit-payment. If any such ditch or drain shall be located through or across the right of way or other land of a railroad company, the trustees shall determine the cost of constructing the same and the railroad company shall have the privilege of constructing such improvement through its property in accordance with the specifications made by the trustees and recover the cost thereof as fixed by the trustees. But such railroad company before it may exercise such privilege shall file its election to that effect with the township clerk within five (5) days after the decision of the trustees is filed, and in case such election is filed the applicant shall within ten (10) days thereafter pay to the township clerk, for the use of the railroad company, the cost of constructing the drainage improvement through its property, in addition to the amount that may be allowed as damages, and when the railroad company shall have completed the improvement through its property in accordance with such specifications it shall be entitled to demand and receive from the township clerk such cost.

Sec. 235. Failure of railroad to construct. If the railroad company shall fail to so construct the improvement for a period of thirty (30) days after filing its election so to do, the applicant may proceed to do so and may have returned to him the cost thereof deposited with the township clerk.

Sec. 236. Repairs-dispute, how determined. In case any dispute shall thereafter arise as to the repair of any such drain, the same shall be determined by said trustees upon application in substantially the same manner as in the original construction thereof.

Sec. 237. Penalty for obstructing. Any person who shall dam up, obstruct or in any way injure any ditch or drain so constructed, shall be liable to pay to the person owning or possessing the swamp, marsh, or other low lands, for the draining of which such ditch or ditches have been opened, double the damages that shall be sustained by the owner, and, in case of a second or subsequent offense by the same person, treble such damages.

Sec. 238. Connecting drains on boundary lines of abutting owners. When any watercourse or natural drainage line crosses the boundary line between two (2) adjoining landowners and both parties desire to drain their land along such watercourse or natural drainage line, but are unable to agree as to the junction of the lines of drainage at such boundary line, the township trustees of the township in which said land is located shall have full power and authority upon the application of either party to hear and determine all questions arising between such parties after giving due notice to each of the time and place of such hearing, and may render such decision thereon as to said trustees shall seem just and equitable.

Sec. 239. Boundary between two townships-proceedings. If any controversy referred to in the preceding section relates to a boundary line between adjoining owners which is also the boundary line between two (2) townships, then such controversy shall be determined by the joint action of the board of trustees in said two (2) adjoining townships, and all the proceedings shall be the same as provided in the preceding section except that it shall be by the joint action of the boards of trustees of said two (2) townships.

Sec. 240. Owners may drain in course of natural drainage. Owners of land may drain the same in the general course of natural drainage by constructing open or covered drains discharging the same in any natural watercourse or depression whereby the water will be carried into some other natural watercourse, and when such drainage is wholly upon the owner's land he shall not be liable in damages therefor. Nothing in this section shall in any manner be constructed to affect the rights or liabilities of proprietors in respect to running streams.

Sec. 241. Drainage connection with highway. When the course of natural drainage of any land runs to a public highway, the owner of such land shall have the right to enter upon such highway for the purpose of connecting his drain or ditch with any drain or ditch constructed along or across the said highway, but in making such connections, he shall do so in accordance with specifications furnished by the highway authorities having jurisdiction thereof, which specifications shall be furnished to him on application. He shall leave the highway in as good condition in every way as it was before the said work was done.

Sec. 242. Record of private drainage system. Any person who has provided a system of drainage on land owned by him may have the same made a matter of record in the office of the county recorder in which the drainage system is located as is hereinafter provided.

Sec. 243. Plat book record-form and requirements. The county recorder shall be provided with a loose leaf plat book, made to a scale not larger than sixteen inches to one mile, for each section of the land within the county in which such records shall be made. Such plat book shall consist of sheets of paper interbound by sheets of tracing cloth with proper heading, margin, and binding edge. Said plat book shall be used for keeping a record of drainage systems filed by any landowner. Plats shall be made or approved only by a registered engineer. Plats so offered for record shall be drawn to scale giving distances

in feet, indicate the size of tile used, length of mains, submains, and laterals, and location with regard to boundary lines of tract or government corners and subdivisions.

Sec. 244. Record book and index-contents-original plat in lieu of record. The county recorder shall also be provided with a record book and index referring to the plats provided for in the preceding section, and which may be used to give the owner's name, description of tracts of land drained, stating the time when drainage system was established, the kind, quality and brand of tile used, the name and place of manufacturing plant, the name of contractors who laid the tile, the name of the engineer in charge of the survey and installation, the cost of tile, delivery, installation, and engineering expense, depths, grades, outlets, connections, contracts for agreements with adjoining landowners as to connections, and any other matters or information that may be considered of value, all of said information to be furnished by the landowner or the engineer having charge of the installation of the same and certified to under oath, and shall be certified under oath by a registered engineer as being a true and accurate record. In lieu of making the record as herein provided any landowner may file with the county recorder the original plat used in the establishment of said drainage system, or a copy thereof, which shall be certified by the engineer having made the same.

Sec. 245. Record not part of title. The drainage records herein provided for shall not be construed as an essential part of the title to said lands, but may upon request be set out by abstracters as a part of the record title of said lands.

Sec. 246. Fees for record and copies. The county recorder shall be entitled to collect fees for the filing and information heretofore provided for, and for the making of copies of such records the same as is provided for other work of a similar nature.

CHAPTER 7

DRAINAGE DISTRICTS IN CONNECTION WITH UNITED STATES LEVEES.

Sec. 247. United States levees as part of district improvements-cooperation of board. In any case where the United States has built or shall build a levee along or near the bank of a navigable stream forming a part of the boundary of this state, the board of supervisors of any county through which the same may pass shall have the power to aid in procuring the right of way for and maintaining said levee, and providing a system of internal drainage made necessary or advisable by the construction thereof. Such improvement shall be presumed to be conducive to the public health, convenience, welfare, or utility.

Sec. 248. Manner in which board may cooperate with United States. Any United States government levee under the conditions mentioned in the preceding section may be taken into consideration by the board as a part of the plan of any levee or drainage district and improvements therein, and such board may, by agreement with the proper authorities of the United States government, provide for payment of such just and equitable portion of the costs of procuring the right of way and maintenance of such levee as shall be conducive to the public welfare, health, convenience or utility.

Sec. 249. Engineer to report specially. In the proceedings to establish such a district the engineer shall set forth in his report, separately from other items, the amount of the cost for the right of way of such levee, of constructing and maintaining the same; and if the plan is approved and the district finally established in connection with such levee, the board shall make a record of any such cooperative arrangement and may use such part of the funds of the district as may be necessary to pay the amount so agreed upon toward the right of way and maintenance of such levee.

Sec. 249-a1. Costs assessed. If said district is established, the entire costs and expenses incurred under this chapter shall be assessed against and collected from the lands lying within such district, by the levy of a rate upon the assessable value of the land within such district, sufficient to raise the required sum; provided that where the proposed improvement is for drainage only the board may, in their discretion, classify the land within such district and graduate the tax thereon, as provided in chapter one of this act.

Sec. 249-a2. Annual installments. If the proposed improvement is the maintenance of a levee, the amount collected in any one year shall not exceed fifty mills on the dollar of the assessment valuation, which said assessment shall be levied at a level rate on the assessable value of the said lands, easements and railroads within the district. If the amount necessary to pay for the improvement, exceed said sum, it shall be levied and collected in annual installments. For all other improvements, the board shall levy a rate sufficient to pay for the same, and may, at their discretion, make the same payable in annual installments of ten or less.

Sec. 249-a3. Collection of tax. The assessment required under the two preceding sections shall be made by the board of supervisors at the time of levying general taxes, after the work has been authorized, and the same shall be entered on the records of the board of supervisors, then entered on the tax books by the county auditor as drainage taxes, and shall be collected by the county treasurer at the same time, in the same manner, and with the same penalties, as general taxes; and if the same is not paid he shall sell all such lands upon which such assessment remains unpaid, at the same time, and in the same manner, as is now by law provided for the sale of lands for delinquent taxes, including all steps up to the execution and delivery of the tax deed for the same. The landowners shall take notice of and pay such assessments, without other or further notice than such as is provided for in this chapter. The funds realized from such assessments shall constitute the drainage fund, as contemplated in this chapter, and shall be disbursed on warrants drawn against that fund by the county auditor, on the order of the board of supervisors.

Sec. 249-a4. Cost of maintaining. The board of supervisors shall have the right and power to keep and maintain any such levee, ditches, drains, or system of drainage, either in whole or in part, established under the preceding sections of this chapter, as may in their judgment be required, and to levy the expense thereof upon the real estate within such drainage district as herein provided for, and collect and expend the same; provided, however, that no such work which shall impose a tax exceeding fifty mills on the dollar on the assessable value of the lands within the district shall be authorized by them, unless the same is first petitioned for and authorized in substantially the manner required by this chapter for the inauguration of new work.

Sec. 250. Laws applicable. In the establishment and maintenance of levee and drainage districts in cooperation with the United States as in this chapter provided, all the proceedings for said purpose in the filing and the form and substance of the petition, assessment of damages, appointment of an engineer, his surveys, plats, profiles and report, notice of hearings, filing of claims and objections, hearings thereon, appointment of commissioners to classify lands, assess benefits and apportion costs and expenses, report, notice and hearing thereon, the appointment of a supervising engineer, his duties, the letting of work and making contracts, payment for work, levy, and collection of drainage or levee assessments and taxes, the issue of improvement certificates and drainage or levee bonds, the taking of appeals and the manner of trial thereof and all other proceedings relating to such district shall be as provided in chapters one to six, inclusive, of this act, except as otherwise in this chapter provided.

CHAPTER 8

INTERSTATE DRAINAGE DISTRICTS.

Sec. 251. Interstate drainage-cooperation-procedure. When proceedings for the drainage of lands bordering upon the state line are had and the total cost of constructing the improvement in this state, including all damage, has been ascertained, and the engineer in charge, before the final establishment of the district, reports that the establishment and construction of such improvement ought to be jointly done with like proceedings for the drainage of lands in the same drainage area in such an adjoining state and that drainage proceedings are pending in such state for the drainage of such lands, the said authorities of this state may enter an order continuing the hearing on the establishment of such district to a fixed date, of which all parties shall take notice.

Sec. 252. Agreement as to costs. The board shall have power, when the total cost, including damages, of constructing the improvement in such other state has been ascertained by the authorities of such other state, to enter into an agreement as to the separate amounts which the property owners of each state should in equity pay toward the construction of the joint undertaking. When such amount is thus determined, the board or boards having jurisdiction in this state shall enter the same in the minutes of their proceedings and shall proceed therewith as though such amount to be paid by the portion of the district in this state had been originally determined by them as the cost of constructing the improvement in this state.

Sec. 253. Contracts let by joint agreement. When the bids for construction are opened, unless the construction work on each side of the line can go forward independently, no contract shall be let by the authorities in this state, unless the acceptance of a bid or bids for the construction of the whole project is first jointly agreed upon by the authorities of both states.

Sec. 254. Separate contracts - amount not to exceed benefits. The contract or contracts for the construction of that portion of the improvement within this state shall be entirely distinct and separate from the contract or contracts let by the authorities of the neighboring state; but the aggregate amount of the contract or contracts for the construction of the work within this state shall not exceed an amount equal to the amount of the benefits assessed in this state including damages and other expenses.

Sec. 255. Conditions precedent. No contract shall be let until the improvement shall be finally established in both states, and after the final adjustment in both states of damages and benefits. No bonds shall be issued until all litigation in both states arising out of said proceedings, has been finally terminated by actual trial or agreement, or the expiration of all right of appeal.

Sec. 256. Assessments, bonds and costs apply only to lands in state. All proceedings except as provided in this chapter in relation to the establishment, construction, and management of interstate drainage districts, shall be as provided for the establishment and construction of districts wholly within this state as provided in chapter one (1) of this title. All such proceedings shall relate only to the lands of such district which are located wholly within this state. But boards having jurisdiction in this state may make just and equitable agreements with like authorities in such adjoining state for the joint management, repair, and maintenance of the entire improvement, after the establishment and completed construction thereof.

DRAINAGE OF COAL AND MINERAL LANDS AND MINES.

Sec. 257. Drainage of coal lands through lands of another. Any person or corporation owning or possessing any land underlaid with coal, who is unable to mine the same by reason of the accumulation of water in or upon it, may drain the same through, over or under the surface of land belonging to another person, and if such person or corporation and the owner of the land cannot agree as to the amount of damages that will be sustained by such owner, the parties may proceed to have the necessary right of way condemned and the damages assessed in the manner provided in the chapter on eminent domain.

Sec. 258. Drainage of lead or zinc-bearing lands or mines-compensation. Any person or corporation who by machinery, or by making drains or adit levels, or in any other way shall rid any lead or zinc-bearing lands or lead or zinc mines of water, thereby enabling the owners of mineral interests in said lands to make them productive and available for mining purposes, shall receive one-tenth ($1/10$) of all the lead and zinc taken from said lands as compensation for said drainage.

Sec. 259. Setting apart compensation. The owners of the mineral interests in said lands, and persons mining upon and taking lead or zinc from said lands, shall jointly and severally set apart and deliver from time to time, when demanded, the said one-tenth ($1/10$) of the mineral taken from said lands to the person or corporation entitled thereto, and the owners of the mineral interests therein shall allow the party entitled to such compensation and his agent of all times to descend into and examine said mines, and to enter any building occupied for mining purposes upon any of said lands and examine and weigh the mineral taken therefrom.

Sec. 260. Failure to pay compensation-penalty. Upon the failure or refusal of any owner of the mineral interests in said lands, or of any person taking the mineral therefrom to comply with the provisions of the preceding section, the person or corporation entitled to said compensation may recover the value of said mineral. If it shall appear that the defendant obstructed the plaintiff in the exercise of the right to examine such mines and to weigh such mineral, or concealed or secretly carried away any mineral taken from them, the court shall render judgment for double the amount proved to be due from such defendant.

Sec. 261. Notice to smelters-effect. The person or corporation entitled to said drainage compensation may at any time leave with any smelter of lead or zinc mineral in this state a written notice, stating that said person or corporation claims of the persons named in said notice the amount to which said person or corporation may be entitled, which notice shall have the effect of notices in garnishment, and also require the said smelter to retain, for the use of the person entitled thereto, the one-tenth ($1/10$) part of the mineral taken from said land and received from the person named in said notice. The payment or delivery of the one-tenth ($1/10$) part of the mineral taken from any of said lands by any of the persons whose duty it is hereby made to pay or deliver the same, shall discharge the parties liable jointly with him, except liability to contribute among themselves.

Sec. 262. Right of way for drainage of mineral lands. Any person or corporation engaged as aforesaid in draining such mines and lead or zinc bearing lands, when he or they shall find it necessary for the prosecution of their work, may procure the right of way upon, over or under the surface of such mineral lands, and the contiguous and neighboring lands, for the purpose of conveying the water from said mineral lands by troughs, pipes, ditches, water races or tunnels, and the right to construct and use shafts and air holes in and upon the same, doing as little injury as possible in making said improvements.

Sec. 263. Manner of procuring right of way. If the said person or corporation engaged in draining as aforesaid, and the owner of any land upon which said right of way may be deemed necessary, cannot agree as to the amount of damages which will be sustained by the owner by reason thereof, the parties may proceed to have the same assessed in the manner provided for the exercise of the right of eminent domain as provided in chapter five (5) of this title.

Sec. 264. Limitation of provisions. The foregoing provisions shall not be construed to require the owners of the mineral interest in any of said lands to take mineral therefrom, or to authorize any other person to take the mineral from said lands without the consent of the owners.

Sec. 265. Established districts, pending litigation, and other matters not affected. The amendment, revisions and codification of existing law contained in this act shall not affect litigation pending at the time this act goes into effect, or the validity of the establishment, construction or organization of any district then existing, the classification then existing of all lands, the assessment and levy of drainage taxes then made, existing contracts, and vested rights or any warrants, improvement certificates or drainage bonds outstanding or already provided for under prior existing laws.

Approved April 26, 1924.

CHAPTER 127

WATER POWER IMPROVEMENTS

S. F. 186

AN ACT to amend, revise, and codify chapter three (3) of title fifteen (15) of the compiled code of Iowa, relating to mill dams, races and water power improvements.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter three (3) of title fifteen (15) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. No dam shall be constructed, maintained or operated in this state in any navigable or meandered stream for any purpose, or in any other stream for manufacturing or power purposes, nor shall any water be taken from such streams for industrial purposes, unless a permit has been granted by the executive council to the person, firm, corporation or municipality constructing, maintaining or operating the same.

Sec. 2. Any person, firm, corporation or municipality making application for a permit to construct, maintain or operate a dam in any of the waters, including canals, raceways and other constructions necessary or useful in connection with the development and utilization of the water or water power, shall file with the executive council a written application, which shall contain the following information:

(1) The name of the navigable, meandered or other stream in or across which a dam is maintained or it is proposed to construct a dam or other obstruction, and a description of the site for such dam, including the name or names of the riparian owners of the site.

(2) The purpose for which the dam is maintained or for which it is proposed to maintain the same, including the use to which the water is to be put.

(3) A general description of the dam, raceways, canals and other constructions, including the specifications as to the material and plan of construction and a general description of all booms, piers, and other protection works which are constructed in connection therewith, or which it is proposed to erect in connection therewith.

(4) The approximate amount of hydraulic power that the dam is capable of developing and the amount of power to be used.

(5) A map or blue print on a scale of not less than four inches to the mile, showing the lands that are or may be affected by the construction, operation or maintenance of the dam, and the ownership of each tract of land within the affected area.

(6) Such additional information as may be required by the executive council.

Sec. 3. When any application for a permit to construct, maintain or operate a dam from and after the passage of this act is received, the executive council shall fix a time for hearing, and it shall give notice of the time and place of such hearing by publication once each week for two (2) successive weeks in at least one (1) newspaper in each county in which riparian lands will be affected by the dam and at the time fixed for such hearing or at any adjournment thereof, the council shall take evidence offered by the applicant and any other person, either in support of or in opposition to the proposed construction. If it shall appear to the council that the construction, operation or maintenance of the dam will not materially obstruct existing navigation, or materially affect other public rights, will not endanger life or public health, and any water taken from the stream in connection with the project if returned thereto at the nearest practicable place without being materially diminished in quantity or polluted or rendered deleterious to fish life, it shall grant the permit, upon such terms and conditions as it may prescribe; provided, however, that no permit shall be granted for the construction or operation of a dam where the water is to be used for manufacturing purposes, except to develop power, until a certificate of the State Board of Health has been filed with the council showing its approval of the use of the water for the purposes specified in the application.

Sec. 4. When it is proposed to use the water for manufacturing purposes, except to develop power, or for condensation purposes, application must be made to the department of health, accompanied by a description of the proposed use of the water and what, if any, substances are to be deposited in such water and chemical changes made in the same, and such other information as the department of health may require to enable it to determine the advisability of the issuance of such certificate. If the board of health is satisfied that the use of the water in any such project will not cause pollution of the same or render it materially unwholesome or impure, or deleterious to fish life, it may issue a certificate, and if it is not so satisfied, it shall refuse to issue same.

Sec. 5. Every person, firm or corporation, excepting a municipality, to whom a permit is granted to construct or to maintain and operate a dam already constructed in or across any stream for the purpose herein specified, shall pay to the executive council a permit fee of one hundred dollars (\$100.00) and shall pay an annual inspection and license fee, to be fixed by the executive council, on or before the first day of January, nineteen hundred twenty-five (1925), and annually thereafter, but in no case shall the annual inspection and license fee be less than twenty-five dollars (\$25.00). All fees shall be paid into the general fund of the state treasury. Provided, however, that the provisions of this section shall not apply to dams already constructed having less than twenty-five (25) horse power capacity.

Sec. 6. The executive council shall investigate methods of construction, reconstruction, operation, maintenance and equipment of dams, so as to determine the best methods to conserve and protect as far as possible all public and riparian rights in the waters of the state and so as to protect the life, health and property of the general public, and the method of construction, operation, maintenance and equipment of any and all dams in such water, shall be subject to the approval of the executive council and such council or any member, agent or employee thereof shall at all times be accorded full access to all parts of any dam and its appurtenances being constructed, operated or maintained in such waters, and it shall be the duty of the council to require that all existing statutes of the state, including the provisions of this act, with reference to the construction of dams, shall be enforced.

Sec. 7. The construction, maintenance or operation of a dam for the purpose specified herein without a permit first being issued, as in this act provided, shall constitute a misdemeanor, and shall be punishable by a fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00). If any dam is constructed, operated or maintained without the provisions of this act having been first complied with, including the payment of the permit fee and the annual inspection and license fee, the permit fee and the inspection and license fee may be recovered in an action brought in the name of the state, and in addition to the recovery of the amount due, there shall be collected a penalty of one thousand dollars (\$1,000.00).

Sec. 8. If any dam for which a permit has been issued becomes owned, leased, trustee, possessed or controlled in such manner as to be controlled by any unlawful combination or trust, or forms the subject or part of the subject of any contract or agreement to limit the output of any hydraulic or hydroelectric power derived therefrom for the purpose of price fixing as to such output, the state may take possession thereof by receivership proceedings instituted by the council, and such proceedings shall be conducted for the purpose of disposing of said property for lawful use and the proceeds shall be turned over to the persons found by the court to be entitled thereto, after the payment of all expenses of the receivership.

Sec. 9. If any dam is constructed, maintained or operated for any of the purposes specified herein, in waters of this state in violation of any of the provisions of this act or in violation of any provisions of the law, the state may, in addition to the remedies herein prescribed, have such dam abated as a nuisance.

Sec. 10. Any person, firm, corporation or municipality owning land on one or both sides of a water course, desiring to construct or heighten any dam in such water course or to construct or enlarge a raceway, canal or other construction necessary for the development or utilization of the water or water power for any of the purposes specified in this act therefrom for the purpose of propelling any mill or machinery or developing any power by the use of the water, and to whom a permit has been granted as in this act provided, may file in the office of the clerk of the district court of the county in which such dam is, or is to be erected or heightened, a petition designating himself as plaintiff and the owners of the lands affected, or that will be affected, as defendants, and describing with reasonable certainty the locality where such dam is to be erected or improved, and also of the lands that will be overflowed or otherwise affected thereby.

Sec. 11. The clerk shall thereupon issue an order, with a copy of the petition attached, directed to the sheriff, commanding him to summon a jury of twelve (12) disinterested electors of his county to meet on a day fixed therein, and upon the lands described, which order, including the copy of the petition, shall be served on the defendants in the same manner and for the same length of time previous to the day fixed in the order as is required for the service of original notices. When service is made upon a minor or insane person having no

guardian, the clerk at the time of issuing the order shall, by indorsement made thereon, appoint a suitable person to make defense for him. Where the owner of any land affected is a non-resident of the state, service shall be made of the notice by publication in a newspaper in the county once each week for three (3) successive weeks.

Sec. 12. If any of the lands are situated in a different county than that in which the petition is required to be filed, the proceedings shall apply thereto to the same extent as if such lands were situated in the county where it is filed.

Sec. 13. The jury shall be sworn, impartially and to the best of their skill and judgment, to view the lands described in the petition, and ascertain and appraise the damages each of the defendants will sustain by reason of such lands being overflowed or otherwise injuriously affected by the dam or raceway or heightening or enlarging the same. They may, in addition to examining the premises, examine witnesses, and shall determine the amount of damages to which each of the defendants are, in their judgment, entitled, by reason of the construction or improvement of the dam or raceway, and shall report their findings in writing, attaching the same to the order and returning it to the sheriff. All costs and fees in connection with the assessment of damages under this act shall be the same as in condemnation cases and shall be paid by the plaintiff.

Sec. 14. Either party may appeal from such assessment to the district court within thirty (30) days after the assessment is made and such appeal and all further proceedings in connection with such matter, whether as to an appeal or the payment of damages and costs, and all other matters connected with the proceedings, shall be the same as provided by law for assessment of damages in taking property for works of internal improvement.

Sec. 15. Where the water backed up by any dam belonging to any mill or machinery is about to break through or over the banks of the stream or raceway, or to wash a channel, so as to turn the water of such stream or raceway, or any part thereof, out of its ordinary channel, whereby such mill or machinery will be materially injured or affected, the owner or occupant of such mill or machinery, if he does not own such banks or the land lying contiguous thereto, may, if necessary, enter thereon and erect and keep in repair such embankments and other works as may be necessary to prevent such water from breaking through or over the banks, or washing a channel as aforesaid; such owner or occupier committing thereon no unnecessary waste or damage, and being liable to pay all damages which the owner of the lands may actually sustain by reason thereof.

Sec. 16. If any person shall injure, destroy or remove any such embankment or other works, the owner or occupier of such mill or machinery may recover of such person all damages he may sustain by reason thereof.

Sec. 17. Any person, owning and using a water power for the purpose of propelling machinery shall have the right to acquire, maintain and utilize the fall below such power for the purpose of improving the same, in like manner and to the same extent as provided in this chapter for the erection or heightening of mill dams. After such right has been acquired, the fall shall be considered part and parcel of said water power or privilege, and the deepening or excavating of the stream, tail or raceway, as herein contemplated, shall in no way affect any rights relating to such water power acquired by the owner thereof prior to such change.

Sec. 18. If the person to whom a permit is issued under the provisions of this act does not begin the construction or the improvement of the dam or raceway within one (1) year from the date of the granting of the permit, his permit may be revoked by the executive council, and if any permit holder does not finish and have in operation the plant for which the dam is constructed within three (3) years after the granting of the permit, unless for good cause shown the council has extended the time for completion, such permit shall be forfeited.

Sec. 19. No permit granted or rights acquired hereunder shall be perpetual, but they shall be subject to restriction, cancellation and regulation by legislative action, and subject to all the provisions of this act.

Sec. 20. All applications for a permit to construct a dam pending in the district courts of this state at the time of the passage of this act shall be heard and determined by the district court of the county in which same is pending under the laws of Iowa at the time of the making of the application to the district court, and where a permit has, prior to the passage of this act, been granted by the district court of any county, the applicant shall in addition to the making of the application in the form provided in section two (2) hereof file a transcript of the proceedings of the district court granting the said permit with said application, and thereupon a permit shall be issued to the applicant without further proceedings, upon payment of the required fees.

Sec. 21. The owner of a dam existing at the time of the taking effect of this act shall make application for a permit, which application shall be accompanied by such proofs and data as may be required by the executive council. Upon receipt of such application with proofs and data and payment of fees as required, the executive council shall grant a permit for the maintenance and operation of said dam as a matter of course. The owner of such dam shall, however, be subject to all of the regulatory provisions of this act.

Sec. 22. Whenever the erection of any such dam will affect state owned lands, the applicant shall as a condition precedent secure a permit from the board, commission or other official body charged with jurisdiction over and control of said lands.

Approved April 25, 1924.

CHAPTER 128

CONDEMNATION OF PRIVATE PROPERTY

S. F. 187

AN ACT to amend, revise, and codify sections forty-nine hundred fifty-nine (4959) to forty nine hundred sixty-one (4961), inclusive, forty-nine hundred sixty-three (4963) to forty-nine hundred sixty-five (4965), inclusive, forty-nine hundred sixty-seven (4967), forty-nine hundred sixty-eight (4968), forty-nine hundred seventy-one (4971) to forty-nine hundred seventy-five (4975), inclusive, forty-nine hundred seventy-seven (4977) to forty-nine hundred eighty-one (4981), inclusive, forty-nine hundred eighty-three (4983) to fifty hundred one (5001), inclusive, fifty hundred eight (5008), and fifty hundred eleven (5011) of the compiled code of Iowa and sections forty-nine hundred fifty-nine-a one (4959-al), forty-nine hundred sixty-eight-a one (4968-al), and forty-nine hundred seventy-a one (4970-al) of the supplement to said code, relating to the condemnation of private property for works of internal improvement and for other public uses and purposes.

That sections forty-nine hundred fifty-nine (4959) to forty-nine hundred sixty-one (4961), inclusive, forty-nine hundred sixty-three (4963) to forty-nine hundred sixty-five (4965), inclusive, forty-nine hundred sixty-seven (4967), forty-nine hundred sixty-eight (4968), forty-nine hundred seventy-one (4971) to forty-nine hundred seventy-five (4975), inclusive, forty-nine hundred seventy-seven (4977) to forty-nine hundred eighty-one (4981), inclusive, forty-nine hundred eighty-three (4983) to fifty hundred one (5001), inclusive, fifty hundred eight (5008), and fifty hundred eleven (5011) of the compiled Code of Iowa, and sections forty-nine hundred fifty-nine-a one (4959-al), forty-nine hundred sixty-eight-a one (4968-al) and forty-nine hundred seventy-a one (4970-al) of the supplement to said Code are amended, revised, and codified to read as follows:

CHAPTER _____

EMINENT DOMAIN

Section 1. Exercise of power by state. Proceedings may be instituted and maintained by the state of Iowa, or for the use and benefit thereof, for the condemnation of such private property as may be necessary for any public improvement which the general assembly has authorized to be undertaken by the state, and for which an available appropriation has been made. The executive council shall institute and maintain such proceedings in case authority to so do be not otherwise delegated.

Sec. 2. On behalf of federal government. The executive council may institute and maintain such proceedings when private property is necessary for any use of the government of the United States.

Sec. 3. Conveyance by state to federal government. When land or any easement therein is condemned by the state of Iowa for the use and benefit of the United States, the governor, after the land has been finally acquired, shall have power to convey, to the United States, the easement or lands so acquired and all rights of the state therein.

Sec. 4. Right conferred. The right to take private property for public use is hereby conferred:

1. Counties. Upon all counties for such lands as are reasonable and necessary for the erection of courthouses or jails.

2. Agricultural societies. Upon all incorporated county fair societies, and county or district agricultural associations, when the property sought to be taken is necessary in order to enable such society or association to carry out the authorized purposes of its incorporation.

3. Corporations or persons in certain cases. Upon any corporation or person desiring to construct a canal, road, or bridge as a work of public utility, but the land taken shall not exceed one hundred (100) feet in width.

4. Owners of land without way thereto. Upon the owner or lessee of lands, which have no public or private way thereto, for the purpose of providing a public way, not exceeding forty (40) feet in width, which will connect with some existing public road. Such condemned roadway shall be located on a division, subdivision or "forty" line (or immediately adjacent thereto), and along the line which is the nearest feasible route to an existing public road. Such road shall not interfere with buildings, orchards, or cemeteries. When passing through enclosed lands, such road shall be fenced on both sides thereof by the condemnor.

5. Owners of mineral lands. Upon all owners, lessees, or possessors of land, for a railway right of way thereto not exceeding one hundred (100) feet in width and located wherever necessary or practical, when such lands have no railway thereto and contain coal, stone, gravel, lead, or other minerals and such railway is necessary in order to reach and operate any mine, quarry, or gravel bed on said land and transport the products thereof to market. Such right of way shall not interfere with buildings, orchards, or cemeteries, and when passing through enclosed lands, fences shall be built and maintained on both sides thereof by the party condemning the land and by his assignees. The jury in the assessment of damages, shall consider the fact, that a railway is to be constructed thereon.

6. Cemetery associations. Upon any private cemetery or cemetery association which is incorporated under the laws of this state relating to corporations not for pecuniary profit, and having its cemetery located outside the limits of a city or town, for the purpose of acquiring necessary grounds for cemetery use or reasonable additions thereto. The right granted in this subsection shall not be exercised until the board of supervisors, of the county in which the land sought to be condemned is located, has, on written application and hearing, on such reasonable notice to all interested parties as it may fix, find that the land, describing it, and sought to be condemned, is necessary for cemetery purposes. The association shall pay all costs attending such hearing.

Sec. 5. Right to condemn includes right to purchase. Whenever the power to condemn private property for a public use is granted to any officer, board, commission, or other official, or to any county, township, or municipality, such grant shall, unless otherwise declared, be construed as granting authority to the officer, board, or official body having jurisdiction over the matter, to acquire, at its fair market value, and from the parties having legal authority to convey, such right as would be acquired by condemnation.

Sec. 6. Right conferred on railways. Any railway, incorporated under the laws of the United States or of any state thereof, may acquire by condemnation or otherwise so much real estate as may be necessary for the location, construction, and convenient use of its railway. Such acquisition shall carry the right to use for the construction and repair of said railway and its appurtenances any earth, gravel, stone, timber, or other material, on or from the land so taken.

Sec. 7. Cemetery lands not to be taken. No lands actually platted, used, and devoted to cemetery purposes shall be taken for any railway purpose without the consent of the proper officers or owners thereof.

Sec. 8. Limitation on right of way. Land taken for railway right of way, otherwise than by consent of the owner, shall not exceed one hundred (100) feet in width unless greater width is necessary for excavation, embankment, or depositing waste earth.

Sec. 9. Additional purposes. Any such corporation owning, operating, or constructing a railway may, by condemnation or otherwise, acquire lands for the following additional purposes:

1. For necessary additional depot grounds or yards.
2. For the purpose of constructing a track or tracks to any mine, quarry, gravel pit, manufactory, warehouse, or mercantile establishment.
3. For additional or new right of way for constructing double track, reducing or straightening curves, changing grades, shortening or re-locating portions of the line, and for excavations, embankments, or places for depositing waste earth.

4. For the purpose of constructing water stations, dams or reservoirs for supplying its engines with water.

Sec. 10. Application for condemnation. The company, before instituting condemnation proceedings under the last preceding section, shall apply in writing to the board of railroad commissioners, for permission to so condemn. Said board shall give notice to the landowner, and examine into the matter, and report by certificate to the clerk of the district court in the county in which the land is situated, the amount and description of the additional lands necessary for such purposes, present and prospective, of such company; whereupon the company shall have power to condemn the lands so certified by the commissioners.

Sec. 11. Lands for water stations-how set aside. Lands which are sought to be condemned for water stations, dams or reservoirs, including all the overflowed lands, if any, shall, if requested by the owner, be set aside in a square or rectangular shape by the board of railroad commissioners.

Sec. 12. Access to water-overflow limited. An owner of land, which has in part been condemned for water stations, dams or reservoirs, shall not be deprived, without his consent, of access to the water, or the use thereof, in common with the company, on his own land, nor, without his consent, shall his dwelling, outhouses, or orchards be overflowed, or otherwise injuriously affected by such condemnation.

Sec. 13. Lands to affect change in streams. When a railway company would have the right to excavate a channel or ditch and thereby change and straighten the course of a stream or watercourse, which is too frequently crossed by such railway, and thereby protect the right of way and roadbed, or promote safety and convenience in the operation of the railway, it may, by condemnation or otherwise, acquire sufficient land on which to excavate such ditch or channel.

Sec. 14. Unlawful diversion prohibited. Nothing in the last preceding section shall give such corporation the right to change the course of any stream or watercourse where such right does not otherwise exist, nor, without the owner's consent, to divert such stream or watercourse from any cultivated meadow or pasture land, when it only touches such lands at one (1) point.

Sec. 15. Abandonment of right of way. Where a railway constructed in whole or in part has ceased to be operated for more than five (5) years; or where the construction of a railway has been commenced and work on the same has ceased and has not, in good faith, been resumed for more than five (5) years, and remains unfinished; or where any portion of any such railway has not been operated for four (4) consecutive years, and the rails and rolling stock have been wholly removed therefrom it shall be treated as abandoned.

Sec. 16. Right to condemn abandoned right of way. All rights of the person or corporation which constructed or operated any such railway, as is mentioned in the preceding section, over so much as remains unfinished or from which the rails and rolling stock have been wholly removed, may be entered upon and appropriated as provided in the next section.

Sec. 17. Procedure to condemn. In case of abandonment, as provided in the two (2) preceding sections, any other corporation may enter upon such abandoned work, or any part thereof, and acquire the right of way over the same, and the right to any unfinished work or grading found thereon, and the title thereto, by proceeding as near as may be in the manner provided for an original condemnation.

Sec. 18. Parties entitled to damages. Parties who have previously received compensation in any form for the right of way on the line of such abandoned railway, which has not been refunded by them, shall not be permitted to recover the second time. The value of such roadbed and right of way, excluding the work done thereon, when taken for a new company, shall be assessed in the condemnation proceedings for the benefit of the former company or its legal representative.

Sec. 18-al. Interpretive clause. A grant in this chapter of right to take private property for a public use shall not be construed as limiting a like grant elsewhere in the Code for another and different use.

CHAPTER _____

PROCEDURE UNDER POWER OF EMINENT DOMAIN

Sec. 19. Procedure provided. The procedure for the condemnation of private property for works of internal improvement, and for other public uses and purposes, unless and except as otherwise provided by law, shall be in accordance with the provisions of this chapter.

Sec. 20. By whom conducted. Such proceedings shall be conducted:

1. By the attorney general when the damages are payable from the state treasury.
2. By the county attorney, when the damages are payable from funds disbursed by the county, or by any township, or school district.
3. By the city attorney, when the damages are payable from funds disbursed by the city or town.

This section shall not be construed as prohibiting any other authorized representative from conducting such proceedings.

Sec. 21. Application for condemnation. Such proceedings shall be instituted by a written application filed with the sheriff of the county in which the land sought to be condemned is located. Said application shall set forth:

1. A description of all the property in the county, affected or sought to be condemned, by its congressional numbers, in tracts not exceeding one-sixteenth (1/16) of a section, or, if the land consists of lots in a city or town, by the numbers of the lot and block, and plat designation.
2. A plat showing the location of the right of way or other property sought to be condemned with reference to such description.
3. The names of all record owners of the different tracts of land sought to be condemned, or otherwise affected by such proceedings, and of all record holders of liens and incumbrances on such lands; also the place of residence of all such persons so far as known to the applicant.
4. The purpose for which condemnation is sought.
5. A request for the appointment of a commission to appraise the damages.

Sec. 22. Commission to assess damages. The sheriff shall thereupon, except as otherwise provided, appoint six (6) resident freeholders of his county, none of whom shall be interested in the same or a like question, who shall constitute a commission to assess the damages to all real estate desired by the applicant and located in the county.

Sec. 23. Vacancies. In case any appointee under the preceding section fails to act, the sheriff shall summon some other freeholder, possessing the required qualifications, to complete the membership.

Sec. 24. Commission when state is applicant. When the damages are payable out of the state treasury, the sheriff, immediately upon receipt of the applicant, shall notify the chief justice of the supreme court of the filing of such application. Thereupon the chief justice shall appoint six (6) resident freeholders of the state to assess all said damages. No commissioner, so appointed, shall be interested in the same or a like question. No two (2) members of such commission shall be residents of the same county. The names and places of residence of such commissioners shall be returned by said chief justice to, and filed with, the sheriff. The chief justice shall fill all vacancies which may occur in the commission appointed under this section.

Sec. 25. Commissioners to qualify. Before proceeding with the assessment all commissioners shall qualify by filing with the sheriff a written oath that they will to the best of their ability faithfully and impartially assess said damages and make written report to the sheriff.

Sec. 26. Notice of assessment. The applicant, or the owner or any lienholder or incumbrancer, of any land described in the application may, at any time after the appointment of the commissioners, have the damages to the lands of any such owner assessed by giving the other party, if a resident of this state, ten (10) days' notice, in writing. Such notice shall specify the day and the hour when the commissioners will view the premises, and be served in the same manner as original notices.

Sec. 27. Form of notice. Said notice shall be in substantially the following form, with such changes therein as will render it applicable to the party giving and receiving the notice, and to the particular case pending, to wit:

"To----- (here name each person whose land is to be taken or affected and each record lienholder or incumbrancer thereof) and all other persons, companies, or corporations having interest in or owning any of the following described real estate:

(Here describe the land as in the application.)

You are hereby notified that -----
(here enter the name of the applicant) desires the condemnation of the following described land: (Here describe the particular land or portion thereof sought to be condemned, in such manner that it will be clearly identified.)

That such condemnation is sought for the following purpose:
(Here clearly specify the purpose.)

That a commission has been appointed as provided by law for the purpose of appraising the damages which will be caused by said condemnation.

That said commissioners will, on the ----- day of -----, 19----, at ----- o'clock -----m., view said premises and proceed to appraise said damages, at which time you may appear before the commissioners: if you care to do so.

Applicant."

Sec. 28. Signing of notice. The notice may be signed by the applicant, by his attorney, or by any other authorized representative.

Sec. 29. Filing of notices and return of service. Notices, immediately after the service thereof, shall, with proper return of service endorsed thereon or attached thereto, be filed with the sheriff. The sheriff shall at once cause the commissioners to be notified of the day and hour when they will be required to proceed with the appraisal.

Sec. 30. Notice to nonresidents. If the owner of such lands or any person interested therein is a nonresident of this state, or if his residence is unknown, no demand for the land for the purposes sought shall be necessary, but the notice aforesaid shall be published in some newspaper of the county and of general circulation therein, once each week for at least four (4) successive weeks prior to the day fixed for the appraisalment, which day shall be at least thirty (30) days after the first publication of the notice.

Sec. 31. Service outside state. Personal service outside the state on nonresidents in the time and manner provided for the service of original notices shall have the same force and effect as publication service within the state.

Sec. 32. Appraisalment - report. The commissioners shall, at the time fixed in the aforesaid notices, view, if necessary, the land sought to be condemned and assess the damages which the owner will sustain by reason of the appropriation, and file their written report with the sheriff. The appraisalment and return may be in parcels larger than forty (40) acres belonging to one (1) person and lying in one (1) tract, unless the agent or attorney of the applicant, or the commissioners, have actual knowledge that the tract does not belong wholly to the person in whose name it appears of record. In case of such knowledge the appraisalment shall be made of the different portions as they are known to be owned.

Sec. 33. Guardianship. In all cases where any interest in lands sought to be condemned is owned by a person who is under legal disability and has no guardian of his property, the applicant shall, prior to the filing of the application with the sheriff, apply to the district court for the appointment of a guardian of the property of such person.

Sec. 34. Power of guardian. If the owner of any lands is under guardianship, such guardian may, under the direction of the district court, or judge thereof, agree and settle with the applicant for all damages resulting from the taking of such lands, and give valid conveyance thereof.

Sec. 35. When appraisalment final. The appraisalment of damages returned by the commissioners shall be final unless appealed from.

Sec. 36. Appeal. Any party interested may, within thirty (30) days after the assessment is made, appeal therefrom to the district court, by giving the adverse party, his agent or attorney, and the sheriff, written notice that such appeal has been taken.

Sec. 37. Sheriff to file certified copy. The sheriff, when an appeal is taken, shall at once file with the clerk of the district court a certified copy of so much of the assessment as applies to the part appealed from. In case of such appeal the sheriff shall, as soon as all other unappealed assessments are disposed of, file with the clerk all papers pertaining to the proceedings and remaining in his hands.

Sec. 38. Appeals - how docketed and tried. The appeal shall be docketed in the name of the owner of the land, or of the party otherwise interested and appealing, as plaintiff, and in the name of the applicant for condemnation as defendant, and be tried as in an action by ordinary proceedings.

Sec. 39. Question determined on appeal - right to premises. On the trial of the appeal, no judgment shall be rendered except for costs, but the amount of damages shall be ascertained and entered of record.

Sec. 40. Reduction of damages on appeal. If the amount of damages awarded by the commissioners is decreased on the trial of the appeal, the reduced amount only shall be paid to the landowner.

Sec. 41. Right to take possession of lands. Upon the filing of the commissioner's report with the sheriff, the applicant may deposit with the sheriff the amount assessed in favor of a claimant, and thereupon the applicant shall, except as otherwise provided, have the right to take possession of the land condemned and proceed with the improvement. No appeal from said assessment shall affect such right, except as otherwise provided.

Sec. 42. When owner may not be dispossessed.

1. A landowner shall not be dispossessed, under condemnation proceedings, of his residence, dwelling house, outhouse, orchard or garden, until the damages thereto have been finally determined and paid. This section shall not apply to condemnation proceedings for drainage or levee improvements.

2. If it appears from the finding of the commissioners that the dwelling house, outhouse, orchard or garden of the owner of any land taken will be overflowed or otherwise injuriously affected by any dam or reservoir to be constructed as authorized by this chapter such dam shall not be erected until the question of such overflowing or other injury has been determined in favor of the corporation upon appeal.

Sec. 43. Sheriff to hold deposit pending appeal. The sheriff shall not, after being served with notice of appeal by the applicant, pay to the claimant any deposit of damages held by the sheriff, but shall hold the same until the appeal is finally determined.

Sec. 44. Acceptance of deposit bars appeal. An acceptance by the claimant of the damages awarded by the commissioners or of the warrant tendered by public authorities, shall bar his right to appeal. Such acceptance after an appeal has been taken by him shall abate such appeal.

Sec. 45. Additional deposit. If, on the trial of the appeal, the damages awarded by the commissioners are increased, the condemnor shall, if he is already in possession of the property, make such additional deposit with the sheriff, as will, with the deposit already made, equal the entire damages allowed. If the condemnor be not already in possession, he shall deposit with the sheriff the entire damages awarded, before entering on, using, or controlling the premises.

Sec. 46. Payment by public authorities. When damages, by reason of condemnation, are payable from public funds, the sheriff, or clerk of the district court, as the case may be, shall certify to the officer, board, or commission having power to audit claims for the purchase price of said lands, the amount legally payable to each claimant, and, separately, a detailed statement of the cost legally payable from such public funds. Said officer, board, or commission shall audit said claims, and the warrant issuing officer shall issue warrants therefor on any funds appropriated therefor, or otherwise legally available for the payment of the same. Warrants shall be drawn in favor of each claimant to whom damages are payable. The warrant in payment of costs shall be issued in favor of the officer certifying thereto.

Sec. 47. Removal of condemnor from premises. The sheriff, upon being furnished with a copy of the assessment as determined on appeal, certified to by the clerk of the district court, may remove from said premises the condemnor and all persons acting for or under him, unless the amount of the assessment is forthwith paid or deposited as hereinbefore provided.

Sec. 48. Costs and attorney fees. The applicant shall pay all costs of the assessment made by the commissioners. The applicant shall also pay all costs occasioned by the appeal, including reasonable attorney fees to be taxed by the court, unless on the trial thereof the same or less amount of damages is awarded than was allowed by the tribunal from which the appeal was taken.

Sec. 49. Refusal to pay final award - damages - attorney fees. Should the applicant decline, on the final determination of the appeal, to take the property and pay the damages awarded, he shall pay, in addition to the costs and damages actually suffered by the landowner, reasonable attorney fees to be taxed by the court.

Sec. 50. Sheriff to file record. The sheriff, in case no appeal is taken, shall, immediately after the final determination of condemnation proceedings, and after the acquiring of the property by the condemnor, file, with the county recorder of the county in which the condemned land is situated, the following papers:

1. The application for condemnation.
2. All notices, together with all returns of service endorsed thereon or attached thereto.
3. The report of the commissioners.
4. All other papers filed in said proceedings.
5. A written statement by the sheriff of all money received in payment of damages, from whom received, to whom paid, and the amount paid to each claimant.

Sec. 51. Clerk to file record. The clerk of the district court, in case an appeal is taken in condemnation proceedings, shall file with the county recorder the records which the sheriff is required to file in case no appeal is taken, and in addition thereto the following:

1. A copy of the record entry of the court showing the amount of damages determined on appeal.
2. A written statement by the clerk of all money received by him in payment of damages, from whom received, to whom paid, and the amount paid to each claimant.

Sec. 52. Form of record - certificate. Said papers shall be securely fastened together, arranged in the order named above, and be accompanied by a certificate of the officer filing the same that said papers are the original files in the proceedings and that the statements accompanying the same are true.

Sec. 53. Record of proceedings. The county recorder shall record said papers, statements, and certificate in the record of deeds, properly index the same, and carefully preserve the originals as files of his office.

Sec. 54. Fee for recording. The sheriff or clerk, as the case may be, shall collect from the condemnor such fee as the county recorder would have legal right to demand for making such record, and pay such fee to the recorder upon presenting the papers for record.

Sec. 55. Failure to record - liability. Any sheriff, or clerk of the district court, as the case may be, who fails to present said papers, statements, and certificate for record, and any recorder who fails to record the same as above provided shall be liable for all damages caused by such failure.

Sec. 56. Presumption. The said original papers, statements, and certificate, or the record thereof shall be presumptive evidence of title in the condemnor, and shall constitute constructive notice of the right of such condemnor to the lands condemned.

CHAPTER _____

REVERSION

Sec. 57. Reversion by relocation of line. Such part of a railway right of way as is wholly abandoned for railway purposes by the relocation of the line of railway, shall revert to the persons who, at the time of the abandonment, are owners of the tract from which such abandoned right of way was taken.

Sec. 58. Reversion by failure to operate or construct. If a railway, or any part thereof, shall not be used or operated for a period of eight (8) years, or if, its construction having been commenced, work on the same has ceased and has not been in good faith resumed for eight (8) years, the right of way, including the roadbed, shall revert to the persons who, at the time of the reversion, are owners of the tract from which such right of way was taken.

Sec. 59. Reversion of quasi-public roads and right of ways. Roads established for the purpose of providing a public road to lands which theretofore had no such road, shall, when not used or operated for said purpose for eight (8) consecutive years, revert to those persons who, at the time of the reversion, are owners of the tract from which such road was taken.

Sec. 60. Reversion - lands for highway improvement. Lands condemned by a county, city, or town for the purpose of obtaining gravel or other suitable material for highway improvement, and not used for such purpose for five (5) consecutive years, shall revert to those persons who, at the time of the reversion are owners of the tract from which the condemned lands were taken.

Approved February 21, 1924.

CHAPTER 129

RAILROAD COMMISSIONERS

H. F. 198

AN ACT to amend, revise, and codify sections fifty hundred fourteen (5014) to fifty hundred sixteen (5016), inclusive, fifty hundred eighteen (5018), fifty hundred twenty-two (5022), fifty hundred twenty-four (5024) to fifty hundred twenty-six (5026), inclusive, fifty-one hundred eighty-six (5186), fifty-one hundred eighty-eight (5188) to fifty-one hundred ninety-two (5192), inclusive, fifty-two hundred four (5204) and fifty-two hundred six (5206) of the compiled code of Iowa, and section fifty hundred forty-four (5044) of the supplement to said code, relating to the board of railroad commissioners, their jurisdiction and duties.

Be It Enacted by the General Assembly of the State of Iowa

That sections fifty hundred fourteen (5014) to fifty hundred sixteen (5016), inclusive, and fifty-two hundred six (5206) of the compiled Code of Iowa, and section fifty hundred forty-four (5044) of the supplement to said Code are amended, revised, and codified to read as follows:

Section 1. Eligibility of commissioners and secretary. No person in the employ of any common carrier, or owning any bonds, stock, or property in any railroad company, or who is in any way or manner pecuniarily interested in any railroad corporation, shall be eligible to the office of railroad commissioner or secretary of the board, and the entering into the employ of any common carrier, or the acquiring of any stock or other interest in any common carrier by any officer under this chapter, after his election or appointment, shall disqualify him to hold the office and to perform the duties thereof.

Sec. 2. Election - organization. The board of railroad commissioners shall consist of three (3) persons having the qualifications of electors. On the second Tuesday of January of each year, the board shall organize by electing one (1) of its members as chairman, and appointing a secretary, who shall take the same oath as the commissioners; but this or a part of this may be done at a subsequent meeting. The board shall have power to employ such additional clerical help as it may find necessary.

Sec. 3. Location of office - whole time employed - expense. The board shall have an office at the seat of government and each member shall devote his whole time to the duties of the office, and the members and secretary and other employees shall receive their actual necessary traveling expenses while in the discharge of their official duties away from the general offices.

Sec. 4. Commissioners and assistants transported free. The commissioners, their secretary, experts, or other agents while in the performance of their official duties shall be transported free of charge by all railroad or other transportation companies operating in the state.

Sec. 5. General supervision and jurisdiction. The board shall have general supervision of all railroads in the state, express companies, car companies, sleeping car companies, freight and freight line companies, interurban railway companies, motor carriers and any common carrier engaged in the transportation of passengers or freight by railroads, except street railroads, and also all lines for the transmission, sale, and distribution of electrical current for light, heat, or power, except in cities and towns. It shall investigate any alleged neglect or violation of law by any such common carrier, its agents, officers, or employees.

Sec. 6. Duty of inspection - notice to repair. It shall from time to time carefully examine into and inspect the condition of each railroad, its tracks, bridges, and equipment, and the manner of its conduct, operation and management with regard to the public safety and convenience in the state. If found by it unsafe, it shall immediately notify the railroad company whose duty it is to put the same in repair, which shall be done by it within such time as the board shall fix. If any corporation fails to perform this duty the board may forbid and prevent it from running trains over the defective portion while unsafe.

Sec. 7. Connections and shelter where more than one track. Should any railroad or transportation company in this state fail to provide proper shelter for its patrons at stations where two (2) or more tracks are operated, or fail or refuse to connect by proper switches or tracks with the tracks or lines of other railroad or transportation companies, the board may require such railroad or transportation company to provide the same in such manner and upon such conditions as it may determine.

Sec. 8. Orders for changes in operation and improvements. When, in the judgment of the board, any railway corporation fails in any respect to comply with the terms of its charter or articles of incorporation or the laws of the state; or when in its judgment any repairs are necessary upon its road; or any addition to its rolling stock, or addition to or change in its stations or station houses, or the equipment thereof, for the health and convenience of the public, or change in its rates of fare for transporting freight or passengers, or change in the mode of operating its road or conducting its business, is reasonable and expedient in order to promote the security, convenience, and accommodation of the public, the board may make an order prescribing such improvements and changes as it finds to be proper and shall serve a notice upon such corporation, in the manner provided for the service of an original notice in a civil action, which notice shall be signed by its secretary. A report of such proceedings shall be included in its annual report to the governor. Nothing in this or the two (2) preceding sections shall be so construed as relieving any railroad company from its responsibility or liability for damage to person or property.

That sections fifty hundred eighteen (5018) and fifty-one hundred eighty-eight (5188) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 9. Investigation and inquiry. The board shall investigate and inquire into the management of the business of all common carriers subject to this and the next two (2) chapters and keep itself well informed as to the manner and method in which the same is conducted. It shall have the right to obtain from them full and complete information necessary to enable the board to perform its duties. It shall have power to require the attendance and testimony of witnesses, the production of all books, papers, tariff schedules, contracts, agreements, and documents, relating to any matter under investigation, and to inspect the same and to examine under oath or otherwise any officer, director, agent, or employee of any common carrier; to issue subpoenas and to enforce obedience thereto.

Sec. 10. Aid from courts. The board may invoke the aid of any court of record in any county where the carrier extends, in requiring the attendance and testimony of witnesses and the production of books, papers, tariff schedules, agreements, and other documents. Any court or judge thereof having jurisdiction where any inquiry is carried on shall, in case of the refusal of any person to obey a subpoena or other process, issue an order requiring any of the officers, agents, or employees of any carrier or other person to appear before the board and produce all books and papers required by such order and testify in relation to any matter under investigation. A failure to obey any such order of the court shall be punished as a contempt.

Sec. 11. Penalty for hindering or obstructing board. Any person who shall wilfully obstruct it or its members in the performance of their duties, or who shall refuse to give any information within his possession that may be required by it within the line of its duty, shall be fined not exceeding one thousand dollars (\$1,000.00), in the discretion of the court.

That section fifty hundred twenty-two (5022) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 12. Jurisdiction of courts to enforce order. The district courts of this state shall have jurisdiction to enforce, by proper decrees, injunctions, and orders, the rulings, orders and regulations affecting public rights, made by the board as authorized by law for the direction and observance of railroads in this state. The proceedings therefor shall be by equitable action in the name of the state of Iowa, and shall be instituted by the commerce counsel, whenever advised by the board that any railway corporation, or person operating a line of

road in this state, is violating and refusing to comply with any rule, order, or regulation made by the board, and applicable to such railroad or person.

Sec. 13. Trial term - mandatory injunction - contempt - penalty. It shall be the duty of the court in which any such cause shall be pending to require the issue to be made up at the first term of the court to which such cause is brought, which shall be the trial term, and to give the same precedence over other civil business. If the court shall find that such rule, regulation, or order is reasonable and just, and that in refusing compliance therewith said railway company is neglecting and omitting the performance of any public duty or obligation, the court shall decree a mandatory and perpetual injunction, compelling obedience to and compliance with such rule, order, or regulation by said railroad company or person, its officers, agents, servants, and employees, and may grant such other relief as may be deemed just and proper. All violations of such decree shall render the company, persons, officers, agents, servants, and employees who are in any manner instrumental in such violation, guilty of contempt of court, and the court may punish such contempt by a fine not exceeding one thousand dollars (\$1,000.00) for each offense. Such decree shall continue and remain in effect and be enforced until the rule, order, or regulation shall be modified or vacated by the board.

Sec. 14. When order takes effect - violation - penalty. All rules, orders, and regulations affecting public rights, made by the board of railroad commissioners, as now or may hereafter be authorized for the direction and observance of railroads in this state, shall be in full force and effect from and after the date fixed by the board. If any railroad fails, neglects or refuses to comply with any rule, order, or regulation made by the board within the time specified, it shall, for each day of such failure, pay a penalty of fifty dollars (\$50.00).

Sec. 15. Time may be extended to test legality. The time for the taking effect of any rule, order, or regulation affecting public rights, made by the board, may, in its discretion, be extended, and said extension of time may be granted for the purpose of testing the legality thereof, upon application by any such aggrieved railroad, showing reasonable grounds therefor, and that said application is made in good faith and not for the purpose of delay.

Sec. 16. Proceedings to vacate order - penalty revoked. Any railroad aggrieved at any rule, order, or regulation made by the board may institute proceedings in any court of proper jurisdiction to have the same vacated. If found by the court, after due trial, not to be reasonable, equitable, or just, and if upon an appeal from any rule, order, or regulation of the board the complaining railroad is successful in having such rule, order or regulation vacated, the aforesaid penalty shall be set aside.

Sec. 17. Remitting penalty on application. When any common carrier shall fail upon appeal to secure a vacation of the order appealed from, it may apply to the court in which the appeal is finally adjudicated for an order remitting the penalty which has accrued during the pendency of the appeal. Upon a satisfactory showing that the appeal was prosecuted in good faith and not for the purpose of delay and that there were reasonable grounds to believe that the order appealed from was unreasonable or unjust or that the power of the board to make the same was doubtful, such court may remit the penalty that has accrued during the pendency of the appeal.

That sections fifty hundred twenty-four (5024) to fifty hundred twenty-six (5026), inclusive, fifty-one hundred eighty-six (5186), fifty-one hundred eighty-nine (5189) to fifty-one hundred ninety-two (5192), inclusive, and fifty-two hundred four (5204) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 18. Investigation of interstate freight rates. The board shall exercise constant diligence to ascertain the rates, charges, rules, and practices of common carriers operating in this state, in relation to the transportation of freight in interstate business. When it shall ascertain from any source or have reasonable grounds to believe that the rates charged on such interstate business or the rules or practices in relation thereto discriminate unjustly against any of the citizens, industries, interests, or localities of the state, or place any of them at an unreasonable disadvantage as compared with those of other states, or are in violation of the laws of the United States regulating commerce, or in conflict with the rulings, orders, or regulations of the interstate commerce commission, the board shall take the necessary steps to prevent the continuance of such rates, rules, or practices.

Sec. 19. Application to interstate commerce commission - prosecution. When any common carrier has put in force any rates, rules, or practices in relation to interstate freight business, in violation of the laws of the United States regulating commerce, or of the orders, rules, and regulations of the interstate commerce commission, or shall unjustly discriminate against any of the citizens, industries, interests or localities of the state, the board shall present the material facts involved in such violations or discrimination to the interstate commerce commission and seek relief therefrom, and, if deemed necessary or expedient, the board shall prosecute any charge growing out of such violation or discrimination, at the expense of the state, before the interstate commerce commission.

Sec. 19-a. Choice of remedies. Any person claiming damages from a common carrier on account of any violation of the provisions of this chapter, may either make complaint to the board of railroad commissioners, or may bring action on his own behalf for the recovery of such damages; but he shall not have the right to pursue both of said remedies at the same time.

Sec. 20. Complaints as to violations and damages. Any person, firm, corporation, association, mercantile, agricultural, or manufacturing society, body politic, or municipal organization, may file with the board a petition setting forth any particular in which any common carrier has violated the law to which it is subject and the amount of damages sustained by reason thereof. The board shall furnish to the carrier against which complaint is filed, a copy thereof, and a reasonable time shall be fixed within which such carrier shall answer the petition or satisfy the demand therein made. If such carrier fails to satisfy the complaint within the time fixed or there shall appear to be reasonable grounds for investigating the matters set forth in said petition, the board shall hear and determine the questions involved and make such orders as it shall find to be proper. No petition so filed shall be dismissed on the grounds that the petitioner has not suffered any direct damage. When the board ascertains or has reason to believe that any carrier is violating any of the laws to which it is subject, it may institute an investigation and cause a hearing to be made before it in relation to such matters in all respects as fully as if a petition had been filed.

Sec. 21. Investigation - report. When a hearing has been had before the board after notice, it shall make a report in writing setting forth the findings of fact and its conclusions together with recommendations or orders as to what reparation, if any, the offending carrier shall make to any party who has suffered damage. Such finding of fact shall thereafter in all legal proceedings be prima facie evidence of every fact found. All reports of hearings and investigations made by the board shall be entered of record and a copy furnished to the carrier against which the complaint was filed, to the party complaining, and to any other person having a direct interest in the matter.

Sec. 22. Orders - compliance - release. When the board finds as the result of any investigation that a common carrier has violated or is violating any of the provisions of law to which it is subject, or that any complainant or other person has sustained damages by reason of such violation, the board shall notify such carrier to cease such violation at once and shall fix a time within which it shall pay the amount of damage which has been found due to any person as a result of such violation. Upon a satisfactory showing to the board that the carrier has complied with the notice in the time and manner required, it shall thereupon be relieved from further liability or penalty for that particular violation of law, and the board shall enter of record such release.

Sec. 23. Violation of order - petition - notice. When any common carrier shall violate or fail to obey any lawful order or requirement of the board, the board shall apply in a summary way by petition in the name of the state, against such common carrier, to the district court of any county through which such carrier owns or operated a line of railroad or in which the failure or violation of such order occurred, alleging such violation or failure to obey; the court shall hear and determine the matter set forth in said petition on reasonable notice to the common carrier, to be fixed by the court and to be served in the same manner as original notices for the commencement of action.

Sec. 24. Interested party may begin proceedings. Any person, firm, or corporation interested in the matter of enforcing any order or requirement of the board, may file a petition against such carrier, alleging the failure to comply with such order or requirement and praying summary relief to the same extent and in the same manner as the board may do under the preceding section, and the proceedings after the filing of such petition shall be the same as in said section provided.

Sec. 25. Duty of commerce counsel and county attorney. When any proceeding has been instituted under the two (2) preceding sections, the commerce counsel shall prosecute the same, and the county attorney of the county in which such proceeding is pending, shall render such assistance as the commerce counsel may require of him.

Sec. 26. Hearing in equity - injunction. All such causes shall be in equity, and the order or report of the board in question shall be prima facie evidence of the matters contained therein. If the court shall find that the order or requirement in question is lawful and has been violated, it shall issue an injunction or other proper process, mandatory or otherwise, to compel obedience to such order or requirement.

Sec. 27. Violation of injunction or other process - penalties. For a violation of any injunction or other process issued in such proceeding, any common carrier or any officer, agent, or employee thereof shall be fined for contempt in a sum not exceeding one thousand dollars (\$1,000.00). In addition to any other penalty the court may fix a sum not exceeding one thousand dollars (\$1,000.00) which each defaulting carrier, officer, or agent shall pay after a fixed date for each day such injunction or other process is disobeyed and render judgment for penalty which shall accrue from disobedience after the time fixed. One-half (1/2) of such sums collected shall be paid into the treasury of the county where the judgment is rendered and one-half (1/2) into the state treasury.

Sec. 28. Appeal not to stay process. An appeal to the supreme court shall not stay or supersede the order of the court or the execution of any writ or process thereon. When appeal is taken by the board, it shall not be required to give an appeal bond or security for costs.

Sec. 29. Suits by commissioners. When the board has reason to believe that any common carrier has been guilty of extortion or unjust discrimination, it shall immediately cause actions to be commenced and prosecuted against such carrier. Such action may be brought in any county through or into which any line of railway owned or operated by such carrier may extend. No actions thus commenced shall be dismissed unless the board and the commerce counsel consent thereto. The court in which any such action is pending may, in its discretion, give preference as to the time of trial of such action over other business, except criminal cases.

Sec. 30. Uniform gauge - inspection - order. As often as it deems it expedient, the board shall examine all the railroads in the state that are less than four (4) feet eight and one-half (8 1/2) inches gauge, and if, in the judgment of the board, it is necessary and reasonable to change the gauge of any such railroad to four (4) feet eight and one-half (8 1/2) inches, it shall make an order in writing, fixing a reasonable time within which such gauge shall be changed, taking into consideration the life of the rolling stock of such narrow gauged road and all other facts and conditions bearing on the length of time required to make such change.

Sec. 31. Rights and remedies not exclusive. Nothing in this chapter shall abridge any rights or remedies existing at common law or by statute, but shall be in addition to such remedies.

Approved February 26, 1924.

CHAPTER 130

COMMERCE COUNSEL

S. F. 189

AN ACT to amend, revise, and codify chapter two (2) of title sixteen (16) of the compiled code of Iowa, and of the supplement to said code, relating to commerce counsel.

Be It Enacted By the General Assembly of the State of Iowa:

That chapter two (2) of title sixteen (16) of the compiled Code of Iowa, and of the supplement to said Code are amended, revised, and codified to read as follows:

CHAPTER 2

COMMERCE COUNSEL, HIS JURISDICTION AND DUTIES

Section 1. Appointment - term. Within sixty (60) days after the general assembly convenes in nineteen hundred twenty-seven (1927) and every four (4) years thereafter, the board of railroad commissioners shall appoint a competent attorney to the office of commerce counsel, subject to the approval of two thirds of the members of the senate. His term of office shall be for four (4) years and till his successor is appointed, and shall begin on the first day of July of the year he is appointed.

Sec. 2. Vacancy. A vacancy in said office occurring while the general assembly is in session, shall be filled for the unexpired term in the same manner as original appointments. If the general assembly is not in session, a vacancy shall be filled by an appointment made by the board, which appointment shall expire thirty (30) days from the time the next general assembly convenes.

Sec. 3. Disqualification. The existence of any fact which would disqualify a person from election or acting as a railroad commissioner, shall disqualify such person from appointment or acting as commerce counsel.

Sec. 4. Other employment and political activity prohibited. The commerce counsel shall devote his entire time to the duties of his office, and during his term of office he shall not be a member of any political committee or contribute to any political campaign fund or take any part in political campaigns or be a candidate for any political office.

Sec. 5. Removal. The board may, with the approval of the senate, during a session of the general assembly, remove said counsel for malfeasance or nonfeasance in office, or for any cause which renders him ineligible for appointment, or incapable or unfit to discharge the duties of his office; and his removal, when so made, shall be final.

Sec. 6. Offices--assistants--expenses. The office of commerce counsel shall be at the seat of government and he shall have free access to all the files, records, and documents in the office of the board. The commerce counsel, his assistants and office help shall be paid their actual necessary traveling expenses and other disbursements incurred in the discharge of official duties; such expenditures are to be approved by the board of railroad commissioners.

Sec. 7. Duties. The commerce counsel shall:

1. Act as attorney for, and legal adviser of, the board of railroad commissioners.

2. Investigate the legality of all rates, charges, tariffs, rules, regulations, and practices of all common carriers and persons under the jurisdiction of the board, and institute civil proceedings before the board or any proper court to correct any illegality on the part of any common carrier and prosecute the same to final determination.

3. Investigate the reasonableness of rates, tariffs, charges, rules, regulations, and practices of all such common carriers in interstate transportation when directed by the board, or when in his judgment they are unlawful, prejudicial, and discriminate against any city, town, community, business, industry, or citizen of the state, and institute before the interstate commerce commission or any other tribunal having jurisdiction and prosecute to final determination any proceeding growing out of such matters.

4. Appear on behalf of any person or persons who shall file any complaint against any common carrier before the board in any matter within its jurisdiction.

5. Appear for and represent the board, the state and any citizen, community, city or town or business or industry of the state in all proceedings brought by or against any common carrier before the interstate commerce commission in which any or all of such parties are interested.

6. Appear for the board or for the state and the citizens and industries thereof in all actions instituted in any state or federal court wherein is involved the validity of any rule, order, or regulation of said board, or the validity of any rule, order, or regulation of the interstate commerce commission affecting the interests of the citizens and industries of the state and prosecute in any state or federal court in the name of the state, all actions necessary to enforce, or to restrain the violation of, any rule, order, or regulation made by the board or by the interstate commerce commission.

Sec. 8. Present commerce counsel. Nothing herein shall be construed to affect the term of office of the present incumbent.

Approved February 15, 1924.

CONSTRUCTION AND OPERATION OF RAILWAYS

H. F. 190

AN ACT to amend, revise, and codify sections forty-nine hundred eighty-two (4982), fifty hundred two (5002) to fifty hundred seven (5007), inclusive, fifty hundred twelve (5012), fifty hundred thirteen (5013), fifty hundred fifty-one (5051), fifty hundred fifty-two (5052), fifty hundred sixty-five (5065), fifty hundred seventy-two (5072), fifty hundred seventy-four (5074), fifty hundred seventy-five (5075), fifty hundred seventy-eight (5078), fifty hundred eighty (5080) to fifty hundred eighty-five (5085), inclusive, fifty-one hundred one (5101) to fifty-one hundred three (5103), inclusive, fifty-one hundred five (5105) to fifty-one hundred seven (5107), inclusive, fifty-one hundred seventy-one (5171), fifty-one hundred seventy-two (5172) of the compiled code of Iowa, and fifty-one hundred seventy-two-a one (5172-a1) to fifty-one hundred seventy-two-a four (5172-a4), inclusive, of the supplement to said code, relating to the construction and operation of railways.

Be It Enacted by the General Assembly of the State of Iowa:

That sections fifty hundred fifty-two (5052) and fifty hundred fifty-one (5051) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Effect of change of name. If any railway company is organized under a corporation name, and has made contracts for payments to it upon delivery of stock in such company, and shall subsequently thereto change its name, or if the real ownership in the property, rights, and franchises has passed legally or equitably into any other company, no such contract shall be enforced until tender or delivery of stock in such last named company or corporation is made.

Sec. 2. Where recorded. The secretary of state shall immediately record in the proper book in his office any document filed pertaining to said change in name, making references to the record of the articles of incorporation.

That sections fifty hundred seventy-two (5072) and fifty hundred sixty-five (5065) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 3. Recording - declaration of release. The contracts herein authorized shall be recorded by the secretary of state in a record to be kept for that purpose, and on payment in full of the purchase money and the performance of the terms and conditions stipulated in such contract, a declaration in writing to that effect may be made by the vendor, lessor or bailor, or his or its assignee, either on the margin of the record of the contract, duly attested, or in a separate instrument to be acknowledged by the vendor, lessor or bailor, or his or its assignee, and recorded in such record. For such services the secretary of state shall charge a fee of ten cents (10c) per hundred (100) words for recording each contract and each said declaration, but in no case shall the fee be less than one dollar (\$1.00).

Sec. 4. Prior contracts not affected. The two (2) preceding sections shall not invalidate or affect in any way any contract of the kind referred to in the second preceding section, made prior to April twenty-fourth, eighteen hundred ninety-four (1894) and any such contract made prior to said date upon compliance with the provisions of said two (2) sections may be recorded as therein provided.

Sec. 4-a1. Placement of sections. In the preparation of the permanent Code the code editor is directed to place the last two preceding sections in the same order as they appear above and immediately following section fifty hundred seventy-one (5071) of the compiled Code of Iowa.

That sections fifty hundred seventy-four (5074) and fifty hundred seventy-five (5075) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 5. Railway fences required. All railway corporations owning or operating a line of railway within the state, shall construct, maintain, and keep in repair a fence on each side of the right of way, so connected with cattle guards at all public road crossings as to prevent live stock getting upon the tracks. All such right of ways shall be fenced within six (6) months after the completion of the track or any part thereof. This provision shall not apply to a class C line of railway through the lands of any owner who by written agreement with the company owning or operating such line waives the fencing thereof.

Sec. 6. Specifications for fencing. All fences shall be not less than fifty-four (54) inches high and may be of any of the following types:

1. Not less than five (5) barbed wires, properly spaced.
2. Not less than three (3) barbed wires above and not less than twenty-four (24) inches of woven wire below.
3. Entirely of woven wire.
4. Five (5) boards properly spaced.
5. Any other type which the fence viewers of any township through which it passes may determine as efficient as any of the above types.

Each of the above types shall be securely nailed to posts firmly set, not more than twenty (20) feet apart for the first three (3) types, nor more than eight (8) feet apart for the fourth.

Sec. 7. Hog-tight fences when. When any person owning land abutting on the right of way is maintaining a hog-tight fence on all sides thereof or any division of such land except along such right of way, the railway company owning such right of way shall, on written request of the landowner, make such right of way fence along such enclosed land hog-tight by the addition of barbed or woven wire or other equally efficient means.

Sec. 8. Failure to fence - liability for stock injured. Any corporation operating a railway and failing to fence its right of way against live stock running at large or to maintain proper and sufficient cattle guards at all points where the right to fence or maintain cattle guards exists, shall be liable to the owner of any stock killed or injured by reason of the want of such fence or cattle guards for the full amount of the damages sustained by the owner, unless it was occasioned by the wilful act of such owner or his agent; and to recover the same it shall only be necessary for him to prove the loss of or injury to his property.

Sec. 9. Double damages. If such corporation fails or neglects to pay such damages within thirty (30) days after notice in writing that a loss or injury has occurred, accompanied by an affidavit thereof, served upon any officer or station or ticket agent employed by said corporation in the county where such loss or injury occurred, such owner shall be entitled to recover from the corporation double the amount of damages actually sustained by him.

Sec. 10. Laws and local regulations not applicable. No law of the state or any local or police regulations of any county, township, city, or town, relating to the restraint of domestic animals, or in relation to the fences of farmers or landowners, shall be applicable to railway right of ways, unless specifically so stated in such law and regulation.

Sec. 11. Depot grounds - speed limit when no fence. Upon depot grounds necessarily used by the public and the corporation, the operating of trains at a greater rate of speed than eight (8) miles an hour where no fence is built, shall be negligence, and shall render such corporation liable for all damages occasioned thereby, in the same manner and to the same extent, except as to double damages, as in cases where the right to fence exists.

That sections forty-nine hundred eighty-two (4982), fifty hundred two (5002) to fifty hundred seven (5007), inclusive, fifty hundred twelve (5012), fifty hundred thirteen (5013), fifty hundred seventy-eight (5078), and fifty hundred eighty (5080) to fifty hundred eighty-five (5085), inclusive, of the compiled Code of Iowa, are amended, revised, and codified to read as follows:

Sec. 12. Railway crossings near Mississippi river. When in the construction of a railway it becomes necessary to cross another railway near the shore of the Mississippi River, each shall be so constructed and maintained at the point of crossing that the respective roadbeds thereof shall be above high water mark in such river, but where the crossing occurs within the limits of any city or town containing six thousand (6,000) or more inhabitants, the council or other governing authorities thereof may establish the crossing grade.

Secs. 13-16. Interlocking switches.

Sec. 17. Rights of riparian owners. All owners or lessees of lands or lots situated upon the Iowa banks of the Mississippi or Missouri rivers upon which any business is carried on which is in any way connected with the navigation of either of said rivers, or to which such navigation is a proper or convenient adjunct, are authorized to construct and maintain in front of their property, piers, cribs, booms, and other proper and convenient erections and devices for the use of their respective pursuits, and the protection and harbor of rafts, logs, floats, and water craft, in such manner as to create no material or unreasonable obstruction to the navigation of the stream, or to a similar use of adjoining property.

Sec. 18. Construction of railroad on riparian land or lots. No person or corporation shall construct or operate any railroad or other obstruction between the lots or lands referred to in the preceding section and either of said rivers, or upon the shore or margin thereof, unless the injury and damage to owners or lessees occasioned thereby shall be first ascertained and paid in the manner provided for taking private property for works of internal improvement.

Sec. 19. Railway and highway crossing at grade. Whenever a railway crosses or shall hereafter cross a highway at grade, the railway company and the board of supervisors of the county in which such crossing is located, if a primary or secondary highway, or such railway company and the trustees of the township in which such crossing is located, if a township highway, may agree upon any change, alteration, vacation, or relocation of such highway so as to carry such highway over or under such railway or eliminate such crossing entirely, and upon the expense each party shall pay for making such changes.

Sec. 20. Disagreement - application - notices. If the railway company and said highway authorities cannot agree upon the changes to be made, either party may make written application to the board of railroad commissioners, setting forth the changes and alterations desired, and said board shall fix a date for hearing and give the other party ten (10) days' written notice by mail of such date.

Sec. 21. Hearing - order. The board of railroad commissioners shall hear and determine such application, taking into consideration the necessity of such changes and the expense thereof, the location of any crossing and the manner in which it shall be constructed and maintained, or whether a crossing is to be eliminated and the provisions therefor, and may make such order in relation thereto as shall be equitable, including authority to condemn and take additional land for such purposes when necessary, and shall determine what portion of the expense shall be paid by any party to such controversy.

Sec. 22. Railway company to hold in trust. Any portion of the expense of making such crossing changes and alterations borne by any municipal corporation or township, the state or any person, shall forever be held in trust by such railroad corporation or its successors, and no part of such funds shall constitute any part of the value of its property on which it is entitled to receive a return.

Sec. 23. Further repairs - aid by court. If the board of supervisors, township trustees, city or town council, or any official having jurisdiction over such highway, shall determine that such crossing is unsafe or is in need of further repairs or alterations, and can not agree with the railroad company as to such repairs or additional alterations, the proper board, council, or officer shall file a petition in the district court of the county in which the crossing is located, setting forth the facts and conditions on which relief is sought and serve the railroad company with written notice thereof in the time and manner required for original notices.

Sec. 24. Issues - hearing - order. The railroad company may join issue by answer. The court or a judge thereof shall hear the controversy in a summary manner in equity in term time or vacation and make such order or decree as may be found equitable and fix a reasonable time for compliance therewith and, on default of the railroad company, it may enjoin the operation of trains over that portion of the railway during the continuance of such default. The court may award costs against either party in its discretion.

Sec. 25. Good condition after change - temporary ways. When a railroad company changes, alters, or repairs a highway crossing, it shall upon completion of the work leave it free from obstructions to travel and in good condition. If travel will be obstructed while any alterations or repairs are being made, the railroad company shall provide safe and convenient temporary ways for the public to avoid or pass such obstructions.

Sec. 26. Crossing railway, canal or watercourse. Any railroad company may build its railway across, over or under any other railway, canal, or watercourse, when necessary, but shall not thereby unnecessarily impede travel, transportation, or navigation. It shall be liable for all damages caused by such crossing.

Sec. 27. Maintenance of bridges - damages. Every railroad company shall build, maintain, and keep in good repair all bridges, abutments or other construction necessary to enable it to cross over or under any canal, watercourse, other railway, public highway, or other way, except as otherwise provided by law, and shall be liable for all damages sustained by any person by reason of any neglect or violation of the provisions of this section.

Sec. 28. Private crossings. When any person owns land on both sides of any railway, or when a railway runs parallel with a public highway thereby separating a farm from such highway, the corporation owning or operating such railway, on request of the owner of such land or farm, shall construct and maintain a safe and adequate farm crossing or roadway across such railway and right of way at such reasonable place as the owner of the land may designate, and shall construct and maintain a cattle guard on each side of such roadway where it crosses the track, connected by wing or cross fences to the fences on each side of the right of way.

Sec. 29. Overhead, underground, or more than one crossing. Such owner of land may serve upon such railroad company a request in writing for more than one (1) such farm or private crossing, or for an overhead or underground crossing, accompanied by a plat of his land designating thereon the location and character of crossing desired. If the railroad company refuses or neglects for thirty (30) days after such service to comply with such request, the owner of the land may make written application to the board of railroad commissioners to hear and determine his rights in said respect. Such board, after reasonable notice to the railroad company, shall hear said application and all objections thereto, and make such order as shall be reasonable and just, and if it requires the railroad company to construct any crossing or roadway, fix the time for compliance with such order. The matter of costs shall be in the discretion of the board.

Sec. 30. Right to lay pipes. Such railway may lay, maintain, and repair pipes through any lands adjoining its tracks for a distance not to exceed three-fourths ($3/4$) of a mile therefrom, in order to conduct water, for its engines, from any running stream. Said pipes shall not be laid to any spring, nor be so used as to injuriously withdraw the water from any farm.

Sec. 31. Duty to restore natural surface. It shall, without unnecessary delay after such laying or repairing, restore the surface of the land to its natural grade, and replace any fence or other improvement which it may have disturbed.

Sec. 32. Right of landowner. The owner of the land through which any such pipes may be laid shall have the right to use the land in any manner which will not interfere with such pipes.

Sec. 33. Liability to landowner. Said corporation shall be liable to the owner of the land for any damages occasioned by laying, maintaining, or repairing such pipes.

Secs. 34-35. Interlocking switches.

That sections fifty-one hundred one (5101) to fifty-one hundred three (5103), inclusive, of the compiled Code of Iowa, are amended, revised, and codified to read as follows:

Sec. 36. Classification of railroads. All railroads of the state shall be classified in accordance with the gross amount of their several annual earnings within the state, per mile, for the preceding year, as follows:

1. Class A shall include those whose gross annual earnings per mile shall be four thousand dollars (\$4,000.00) or more.

2. Class B shall include those whose gross annual earnings per mile shall be three thousand dollars (\$3,000.00) or any sum in excess thereof less than four thousand dollars (\$4,000.00).

3. Class C shall include those whose gross annual earnings per mile shall be less than three thousand dollars (\$3,000.00). All steam railroads operating wholly within this state, and not to exceed twenty-five (25) miles in length, shall be included in and classified as class C railroads.

Sec. 37. Basis of classification. In determining the classification of any railroad, the entire railroad properly owned or operated by any company shall be considered as a single railroad, and the aggregate gross earnings of the entire railroad within the state shall be divided by the entire mileage owned or operated within the state, to ascertain the gross earnings per mile of such railroad.

Sec. 38. Classification by executive council. The executive council shall at its regular meeting on the second Monday in July in each year classify the different railways, as provided by the two (2) preceding sections, from information as to gross earnings obtained from the annual reports of railways made to the executive council for assessment and taxation, if it shall be satisfied of the correctness of same, or from information obtained by said executive council from any other source, and, when there shall be any change in classification, shall issue a certificate to any corporation or corporations affected by such change, certifying the class to which they are respectively assigned. Any change of rates by any corporation pursuant to any change of classification shall take effect and be in force from and after the date of such certificate.

Sec. 39. Passenger rates - limitation. All railroad corporations according to their classifications as herein prescribed shall be limited to compensation per mile for the transportation of any person with ordinary baggage not exceeding one hundred fifty (150) pounds in weight, as follows:

1. Class A, two cents (2c).

2. Class B, two and one-half cents (2 1/2c).

3. Class C, three cents (3c).

4. For children twelve (12) years of age or under, one-half (1/2) the rate above prescribed.

5. Every railroad corporation shall be entitled to charge a fare of not to exceed ten cents (10c) for the transportation of each passenger with ordinary baggage for any distance not exceeding five (5) miles.

6. A charge of ten cents (10c) may be added to the fare of any passenger when the same is paid upon the cars, if a ticket might have been procured within a reasonable time before the departure of the train, except in those cases where a minimum of ten cents (10c) is charged for a distance of less than five (5) miles as above provided.

That sections fifty-one hundred five (5105) to fifty-one hundred seven (5107), inclusive, of the compiled Code of Iowa, are amended, revised, and codified to read as follows:

Sec. 40. Violations - penalty. Any railway company violating the provisions of the preceding section and any agent, telephone or telegraph operator of such railroad company violating the provisions of said section, in relation to posting bulletins in the waiting room indicating when the trains are late or on time, shall be punished by a fine of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00).

Sec. 41. Automatic couplers on all cars. No corporation, company, or person operating a railroad and no car manufacturing or transportation company using or leasing cars shall operate upon any railroad in this state any car that is not equipped with safety automatic couplers, so constructed as to enable a person to couple and uncouple them without going between cars.

That sections fifty-one hundred seventy-one (5171) and fifty-one hundred seventy-two (5172) of the compiled Code of Iowa, and sections fifty-one hundred seventy-two-a one (5172-a1) to fifty-one hundred seventy-two-a four (5172-a4), inclusive, of the supplement to said Code are amended, revised, and codified to read as follows:

Sec. 42. Buildings on railroad lands-disagreements. When a disagreement arises between a railroad company and the owner of any building used for receiving, storing, or manufacturing any article of commerce transported or to be transported, situated on the railroad right of way or any land owned or controlled by the railroad company for railroad purposes, as to the terms and conditions on which the same is to be continued thereon or removed therefrom, or when application is made by any person, firm, or corporation for a site on such lands for the erection and maintenance of such improvements, and the railway company and the applicant can not agree as to whether such improvement shall be placed on such lands, or as to the character and location of the buildings to be erected and maintained thereon, or as to the terms and conditions under which the same may be placed or operated, such railway company, person, firm, or corporation may make written application to the board of railroad commissioners and such board shall, as speedily as possible after the filing of such application, hear and determine such controversy and make such order in relation thereto as shall be just and equitable between the parties, which order shall be enforced in the same manner as other orders of the board.

Sec. 43. Destruction of buildings - liability of railroad. In the event that any building referred to in the preceding section, situated on the right of way or other land of a railroad company used for railway purposes, shall be injured or destroyed by the negligence of the railroad company, or the servants or agents thereof, in the conduct of the business of such company, the railroad company causing such injury or destruction shall be liable therefor to the same extent as if such building used for said purposes was not situated on the right of way or other land of such railroad company used for railway purposes, any provision in any lease or contract to the contrary notwithstanding.

Sec. 44. Construction and maintenance. Every railroad, whether operated by steam or electricity, shall acquire the necessary rights of way for, by condemnation or purchase, and shall construct, connect, and operate and maintain a reasonably adequate and suitable spur track, whenever such spur track does not necessarily exceed three miles in length, and is required for the successful operation of any existing or proposed mill, elevator, storehouse, warehouse, dock, wharf, pier, manufacturing establishment, lumber yard, coal dock, or other industry or enterprise, and its construction and operation is not unusually unsafe and dangerous, and is not unreasonably harmful to public interest. No such track is required to be constructed until, or if hereafter constructed need not be maintained unless the board of railroad commissioners, after hearing, shall have declared the same to be necessary.

Sec. 45. Deposit for cost of construction. Such railroad company may require the person or persons, firm, corporation, or association primarily to be served thereby to pay the legitimate cost and expense of acquiring, by condemnation or purchase, the necessary rights of way for such spur track and of constructing the same as shall be determined in separate items by the board of railroad commissioners. Except as in the next section provided, the total estimated cost thereof as ascertained by said board shall be deposited with the railroad company before it shall be required to incur any expense whatsoever therefor.

Sec. 46. Option to give bond for construction. When the total estimated cost has been ascertained by the board such person, firm, corporation, or association shall have the option to either deposit said amount with the railroad company or to file with such company its written election to build and construct such spur track accompanied by a good and sufficient surety company bond running to such railroad company and conditioned upon the construction of such spur track, in a good and workmanlike manner according to plans and specifications furnished by such railroad company and approved by the commission. If such person, firm, corporation, or association so elects to build such spur track it shall only be required to deposit with such railroad company the estimated cost of the necessary right of way for such spur track as ascertained by the commission, and the total amount stated in such written election.

Sec. 47. Bond to secure costs in excess of deposit. In any event before the railroad company shall be required to incur any expense whatever in the construction of such spur track the person, firm, corporation, or association primarily to be served thereby shall give the railroad company a bond to be approved by the commissioners as to form, amount, and surety, securing the railroad company against loss on account of any expense incurred beyond the amount so deposited with the railroad company.

Sec. 48. Failure of railroad company to act - hearing - order. In case of failure, neglect, or refusal of any railroad company to comply with any of the provisions of the three (3) preceding sections, the person, firm, corporation, or association primarily to be served thereby may file a complaint with the board of railroad commissioners setting forth the facts upon which such grievance is based. The said commissioners after reasonable notice to the railroad company shall investigate and determine all matters in controversy and make such order as the facts in relation thereto will warrant. Any such order shall have the same force and effect as other orders made by said board in other proceedings within its jurisdiction and shall be enforced in the same manner.

Sec. 49. Other connections with original spurs - prorating costs. Whenever such spur track is so connected with the main line, as provided in this chapter, at the expense of the owner of such proposed or existing mill, elevator, storehouse, dock, wharf, pier, manufacturing establishment, and any person, firm, corporation, or association shall desire a connection with such spur track, application therefor shall be made to the commission, and such person, firm, corporation, or association shall be required to pay to the person, firm, corporation, or association that shall have paid or contributed to the primary cost and expense of acquiring the right of way for such original spur track, and of constructing the same, an equitable proportion thereof, to be determined by the commission, upon such application and notice, to the persons, firms, corporation, or associations that have paid or contributed towards the original cost and expense of acquiring the right of way and constructing the same.

Approved April 16, 1924.

CHAPTER 132

RAILWAY TAXES

H. F. 192

AN ACT to amend, revise, and codify sections fifty-one hundred twenty-one (5121) to fifty-one hundred twenty-three (5123), inclusive, and fifty-one hundred thirty (5130) to fifty-one hundred thirty-eight (5138), inclusive, of the compiled code of Iowa, relating to taxes in aid of railways.

Be It Enacted by the General Assembly of the State of Iowa:

That sections fifty-one hundred twenty-one (5121) to fifty-one hundred twenty-three (5123), inclusive, and fifty-one hundred thirty (5130) to fifty-one hundred thirty-eight (5138), inclusive, of the compiled Code of Iowa, are amended, revised, and codified to read as follows:

Section 1. Tax aid to railways. The qualified voters of the following named districts may file a petition under the conditions hereinafter specified to vote taxes not exceeding five per cent (5%) on the assessed value of the real property within the district for any of the following purposes:

1. To aid any railway incorporated under the laws of this state in constructing a projected steam railway into, through, or along a district composed of a township, a town, or a city.

2. To aid in the construction of a projected electric railroad or in electrifying an existing steam railroad into, through, or along a district contiguous to and within five (5) miles of such railroad.

3. To aid in the construction of a proposed railroad or in reconstruction, improvement, repair, or maintenance of a railroad heretofore constructed, the operation of which has been abandoned, into, through, or along a district contiguous to and within a distance not to exceed two and one-half (2 1/2) miles from the center line of the right of way thereof measured at right angles thereto.

Sec. 2. Requisites for petition. The petition shall show:

1. The name and the location of the principal office of the company to be aided.

2. For which of the purposes stated in the preceding section it is proposed to vote the taxes.

3. The rate of tax proposed and the number of years not exceeding five (5) in which it shall be levied and paid in equal installments.

4. The location of the line of railway for which it is proposed to vote the tax.

5. The limits of the proposed district and the county or counties in which the same is located.

6. The amount of work required to be done and when and where the same shall be done before any of the tax shall be payable.

7. Any other conditions which shall be performed before any part of the tax shall be payable.

8. The signatures of a majority of the resident freehold taxpayers of the proposed district; except that in cities of any form of government having a population of twenty-five thousand (25,000) or over, not more than two thousand (2000) such signatures shall be required.

Sec. 3. Exception - approval by board of commissioners. No tax shall be levied to aid in the electrification of any steam railway for the benefit of any person, firm, or individual, who is not the owner in fee simple of said steam railway, unless with or prior to the presentation of the petition to the board of supervisors asking for said election, the agreement between the person, firm, or corporation proposing to electrify said steam railway and the owner of said steam railway, for its electrification and use, has been presented to the board of railroad commissioners, and its duration, terms, and conditions found suitable by said board, and said approval made a matter of record in the proceedings of said board, and certified to such board of supervisors.

Sec. 4. Filing of petition. Said petition shall be filed in the office of the auditor of the county in which the district is wholly located or of the county in which the greater acreage of the proposed district is located.

Sec. 5. Proceedings on petition. At its next regular adjourned or special session after such petition is filed, the board of supervisors shall canvass the petition, and if found to meet the requirements of law, it shall fix a time and place for holding a special election in the proposed district, appoint judges and clerks of such election, fix the hours when the polls shall open and close and cause notice to be given as hereinafter provided. The date of such election shall be at least ten (10) days after completed service of such notice.

The railroad company for whose benefit such election is held shall pay the expense thereof, including publication of notice and printing of ballots.

Sec. 6. Form of notice. The notice shall be addressed to the qualified electors of the township, city, town, district, or territory in which the election is to be held and shall state:

1. The time and place of holding such election and the hours at which the polls will open and close.
2. The name and location of the principal office of the corporation to which it is proposed to vote the tax.
3. The purpose for which it is proposed to vote such tax.
4. The rate of such tax, the installments into which it shall be divided, the years in which it is payable, and the rate of interest on deferred payments.
5. The amount of work to be done, or any other conditions to be performed before the tax is payable.
6. From what point to what point the improvement shall extend and within what time it is to be completed.
7. Any other special conditions set forth in the petition.

Sec. 7. Manner of giving notice. The auditor shall cause such notice to be published for three (3) consecutive weeks in the official newspapers of each county in which the election is to be held, and if in a district or territory extending into more than one (1) county, then the official newspapers of each of such counties, and the last publication shall be not less than ten (10) days before such election. Proof of such publication, by affidavit of the publisher, shall be filed with the auditor on completion of the publication.

The auditor shall also cause such notice to be posted in five (5) public places in the proposed district, not less than ten (10) days before the date of the election, and proof of such posting by affidavit of the parties who did or saw it done, shall be filed in the office of the auditor.

Sec. 8. Form of ballot. The auditor shall cause to be prepared and printed the ballots for such election on which shall be plainly stated the proposition to be voted upon, placed in interrogatory form with the words "yes" and "no" so arranged as to enable the voter to clearly indicate his vote for or against such proposition, which ballots shall be delivered to the judges of election by the time the polls are open.

Sec. 9. Election returns. The judges and clerks shall count the ballots cast as soon as the polls close and certify and file the returns, with all the ballots cast, in the office of the auditor.

Sec. 10. Canvass of returns. On the filing of the returns, the board shall convene and canvass the same and certify the result to the auditor. If a majority of the votes cast are in favor of such taxes, the board shall, at the time of levying the ordinary taxes next following, levy such taxes as are voted and cause the same to be placed on the tax lists of the proper township, city, town, or district as the case may be.

Sec. 11. District in more than one county. If the district or territory in which taxes are voted extends into more than one (1) county, the auditor in whose office the returns are filed shall make and certify a copy of such returns and file the same in the office of the auditor of every other county into which the district extends. The board of supervisors of such other counties shall levy the tax upon the real estate in the portion of the district located in such county and cause such tax to be entered upon the tax list of such county.

Sec. 12. Terms and conditions entered on tax list. In all cases where a tax has been voted and levied in aid of a railroad there shall be entered upon the tax lists of the county all the terms and conditions upon which such taxes are payable.

Sec. 13. Collection of special tax. Special taxes voted for any of the purposes aforesaid, shall be collected at the same time and in the same manner as other taxes, with the same penalties for delinquency and the same manner of enforcing collection by sale as ordinary taxes. When collected they shall be kept in a separate fund and paid out only for the purposes for which and on the terms and conditions upon which they were voted, all of which shall be shown by the records and files of the auditor's office relating thereto.

Sec. 14. Limitation to ten-year periods. The aggregate amount of taxes on property in aid of railroads shall not during any ten (10) years exceed five per cent (5%) on the value thereof.

Approved March 27, 1924.

CHAPTER 133

RAILWAY CROSSINGS

H. F. 194

AN ACT to amend, revise, and codify section fifty hundred ninety (5090) of the compiled code of Iowa, relating to liability for negligence of employees and contracts of insurance relief, benefit or indemnity between railway corporations and their employees in case of injury or death.

Be It Enacted by the General Assembly of the State of Iowa:

That section fifty hundred ninety (5090) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Liability for negligence of employees. Every corporation operating a railway shall be liable for all damages sustained by any person, including employees of such corporation, in consequence of the neglect of the agents, or by any mismanagement of the engineers or other employees thereof, and in consequence of the wilful wrongs, whether of commission or omission, of such agents, engineers, or other employees, when such wrongs are in any manner connected with the use and operation of any railway on or about which they shall be employed, and no contract which restricts such liability shall be legal or binding.

Sec. 2. Prior relief or indemnity contract no bar to recovery. No contract of insurance, relief, benefit, or indemnity in case of injury or death, entered into prior to the injury, between the person so injured and such corporation, or any other person or association acting for such corporation, and no acceptance of any such insurance, relief, benefit, or indemnity by the person injured, his widow, heirs, or legal representatives after the injury, from such corporation, person, or association, shall constitute any bar or defense to any cause of action brought under the provisions of the preceding section, but nothing contained herein shall be construed to prevent or invalidate any settlement for damages between the parties subsequent to injuries received.

Sec. 3. Contributory negligence no bar - comparative negligence. In all actions brought against any railway corporation to recover damages for the personal injury or death of any employee under or by virtue of any of the provisions of the second preceding section, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee. No such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier or corporation of any statute enacted for the safety of employees contributed to the injury or death of such employee; nor shall it be any defense to such action that the employee who was injured or killed assumed the risks of his employment.

Approved January 25, 1924.

CHAPTER 134

RAILWAY CROSSINGS

S. F. 195

AN ACT to amend, revise, and codify section fifty hundred ninety-two (5092) of the compiled code of Iowa, and sections fifty-two hundred forty-one (5241) and fifty-two hundred forty-one-a one (5241-a1) of the supplement to said code, relating to steam and interurban railway crossings at grade and the duty of employees.

Be It Enacted by the General Assembly of the State of Iowa:

That section fifty hundred ninety-two (5092) of the compiled Code of Iowa, and sections fifty-two hundred forty-one (5241) and fifty-two hundred forty-one-a one (5241-a1) of the supplement to said Code are amended, revised, and codified to read as follows:

Section 1. Grade crossings--jurisdiction of board. The board of railroad commissioners of the state shall have jurisdiction over all crossings at grade of steam and interurban railways within the state. Upon the application of any interurban railway or upon its own motion, the said board may require the trains of any steam railway to stop at any crossing of such railway tracks at grade or said board may make such rules and regulations in relation to speed or other methods of operation at such grade crossings as in its judgment are necessary to protect the public safety. This section shall be construed as an exception to the general rule as provided by law, with reference to interurban railways being street railways within cities and towns.

Sec. 2. Grade crossings--duties of employees. Wherever the tracks of an interurban railway cross the tracks of any steam railway at grade, the steam railway shall, except where required to stop by order of the railroad commissioners, have the right of way and not be compelled to stop its trains and the interurban company operating its line shall cause its cars to come to a full stop not nearer than ten (10) feet nor more than fifty (50) feet from such crossing. Before proceeding to cross said steam railway tracks some employee of the interurban company shall first cross said track ahead of its car or cars and ascertain if the way is clear and free from danger for the passage of such interurban cars. The interurban car or cars shall not proceed to cross until signalled to do so by such person employed as aforesaid. No steam railway in the operation of its engine and cars shall obstruct the free passage of cars of an intersecting interurban railway at such crossing except in the exercise of its right of way as provided in this section.

Sec. 3. Stopping at crossings--exceptions. Except as otherwise in this chapter provided in relation to interlocking switches at railway grade crossings and except as otherwise provided in the preceding section, all trains run upon any steam railroad in this state which intersects and crosses any other railroad upon the same level, shall be brought to a full stop at a distance of not less than two hundred (200) nor more than eight hundred (800) feet from the point of intersection or crossing, before such intersection or crossing is passed.

Sec. 4. Violation--penalty. Any person in charge of an interurban car or cars, who shall violate the provisions of the second preceding section and any engineer or person in charge of an engine, who shall violate the provisions of the preceding section shall be fined for each offense not exceeding one hundred dollars (\$100.00) and the corporation or company on whose road such offense is committed, shall be fined not exceeding two hundred dollars (\$200.00) for each offense.

Approved February 7, 1924.

CHAPTER 135

REGULATION OF CARRIERS

H. F. 196

AN ACT to amend, revise, and codify sections fifty-one hundred seventy-three (5173) and fifty-one hundred seventy-six (5176) of the compiled code of Iowa, and sections fifty hundred nineteen (5019) of the supplement to said code, relating to regulation of carriers and definition of terms.

Be It Enacted by the General Assembly of the State of Iowa:

That sections fifty-one hundred seventy-three (5173) and fifty-one hundred seventy-six (5176) of the compiled Code of Iowa, and section fifty hundred nineteen (5019) of the supplement to said Code are amended, revised, and codified to read as follows:

Section 1. To what applicable. The provisions of this chapter shall apply to the transportation of passengers and property, and to the receiving, delivering, storing and handling of property wholly within this state, and shall apply to all railroad corporations, express companies, car companies, sleeping car companies, freight or freight line companies, and to any common carrier engaged in this state in the transportation of passengers or property by railroad therein, and to the shipments of property made from any point within the state to any point within the state, whether the transportation of the same shall be wholly within this state or partly within this state and partly within an adjoining state.

Sec. 2. Duty of railroad to furnish cars and transport freight. Every railway corporation shall upon reasonable notice, and within a reasonable time, furnish suitable cars to any and all persons who may apply therefor, for the transportation of any and all kinds of freight, and receive and transport such freight with all reasonable dispatch, and provide and keep suitable facilities for the receiving and handling thereof at any depot on the line of its road. It shall receive and transport in like manner the empty or loaded cars furnished by any connecting road, to be delivered at any station or stations on the line of its road, to be loaded or discharged or reloaded and returned to the road so connecting. For compensation it shall not demand or receive any greater sum than is accepted by it from any connecting railroad for a similar service.

Sec. 3. Passenger service - frequency - presumption. Every railway corporation owning or operating lines of railroad of more than seventeen (17) miles in length within the limits of the state, shall maintain a service of not less than two (2) passenger trains each way every twenty-four (24) hours, over the entire length of each division of such line or lines, when so ordered by the board of railroad commissioners. Passenger service of less than the number of trains provided herein shall be presumed to be unreasonable.

Sec. 4. Burden of proof as to compliance. In any action in court, or before the board, brought against a railroad corporation for the purpose of enforcing rights arising under the provisions of this and the two (2) preceding sections, the burden of proving that the provisions thereof have been complied with by such railroad corporation, shall be upon such railroad corporation.

Sec. 5. Definition of terms. The terms "railroad" and "railway" as used in this chapter shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation, receiver, trustee, or other person operating a railroad, whether owned or operated under contract, agreement, lease or otherwise.

The term "transportation" shall include all instrumentalities of shipment or carriage.

The term "railway corporation" shall mean all corporations, companies, or individuals owning or operating any railroad or carrier in whole or in part in this state, except street railways.

The term "switching service" is hereby defined to be shifting of a car or of cars between two (2) points, both of which points are within the industrial vicinity of an industry, a group of industries, a station, a village or a city, as such industrial vicinity may be defined by the board of railroad commissioners.

Sec. 6. Preference prohibited - exception. It shall be unlawful for any common carrier to give any preference or advantage to, or entail any prejudice or disadvantage upon any particular person, company, firm, corporation, locality, or any class of business or traffic, by any rate, rule, regulation, or practice whatsoever. This provision shall not prevent any common carrier from giving preference as to time of shipping live stock, live poultry, uncured meats, fruits, vegetables, or other perishable property.

Sec. 7. Interchange - switching and forwarding. All common carriers shall, according to their respective powers, afford all reasonable, proper, and equal facilities for the interchange of traffic between their respective lines, and for the receiving, forwarding, and switching of cars, passengers, and property to and from their several lines, and to and from other lines and places connected therewith; and shall not discriminate in their accommodations, rates, and charges between such connecting lines. Any common carrier may be required to switch and transfer cars for another, for the purpose of being loaded or unloaded, upon such terms and conditions as may be prescribed by the board of railroad commissioners.

Approved April 1, 1924.

CHAPTER 136

REGULATION OF CARRIERS

S. F. 197

AN ACT to amend, revise, and codify sections fifty-two hundred one (5201), fifty-two hundred five (5205), fifty-two hundred twenty (5220) to fifty-two hundred twenty-two (5222), inclusive, of the compiled code of Iowa, relating to regulation of carriers.

Be It Enacted by the General Assembly of the State of Iowa:

That section fifty-two hundred one (5201) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Discrimination as to quantity. For transporting freight over the same railway for the same distance in the same direction, no common carrier shall charge, collect, demand or receive more for transporting a car of freight than it at the same time charges, collects, demands or receives per car for more than one (1) car of a like class of freight; nor more for transporting a ton of freight than it charges, collects, demands, or receives per ton for more than one (1) ton of freight but less than a carload of a like class; nor more for transporting one hundred (100) pounds of freight than it charges, collects, demands or receives per hundred for more than one hundred (100) pounds of freight but less than a ton of a like class.

Sec. 2. Not applicable to new industry--limitation. For the protection and development of any new industry in the state, any common carrier may grant concessions or special rates for any agreed number of carloads or for a specified period of time, which rates and period of time shall be fixed and approved by the board of railroad commissioners, and a copy thereof filed in its office.

Sec. 3. Prima facie evidence of violation. Any such discriminating rates, charges, collections or receipts whether made directly or indirectly by means of any rebate, drawback or other method or means, shall be prima facie evidence of a violation of the provisions of the second preceding section.

That section fifty-two hundred five (5205) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 4. Free or reduced freight rates. Nothing in this chapter shall apply to free or reduced rates for the transportation, storage or handling of:

1. Property for the United States, this state, or municipal governments.
2. Materials to be used by public authorities in constructing or maintaining public highways outside of the corporate limits of cities and towns.
3. Property for charitable purposes.
4. Property for exhibition at fairs or expositions.
5. Private property or goods for the family use of such employees as are entitled to free passenger transportation.

That sections fifty-two hundred twenty (5220) to fifty-two hundred twenty-two (5222), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 5. Free passes and reduced passenger rates prohibited. No common carrier of passengers shall, directly or indirectly, issue, furnish or give free or at reduced rate, any ticket, pass or other evidence of the right or privilege of transportation to any person, except as provided in the next section, nor shall any person accept or use any free ticket, pass or other evidence of the right or privilege of transportation, except as in said section provided. The words "free ticket," "free pass," or other evidence of the right or privilege of transportation as used in this section shall include any ticket, pass, contract, permit or transportation issued, furnished or given to any person, by any common carrier of passengers, for carriage or passage, for any other consideration than money paid in the usual way at the rate, fare or charge open to all who desire to purchase.

Sec. 6. Persons to whom free or reduced transportation may be issued. The persons to whom tickets, free passes, free transportation or discriminating reduced rates may be issued, furnished or given, shall be as follows:

1. The railroad commissioners, their secretary and experts or other agents, and the commerce counsel, while engaged in the performance of their respective duties.
2. The general officers of such common carrier.
3. The officers, agents, employees, attorneys, physicians and surgeons of such common carriers, whose chief and principal occupation is to render service to common carriers of passengers, and to the families of such persons.
4. Sleeping car and express company employees, linemen of telegraph and telephone companies operated in connection with such carriers, railway mail service employees, postoffice inspectors, customs inspectors, immigration inspectors, newsboys on trains, and baggage agents.
5. Persons injured in wrecks and physicians and nurses attending such persons.
6. Persons traveling for the purpose of providing relief in cases of railroad accidents, general epidemic, pestilence, or other calamitous visitation.
7. The necessary caretakers of live stock, vegetables and fruit, including return transportation to forwarding station.

8. The officers, agents or regularly accredited representatives of labor organizations composed wholly of employees of railway companies.

9. Inmates of homes for the reform or rescue of the vicious or unfortunate, including those about to enter and those returning home after discharge, and boards of managers, including officers and superintendents of such homes.

10. Superannuated and pensioned employees and members of their families, widows of employees who die while in the service of such common carrier, and widows of pensioned employees.

11. Employees crippled and disabled in the service of such common carrier.

12. Mail carriers and firemen and all peace officers (except state policemen and agents of the department of justice) of any city, within the limits of such city, while wearing the insignia of their office.

13. Ministers of religion, traveling secretaries of Railroad Young Men's Christian Associations, inmates of hospitals and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work.

14. Indigent, homeless, and destitute persons, while being transported by charitable societies or hospitals, and the necessary agents or employees accompanying such persons.

15. School children to and from public, private or parochial schools.

16. The state game warden, his car and necessary assistants accompanying the same, when engaged in the performance of official duties.

17. The adjutant general of Iowa for the transportation of officers or enlisted men of the Iowa National Guard or other military organization of the state, when traveling under the order of the commander in chief.

Sec. 7. Interchange of passes. The provisions of the preceding section shall not prohibit the officers of any railway from interchanging passes and tickets with other railway companies for their officers and employees, or the interchange of passes by railway companies for the persons to whom free tickets, passes or transportation may lawfully be given or furnished, nor to invalidate any existing contract between a street railway company and a city where a condition of any franchise granted required the furnishing of transportation to policemen, firemen, and city officers, while in the performance of their duties.

Sec. 8. Burden of proof in certain cases. In any prosecution wherein it is charged that a free ticket, pass or transportation was wrongfully issued or given to or accepted by a physician, surgeon, attorney, agent or employee of a common carrier, the burden of proof shall be upon the defendant to prove the amount and character of the service rendered or to be rendered.

Approved March 11, 1924.

CHAPTER 137

SCHEDULES OF RATES AND CHARGES

H. F. 198

AN ACT to amend, revise, and codify sections fifty-one hundred seventy-nine-a one (5179-a1) to fifty-one hundred seventy-nine-a thirteen (5179-a13), inclusive, of the supplement to the compiled code of Iowa, relating to regulation of common carriers in respect to schedules of rates and charges.

Be It Enacted by the General Assembly of the State of Iowa:

That sections fifty-one hundred seventy-nine-a one (5179-a1) to fifty-one hundred seventy-nine-a thirteen (5179-a13), inclusive, of the supplement to the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Definitions.

The term "board" as employed in this chapter means the board of railroad commissioners.

The term "rates" embraces fares, tariffs, tolls, charges, and all classifications, contracts, practices, rules, and regulations of common carriers relating to such rates.

The term "joint tariffs" embraces joint rates, tolls, contracts, classifications, and charges.

Sec. 2. Rate schedules - filing and publication. Every common carrier, subject to the provisions of chapter four (4) of title sixteen (16) of the compiled Code of Iowa and of the supplement to said Code, shall file with the board and shall print and keep open to public inspection schedules showing the rates for the transportation within this state of persons and property from each point upon its route to all other points thereon and from all points upon its route to all points upon every other route leased, operated, or controlled by it; and from each point on its route or upon any route leased, operated, or controlled by it to all points upon the route of any other common carrier, whenever a through route and a joint rate shall have been established or ordered between any two such points. If no joint rate over a through route has been established, the schedules of the several carriers in such through route shall show the separately established rates, applicable to the through transportation.

Sec. 3. Detailed requirements. The schedules aforesaid shall plainly state the places between which such property and persons will be carried, and, separately, all terminal charges, storage charges, icing charges, and all other charges which the board may require to be stated, all privileges or facilities granted or allowed, and all rules or regulations which may in any wise change, affect or determine any part or the aggregate of such rates, or the value of the various services rendered to the passenger, shipper, or consignee.

Sec. 4. Printing - accessible to public. Subject to such rules and regulations as the board may prescribe, such schedules shall be plainly printed in large type and a copy thereof shall be kept by every such carrier readily accessible to and for inspection by the public in every station or office of such carrier where passengers or property are respectively received for transportation when such station or office is in charge of an agent, and in every station or office of such carrier where passenger tickets or tickets for sleeping car, parlor car, or other train accommodations are sold, or bills of lading or waybills or receipts for property are issued.

Sec. 5. Right to inspect. Any or all of such schedules kept as aforesaid shall be immediately produced by such carrier for inspection upon the demand of any person.

Sec. 6. Notice as to schedules. A notice printed in bold type and stating that such schedules are on file with the agent and open to inspection by any person, and that the agent will assist any person to determine from such schedules any rate, shall be kept posted by the carrier in two public and conspicuous places in every such station or office.

Sec. 7. Form of schedules. The form of every such schedule shall be prescribed by the board and shall conform, in the case of common carriers subject to an act of congress entitled "An Act to Regulate Commerce", approved February fourth, eighteen hundred eighty-seven, and the acts amendatory thereof and supplementary thereto, as nearly as may be to the form of schedule prescribed by the interstate commerce commission under said act.

Sec. 8. Interstate commerce schedules. When schedules and classifications required by the interstate commerce commission contain in whole or in part the information required by the provisions of this chapter, the posting, publishing, and filing of a copy or copies of such schedules and classifications shall be deemed a compliance with the requirements of this chapter in so far as such schedules and classifications contain the information required by this chapter, and any additional or different information may be posted, published, and filed in a supplementary schedule.

Sec. 9. Partial schedules. In lieu of filing its entire schedule in each station or office, any common carrier may, subject to the regulations of the board, file or keep posted at such stations or offices, schedules of such rates as are applicable at, to and from the places where such stations or offices are located.

Sec. 10. Changes in schedules. The board shall have power from time to time, in its discretion, to determine and prescribe by order such changes in the form of the schedules referred to in this chapter as it may find expedient, and to modify the requirements of any of its orders, rules, or regulations in respect thereto.

Sec. 11. Joint tariff schedules. The names of the several common carriers which are parties to any joint tariff, shall be specified in the schedule or schedules showing the same. Unless otherwise ordered by the board, a schedule showing such joint tariff need be filed with the board by only one of the parties if there is also filed with the board, in such form as the board may require, a concurrence in such joint tariff by each of the other parties thereto.

Sec. 12. Contracts affecting rates. Every common carrier shall file with the board, copies of all contracts, agreements, or arrangements with other common carriers in relation to any service, affected by the provisions of this chapter, to which it may be a party, and copies of all other contracts, agreements, or arrangements with any other person or corporation affecting in the judgment of the board the cost to such common carrier of any service.

Sec. 13. Acts prohibited. No common carrier shall undertake to perform any service nor engage or participate in the transportation of persons or property, between points within this state, until its schedule of rates shall have been filed and published as herein provided.

Sec. 14. Change in schedule. Unless the board otherwise orders, no change shall be made by any common carrier in any rate, except after thirty days' notice to the board and to the public as herein provided.

Sec. 15. Notice of change. Such notice shall be given by filing with the board and by keeping open for public inspection new schedules or supplements stating plainly the change or changes to be made in the schedule or schedules then in effect, and the time when the change or changes will go into effect.

Sec. 16. Changes without notice. The board, for good cause shown, may allow changes without requiring said thirty days' notice by an order specifying the changes to be made and the time when they shall take effect, and the manner in which they shall be filed and published.

Sec. 17. Indicating changes. When any change is proposed in any rate, such proposed change shall be plainly indicated on the new schedule filed with the board, by some character immediately preceding or following the item.

Sec. 18. Schedule charge mandatory - refunds and discrimination. No common carrier, except as otherwise provided, shall charge, demand, collect, or receive a greater or less or different compensation for the transportation of persons or property or for any service in connection therewith than the rates, fares, and charges applicable to such transportation as specified in its schedules filed and in effect at the time; nor shall any such carrier refund or remit in any manner or by any device any portion of the rates, fares, or charges so specified except upon order of the courts or of the board as may be now or hereafter by law provided, nor extend to any shipper or person any privilege or facility in the transportation of passengers or property except such as are specified in such schedules.

Sec. 19. Power to revise rates. Whenever there shall be filed with the board any schedule, stating an individual or joint rate, the board shall have power, either upon complaint or upon its own motion, at once, and, if it so orders, without answer or formal pleadings by the interested common carrier or carriers, but upon reasonable notice, to enter upon a hearing concerning the propriety of such rate.

Sec. 20. Suspension of rates. Pending the hearing and the decision thereon, such rate shall not go into effect; but the period of suspension of such rate shall not extend more than one hundred twenty (120) days beyond the time when such rate would otherwise go into effect, unless the board, in its discretion, extends the period of suspension for a further period of not exceeding thirty (30) days.

Sec. 21. Decision. On such hearing the board shall establish the rates, in whole or in part, or others in lieu thereof, which it shall find to be just and reasonable.

Sec. 22. When rates effective. All such rates not so suspended shall, on the expiration of thirty (30) days from the times of filing the same with the board or of such less time as the said board may grant, go into effect and be the established and effective rates, subject to the power of the board after a hearing had upon its own motion or upon complaint, as herein provided, to alter or modify the same.

Sec. 23. Posting and filing of revised schedules. After such changes have been authorized by the board, copies of the new or revised schedules shall be posted or filed as provided in this chapter within such reasonable time as may be fixed by the board.

Approved February 20, 1924.

CHAPTER 138

INTERURBAN RAILWAYS

H. F. 200

AN ACT to amend, revise, and codify sections five thousand ten (5010), fifty-two

hundred thirty-nine (5239), fifty-two hundred forty (5240), fifty-two hundred forty-two (5242), fifty-two hundred forty-three (5243), fifty-two hundred forty-five (5245), fifty-two hundred forty-six (5246) and fifty-two hundred forty-nine (5249) of the compiled code of Iowa, relating to interurban railways.

Be It Enacted by the General Assembly of the State of Iowa:

That sections five thousand ten (5010), fifty-two hundred thirty-nine (5239) and fifty-two hundred forty (5240) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Interurban or street railway on highway. Any interurban or street railway operated by any motive power other than steam, may build and operate its line over, along, and upon any public highway which is not less than one hundred (100) feet wide, outside the limits of any city or town. The board of supervisors may, without expense to the county, accept conveyances of real estate abutting on any highway or any part thereof, for the purpose of increasing such highway or part thereof to the width of one hundred (100) feet or more for said purposes.

Sec. 2. Where highway cannot be widened. When the board of supervisors shall find that it is not practicable or expedient to widen a highway to one hundred (100) feet or more for the purpose aforesaid and when there is filed with the county auditor the written consent of two-thirds ($2/3$) of the residents of the county owning real estate abutting upon the portion of the highway upon and along which it is proposed to go build and operate such railway, the board may grant the right to build and operate such line upon and along the portion of such highway to which such written consent applies.

Sec. 3. Written consent not waiver of damages unless expressed. The signing of written consent as provided in the preceding section shall not be a waiver of any damages which may accrue to any owner of abutting land on account of the building and operation of such railway upon and along such highway, or resulting from the negligence of any officer, agent, or servant of such railway company in the building or operation of such railway.

Unless the owners of land abutting each side of said road shall make written waiver of any damages, the railway company shall pay all damages sustained by such abutting owners caused by building said road. If the parties cannot agree, the amount of such damages shall be ascertained and paid in the same manner as is provided for taking private property for works of internal improvement.

Sec. 4. When highway not less than sixty feet wide. The board of supervisors may without such written consent grant the right to such interurban or street railway company to build and operate its line for a distance not exceeding two (2) miles outside the limits of any city or town upon and along any highway not less than sixty (60) feet wide.

Sec. 5. Right subject to regulations. All rights to build and operate any such railway upon and along any public highway shall be subject to such restrictions and regulations as shall be prescribed from time to time by the board of supervisors. The construction and operation of such railway shall be so conducted as to cause the least interference with the convenient use of such highway by the public, and such highway shall, as soon as practicable, be placed in as good condition as it was before the location of such railway thereon.

Sec. 6. Eminent domain to apply. All questions as to damages sustained by owners of land abutting on a highway along and upon which has been constructed such railway, shall be subject to proceedings relating to eminent domain.

Sec. 7. Cities and towns may grant franchise. Cities and towns under any form

of government may, as provided by law, authorize or forbid the construction and operation of such railways upon, over or along the streets, alleys, and public grounds within their limits and prescribe the conditions and regulations for such construction and operation. The right to operate as a street railway shall not be granted for a period exceeding twenty-five (25) years.

Sec. 8. Contracts and other provisions not impaired. Nothing in the preceding section shall impair the obligation of contracts of any city under any form of government or town entered into prior to the eighth day of April, nineteen hundred two (1902), nor affect any provisions of law relating to free or reduced or discriminating rates of transportation.

That sections fifty-two hundred forty-two (5242), fifty-two hundred forty-three (5243), and fifty-two hundred forty-five (5245) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 9. Use of terminal facilities. Any person or corporation owning or operating an electric street railway in any city or town, shall permit the use of its tracks, poles, wires, and terminal facilities within such city or town by any interurban railway entering such city or town for interurban business only in the transportation of passengers, mail, express, and baggage in passenger or in combination baggage cars, but shall not be required to permit the use of its car houses or barns by such interurban railway.

Sec. 10. Street railway to furnish power - conditions. When the power plant of a street railway is sufficient therefor and during the hours its street cars are in operation, and to the extent it can do so without interference with its own traffic, it shall furnish power for the operation of interurban passenger and combination baggage cars on such portions of such street railway tracks as such interurban railway has the right to use. It shall have preference in the use of its own power and tracks so that its cars shall not be delayed in transit.

Sec. 11. Interurban to furnish facilities and power. Any interurban electric railway company carrying on a street railway business in a city or town shall furnish to any other interurban electric railway company entering said city or town, for interurban purposes only, the same privileges and facilities which an electric street railway is required to furnish under the two (2) preceding sections.

Sec. 12. Compensation - disagreement - proceedings. Any interurban railway company shall pay a reasonable compensation for the privileges and facilities furnished to it by a street railway company and in case of disagreement as to the facilities to be furnished or the conditions for their use or the compensation therefor, the question shall be submitted to and heard and determined by the board of railroad commissioners, on petition of either party, and on ten (10) days' written notice of such hearing served on the opposite party. Any order made by the board or the court on appeal shall be subject to review and modification from time to time on ten (10) days' written notice by either party setting forth the grounds of the application.

Sec. 13. Right of appeal - notice. Either party shall have the right to appeal from any order or decision of the board to the district court of the county in which the street railway is located, within twenty (20) days from the date of the order or decision, by serving written notice of appeal on the other party and filing the same with proof of service with the secretary of the board. Such secretary shall forthwith make and file in the office of the clerk of said court a transcript of the petition and such other documents as are on file in said cause, including the order or decision and notice of appeal.

Sec. 14. Trial term - manner of trial. The appeal shall be tried in equity

and have precedence over all other civil causes. The first term after the transcript is filed shall be the trial term. No appeal shall suspend the order or decision appealed from, if the interurban company on whose behalf the order or decision is made shall file with the secretary of the board, a bond with sureties approved by the board, conditioned for the payment of any judgment for costs and compensation and for obedience to any order or decree of the court.

Sec. 15. Exception - provisions not applicable when. Any interurban railway company doing a street railway business on its own tracks in a city or town, may, for the purpose of completing a terminal loop for its interurban cars only, acquire under the foregoing provisions the use of so much of the track, poles, and wire of a street railway as shall be necessary for said purposes.

That sections fifty-two hundred forty-six (5246) and fifty-two hundred forty-nine (5249) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 16. Water supply- eminent domain. Any interurban railway company requiring an electric generating plant for its operation, shall have the power of eminent domain to acquire, by condemnation, the right of access to all necessary streams or other sources for the purpose of supplying its power house with water, and of making the necessary changes and improvements, and to repair or renew the same from time to time, in such streams, or upon the lands from which it is to obtain said water supply, in the same manner provided by law for the taking of private property for works of internal improvement. Such company shall pay to the owner of any lands or water rights, all damages arising out of the exercises of such right.

Sec. 17. Limitations - conditions. In exercising such right, the owner of any water right or supply shall not be deprived of access thereto or the use thereof in common with such railway corporation, and no dwelling house or other buildings, orchard, or garden shall be overflowed or injuriously affected.

Sec. 18. Proceedings to acquire. Before proceeding to condemn any property rights to acquire or reach a water supply, such railway company shall make written application to the board of railroad commissioners, accompanied by a drawing showing in detail the land required, the water supply to be obtained and the changes and improvements to be made, and giving the names and addresses of all persons whose rights will be affected thereby.

Sec. 19. Notice of application - expense. Such board shall forthwith give written notice to all persons whose rights will be affected by the proposed changes, of the date on which a hearing will be had on said application. If upon examination into the matter the board finds that any rights of the public will be affected by such improvements, it shall give such notice as it deems sufficient to advise the public thereof. Any person having any interest may file objections to the application. The expenses of all such notices shall be paid by the company or person making the application.

Sec. 20. Findings - certificate. If the board finds that such proposed changes or improvements are necessary and proper and the exercise of the power of eminent domain is reasonable, it shall grant the application as made or with such modifications as shall be proper and just, and file in the office of the clerk of the district court of the county in which the improvements are to be made, a certified transcript of the proceedings and order accompanied by plans and specifications showing in reasonable detail the land and water rights to be acquired for present and prospective use of such company, whereupon such company may proceed to acquire the same by condemnation, but shall not take possession of such property and water rights till the damages awarded by the condemnation commission have been deposited with the sheriff.

Sec. 21. Water supply - eminent domain. Except as in this chapter otherwise provided, all provisions relating to eminent domain conferring upon railway companies the right to condemn land for reservoirs and to enable them to reach and acquire sources of water supply and access thereto, shall apply to inter-urban railway companies for reaching and acquiring water supplies for their power plants.

Approved April 1, 1924.

CHAPTER 139

CORPORATE STOCK

H. F. 202

AN ACT to amend, revise, and codify sections fifty-three hundred seventy-seven (5377) and fifty-three hundred seventy-eight (5378) of the compiled code of Iowa, relating to corporate shares of stock.

Be It Enacted by the General Assembly of the State of Iowa:

That sections fifty-three hundred seventy-seven (5377) and fifty-three hundred seventy-eight (5378) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Amount paid - certificate void - penalty violation. No certificate or shares of stock shall be issued, delivered or transferred by any corporation, officer or agent thereof, or by the owner of such certificate or shares, without having indorsed on the face thereof what amount or portion of the par value has been paid to the corporation issuing the same, and whether such payment has been in money or property. Any certificate of stock issued, delivered or transferred in violation of this section when the corporation has not received payment therefor at par in money or property at a valuation approved by the executive council, shall be void, and the issuance, delivery or transfer of each certificate shall be considered a separate transaction. Any person violating the provisions of this section, or knowingly making a false statement on such certificate, shall be fined not less than one hundred dollars nor more than five hundred dollars, and shall stand committed to the county jail until such fine and costs are paid.

Sec. 2. Certain corporations excepted. The preceding section shall not apply to railway or quasi-public corporations organized before the first day of October, eighteen hundred ninety-seven (1897).

Sec. 3. Stock payable in cash. No corporation organized under the laws of this state, except building and loan associations, shall issue any certificate of a share of capital stock, or any substitute therefor, until the corporation has received the par value thereof.

Sec. 4. Payment in property other than cash. If it is proposed to pay for said capital stock in property or in any other thing than money, the corporation proposing the same must, before issuing capital stock in any form, apply to the executive council of the state for leave so to do. Such application shall state the amount of capital stock proposed to be issued for a consideration other than money, and set forth specifically the property or other thing to be received in payment for such stock.

Sec. 5. Executive council to fix amount. The executive council shall make investigation, under such rules as it may prescribe, and ascertain the real value of the property or other thing which the corporation is to receive for the stock. It shall enter its finding, fixing the value at which the corporation may receive the

given in payment for capital stock; and no corporation shall issue capital stock for the said property or thing in a greater amount than the value so fixed.

Sec. 6. Elements considered in fixing amount. For the purpose of encouraging the construction of new steam or electric railways, and manufacturing industries within this state, the labor performed in effecting the organization and promotion of such corporation, and the reasonable discount allowed or reasonable commission paid in negotiating and effecting the sale of bonds for the construction and equipment of such railroad or manufacturing plant, shall be taken into consideration by said council as elements of value in fixing the amount of capital stock that may be issued.

Approved February 15, 1924.

CHAPTER 140

INSURANCE DEPARTMENT

S. F. 205

AN ACT to amend, revise, and codify section five thousand four hundred sixty-one (5461) of the compiled code of Iowa, and sections five thousand four hundred sixty (5460) and five thousand four hundred sixty-two (5462) of the supplement to said code, relating to the insurance department.

Be It Enacted by the General Assembly of the State of Iowa

That section five thousand four hundred sixty-one (5461) of the compiled Code of Iowa, and sections five thousand four hundred sixty (5460) and five thousand four hundred sixty-two (5462) of the supplement to said Code are amended, revised, and codified to read as follows:

Section 1. Department of insurance. The insurance department of Iowa, as heretofore created and established, with the commissioner of insurance as head thereof, shall be located at the seat of government.

Sec. 2. Appointment, term, and removal. The governor shall, within sixty (60) days following the organization of the regular session of the general assembly in nineteen hundred twenty-seven (1927) and each four (4) years thereafter appoint, with the approval of two-thirds ($2/3$) of the members of the senate in executive session, a commissioner of insurance, who shall be selected solely with regard to his qualifications and fitness to discharge the duties of this position, devote his entire time to such duties, and serve for four (4) years from July first of the year of appointment.

Sec. 3. Confirmation. No nomination shall be considered by the senate until the same has been referred to a committee of five (5), not more than three (3) of whom shall belong to the same political party. Said committee shall be appointed by the president of the senate, without motion, and shall report to the senate in executive session. The consideration of nominations by the senate shall not be had on the same legislative day that nominations are so referred.

Sec. 4. Vacancies. Vacancies that may occur while the general assembly is not in session shall be filled by appointment by the governor, which appointment shall expire at the end of thirty (30) days from the time the general assembly next convenes. Prior to the expiration of said thirty (30) days the governor shall transmit to the senate for its confirmation an appointment for the unexpired portion of the regular term. Vacancies occurring during a session of the general assembly shall be filled as regular appointments are made and before the

end of said session, and for the unexpired portion of the regular term.

Sec. 5. Deputy - assistants - bond. The commissioner shall appoint a deputy commissioner and such other clerks and assistants as shall be needed to assist him in the performance of his duties, all of whom shall serve during the pleasure of the commissioner. Before entering upon the duties of his office, the deputy commissioner shall give a bond in the penal sum of ten thousand dollars (\$10,000.00).

Sec. 6. Payment of salaries of deputy, assistants and clerks. All salaries of deputy, assistants and clerks herein provided for shall be paid in the same manner as are the salaries of other state officers out of the general revenues of the state, and on the first day of each month all such salaries as are indicated herein shall be paid by warrant drawn by the auditor upon the treasurer of state.

Sec. 7. Expenses - appropriation. The commissioner shall be entitled to reimbursement of his actual necessary expenses in attending meetings of insurance commissioners of other states, and in the performance of the duties of his office, not exceeding one thousand dollars (\$1,000.00) annually. He may incur such other and additional expenses as may be authorized by the executive council, not exceeding one thousand dollars (\$1,000.00) annually. There is hereby appropriated, annually, for the biennium ending June thirtieth, nineteen hundred twenty-five (1925) from any funds in the state treasury not otherwise appropriated, or so much thereof as may be necessary, the sum of two thousand dollars (\$2,000.00) to cover the expenses provided for in this section.

Sec. 8. Present commissioner. The term of the commissioner of insurance who is in office on January first (1st), nineteen hundred twenty-seven (1927), shall serve until July first (1st), nineteen hundred twenty-seven (1927).

Approved April 3, 1924.

CHAPTER 141

SPECIAL LIENS

H. F. 212

AN ACT to amend, revise, and codify chapter seven (7) of title twenty-one (21) and chapters one (1) to six (6), inclusive, of title twenty-four (24) of the compiled code of Iowa and of the supplement to said code, relating to certain special liens.

Be It Enacted by the General Assembly of the state of Iowa:

That chapter seven (7) of title twenty-one (21) and chapters one (1) to six (6), inclusive, of title twenty-four (24) of the compiled Code of Iowa, and of the supplement to said Code are amended, revised, and codified to read as follows:

TITLE XXIV

CERTAIN SPECIAL LIENS

CHAPTER 1

LANDLORD'S LIEN

Section 1. Nature of landlord's lien. A landlord shall have a lien for his rent upon all crops grown upon the leased premises, and any upon other personal

property of the tenant which has been used or kept thereon during the term and which is not exempt from execution.

Sec. 2. Duration of lien. Such lien shall continue for the period of one (1) year after a year's rent, or the rent of a shorter period falls due. But in no case shall such lien continue more than six (6) months after the expiration of the term.

Sec. 3. Limitation on lien in case of sale under judicial process. In the event that a stock of goods or merchandise, or a part thereof, subject to a landlord's lien, shall be sold under judicial process, order of court, or by an assignee under a general assignment for benefit of creditors, the lien of the landlord shall not be enforceable against said stock or portion thereof, except for rent due for the term already expired, and for rent to be paid for the use of demised premises for a period not exceeding six (6) months after date of sale, any agreement of the parties to the contrary notwithstanding.

Sec. 4. Enforcement - proceeding by attachment. The lien may be enforced by the commencement of an action, within the period above prescribed, for the rent alone, in which action the landlord shall be entitled to a writ of attachment, upon filing with the clerk or justice a verified petition, stating that the action is commenced to recover rent accrued within one (1) year previous thereto upon premises described in the petition; and the procedure thereunder shall be the same, as nearly as may be, as in other cases of attachment, except no bond shall be required.

Sec. 5. Lien upon additional property. If a lien for rent is given in a written lease or other instrument upon additional property, it may be enforced in the same manner as a landlord's lien and in the same action.

Sec. 6. Action by tenant to recover property. An action brought by a tenant, his assignee or under tenant, to recover the possession of specific personal property taken under landlord's attachment, may be against the party who sued out the attachment; and the property claimed in such action may, under the writ therefor, be taken from the officer who seized it, when he has no other claim to hold it than that derived from the writ.

Sec. 7. Acts sufficient to constitute taking of property. The indorsement of a levy on the property, made upon the process by the officer holding it shall be a sufficient taking of the property to sustain an action against the party who sued out the writ.

Sec. 8. Sale of crops held by landlord's lien. If any tenant of farm lands, with intent to defraud, shall sell, conceal, or in any manner dispose of any of the grain, or other annual products thereof upon which there is a landlord's lien for unpaid rent, without the written consent of the landlord, he shall be guilty of larceny and punished accordingly.

Sec. 9. Action barred by payment of rent. The payment of the rent for the lands upon which such grain or other annual products were raised at or before the time the same falls due, shall be a bar to any prosecution under the preceding section and no prosecution shall be commenced until such rent be wholly due.

CHAPTER 2

MECHANIC'S LIEN

Sec. 10. Definitions and rules of construction. For the purpose of this chapter:

1. "Owner" shall include every person for whose use or benefit any building, erection, or other improvement is made, having the capacity to contract, including guardians.

2. "Subcontractor" shall include every person furnishing material or performing labor upon any building, erection, or other improvement, except those having contracts therefor directly with the owner, his agent, or trustee.

3. "Building" shall be construed as if followed by the words "erection, or other improvement upon land".

4. "Material" shall be construed as if followed by the words "machinery or fixtures".

Sec. 11. Persons entitled to lien. Every person who shall furnish any material for or perform any labor upon any building, including those engaged in the construction or repair of any work of internal improvement and those engaged in grading any land or lot, by virtue of any contract with the owner, his agent, trustee, contractor, or subcontractor shall have a lien upon such building and upon the land belonging to such owner on which the same is situated, or upon the land or lot so graded, to secure payment for material furnished or the labor performed.

Sec. 12. Collateral security before completion of work. No person shall be entitled to a mechanic's lien who, at the time of making a contract for furnishing material or performing labor, or during the progress of the work, shall take any collateral security on such contract.

Sec. 13. Security after completion of work. After the completion of such work, the taking of security of any kind shall not affect the right to establish a mechanic's lien unless such new security shall, by express agreement, be given and received in lieu of such lien.

Sec. 14. Extent of lien. The entire land upon which any building is situated, including that portion not covered therewith, shall be subject to a mechanic's lien to the extent of the interest therein of the person for whose benefit such material was furnished or labor performed.

Sec. 15. In case of leasehold interest. When the interest of such person is only a leasehold, the forfeiture of the lease for the nonpayment of rent, or for noncompliance with any of the other conditions therein, shall not forfeit or impair the mechanic's lien upon such building, but the same may be sold to satisfy such lien, and removed by the purchaser within thirty (30) days after the sale thereof.

Sec. 16. In case of internal improvement. When the lien is for material furnished or labor performed in the construction, repair, or equipment of any railroad, canal, viaduct, or other similar improvement, said lien shall attach to the erections, excavations, embankments, bridges, roadbeds, rolling stock, and other equipment and to all land upon which such improvements or property may be situated, except the easement or right of way.

Sec. 17. Perfection of lien. Every person who wishes to avail himself of a mechanic's lien shall file with the clerk of the district court of the county in which the building to be charged with the lien is situated a verified statement or account of the demand due him, after allowing all credits, setting forth:

1. The time when such material was furnished or labor performed, and when completed.

2. The correct description of the property to be charged with the lien.

Sec. 18. Time of filing. The statement or account required by the preceding section shall be filed by a principal contractor within ninety (90) days, and by a subcontractor within sixty (60) days, from the date on which the last of the material was furnished or the last of the labor was performed. A failure to file

the same within said periods shall not defeat the lien, except as otherwise provided in this chapter.

Sec. 19. Perfecting subcontractor's lien after lapse of sixty days. After the lapse of the sixty (60) days prescribed in the preceding section, a subcontractor may perfect a mechanic's lien by filing his claim with the clerk of the district court and giving written notice thereof to the owner, his agent, or trustee. Such notice may be served by any person in the manner original notices are required to be served. If the party to be served, his agent, or trustee, is out of the county where in the property is situated, a return of that fact by the person charged with making such service shall constitute sufficient service from and after the time it was filed with the clerk of the district court.

Sec. 20. Extent of lien filed after sixty days. Liens perfected under the preceding section shall be enforced against the property or upon the bond, if given by the owner, as hereinafter provided, only to the extent of the balance due from the owner to the contractor at the time of the service of such notice, but if the bond was given by the contractor, or person contracting with the subcontractor filing the claim for a lien, such bond shall be enforced to the full extent of the amount found due the subcontractor.

Sec. 21. Time of filing against railway. Where a lien is claimed upon a railway, the subcontractor shall have sixty (60) days from the last day of the month in which such labor was done or material furnished within which to file his claim therefor.

Sec. 22. Liability of owner to original contractor. No owner of any building upon which a mechanic's lien of a subcontractor may be filed, shall be required to pay the original contractor for compensation for work done or material furnished for said building until the expiration of sixty (60) days from the completion of said building, unless the original contractor shall furnish to the owner:

1. Receipts and waivers of claims for mechanics' liens, signed by all persons who furnished any material or performed any labor for said building, or
2. A good and sufficient bond to be approved by said owner, conditioned that said owner shall be held harmless from any loss which he may sustain by reason of the filing of mechanics' liens by subcontractors.

Sec. 23. Liability to subcontractor after payment of original contractor. Payment to the original contractor by the owner of any part or all of the contract price of such building before the lapse of the sixty (60) days allowed by law for the filing of a mechanic's lien by a subcontractor, will not relieve the owner from liability to the subcontractor for the full value of any material furnished or labor performed upon said building, if the subcontractor file his lien within the time provided by law for the filing of the same.

Sec. 24. Discharge of subcontractor's lien. Every mechanic's lien of a subcontractor may be discharged at any time by the owner, principal contractor, or intermediate subcontractor filing with the clerk of the district court of the county in which the property is located a bond in twice the amount of the sum for which the claim for the lien is filed, with surety or sureties, to be approved by said clerk, conditioned for the payment of any sum for which the claimant may obtain judgment upon his claim.

Sec. 25. Rule of construction. Nothing in this chapter shall be construed to require the owner to pay a greater amount or at an earlier date than is provided in his contract with the principal contractor, unless said owner pays a part or all of the contract price to the original contractor before the expiration of the sixty (60) days allowed by law for the filing of a mechanic's lien by a subcontractor.

Sec. 26. Priority of mechanics' liens between mechanics. Mechanics' liens shall have priority over each other in the order of the filing of the statements or accounts as herein provided.

Sec. 27. Priority over other liens. Mechanics' liens shall be preferred to all other liens which may attach to or upon any building, and to the land upon which it is situated, except liens of which the contractor or subcontractor, as the case may be, has actual or constructive notice before the commencement of the work or the furnishing of material; but the rights of purchasers, incumbrancers, and other persons who acquire interests in good faith and for a valuable consideration, and without notice, after the expiration of the time for filing claims for such liens, shall be prior to the claims of all contractors or subcontractors who have not, at the dates such rights and interests were acquired, filed their claims for such liens.

Sec. 28. Priority over garnishments of the owner. Mechanics' liens shall take priority of all garnishments of the owner for the contract debts, whether made prior or subsequent to the commencement of the furnishing of the material or performance of the labor, without regard to the date of filing the claim for such lien.

Sec. 29. Priority as to buildings over prior liens upon land. Mechanics' liens, including those for additions, repairs, and betterments, shall attach to the building for which the material or labor was furnished or done, in preference to any prior lien, incumbrance, or mortgage upon the land upon which such building was erected or situated.

Sec. 30. Foreclosure of mechanic's lien when lien on land. In the foreclosure of a mechanic's lien when there is a prior lien, incumbrance, or mortgage upon the land the following regulations shall govern:

1. Lien on original and independent building. If such material was furnished or labor performed in the construction of an original and independent building commenced after the attaching or execution of such prior lien, incumbrance, or mortgage, the court may, in its discretion, order such building to be sold separately under execution, and the purchaser may remove the same in such reasonable time as the court may fix. If the court shall find that such building should not be sold separately, it shall take an account of and ascertain the separate values of the land, and the building, and order the whole sold, and distribute the proceeds of such sale so as to secure to the prior lien, incumbrance, or mortgage priority upon the land, and to the mechanic's lien priority upon the building.

2. Lien on existing building for repairs or additions. If the material furnished or labor performed was for additions, repairs, or betterments upon any building, the court shall take an accounting of the values before such material was furnished or labor performed, and the enhanced value caused by such additions, repairs, or betterments, and upon the sale of the premises, distribute the proceeds of such sale so as to secure to the prior mortgage or lienholder priority upon the land and improvements as they existed prior to the attaching of the mechanic's lien, and to the mechanic's lienholder priority upon the enhanced value caused by such additions, repairs, or betterments. In case the premises do not sell for more than sufficient to pay off the prior mortgage or other lien, the proceeds shall be applied on the prior mortgage or other liens.

Sec. 31. Record of claim. The clerk of the court shall indorse upon every claim for a mechanic's lien filed in his office the date and hour of filing and make an abstract thereof in the mechanic's lien book kept for that purpose. Said book shall be properly indexed and shall contain the following items concerning each claim:

1. The name of the person by whom filed.
2. The date and hour of filing.
3. The amount thereof.
4. The name of the person against whom filed.
5. The description of the property to be charged therewith.

Sec. 32. Acknowledgment of satisfaction of claim. When a mechanic's lien is satisfied by payment of the claim, the claimant shall acknowledge satisfaction thereof upon the mechanic's lien book, or otherwise in writing, and, if he neglects to do so for thirty (30) days after demand in writing, he shall forfeit and pay twenty-five dollars (\$25.00) to the owner or contractor, and be liable to any person injured to the extent of his injury.

Sec. 33. Time of bringing action - court. An action to enforce a mechanic's lien, or an action brought upon any bond given in lieu thereof, may be commenced in the district or superior court after said lien is perfected.

Sec. 34. Place of bringing action. An action to enforce a mechanic's lien shall be brought in the county in which the property to be affected, or some part thereof, is situated.

Sec. 35. Kinds of action. An action to enforce a mechanic's lien shall be by equitable proceedings, and no other cause of action shall be joined therewith.

Sec. 36. Limitation on action. An action to enforce a mechanic's lien may be brought within two (2) years from the expiration of the sixty (60) or ninety (90) days, as the case may be, for filing the claim as provided in this chapter and not afterwards.

Sec. 37. Demand for bringing suit. Upon the written demand of the owner, his agent, or contractor, served on the lienholder requiring him to commence action to enforce his lien, such action shall be commenced within thirty (30) days thereafter, or the lien shall be forfeited and all benefits derived therefrom.

Sec. 38. Assignment of lien. A mechanic's lien is assignable, and shall follow the assignment of the debt for which it is claimed.

CHAPTER 3

MINER'S LIEN

Sec. 39. Nature of miner's lien. Every laborer or miner who shall perform labor in opening, developing, or operating any coal mine shall have a lien for the full value of such labor upon all the property of the person, firm, or corporation owning or operating such mine and used in the construction or operation thereof, including real estate and personal property. Such lien shall be secured and enforced in the same manner as a mechanic's lien.

CHAPTER 4

COMMON CARRIER'S LIEN

Sec. 40. Definitions. For the purpose of this chapter:

1. "Perishable property" shall include fruits, vegetables, fish, oysters, candies, bakery goods, game, butter, eggs, dairy products, dressed poultry, fresh

meats, and other property which by keeping may deteriorate in value or damage other property; also, gasoline, kerosene, oils, and distillates, dynamite, powder, munitions, and explosives, and other substances, which by reason of odor or leakage, or their volatile, inflammable, explosive, or dangerous nature, may become damaged or may be dangerous to persons or to other property.

2. "Live stock" shall include animals, live poultry, and birds.

3. "Nonperishable property" shall include all property not defined as perishable property or live stock.

4. "Carrier" shall mean common carrier.

Sec. 41. Lien of common carrier. Every carrier shall have a lien upon all property of every kind in its possession for all lawful charges thereon for transportation, demurrage, storage, handling, keeping, caring for, and if sold under the provisions of this chapter, for selling the same.

Sec. 42. Enforcement of lien. When any property upon which a carrier has a lien is unclaimed, or no directions have been given for the disposition thereof, or when any of the charges thereon are unpaid, the same may be sold by the carrier after giving the notice herein prescribed.

Sec. 43. Personal notice of sale. Notices for the sale of property under the provisions of this chapter shall be given as follows:

1. In the case of perishable property notice may be given, at any time after the arrival of the property at its destination, to the consignee or person designated in the waybill to be notified, and said notice shall state that the property is on hand and that unless all legal charges are paid and the property removed or directions given for the disposition of the same within the time hereinafter prescribed the property will be sold as provided in this chapter.

2. In the case of live stock the same notice as prescribed in the preceding paragraph may be given at any time after the lapse of forty-eight (48) hours from the time of arrival of the property at its destination.

3. In the case of nonperishable property notice may be given in accordance with the provisions of the preceding paragraph but a like notice shall also be given to the consignor.

4. In case no shipping directions have been received for the disposition of the property, the notice required by this section may be given to the person from whom the property was received, if said person and his address is known, otherwise the carrier shall proceed as provided in section forty-seven (47).

Sec. 44. Manner of giving notice. The deposit in the United States post-office or public mailing box of a written notice addressed to the person entitled to notice under the preceding section at the address given in the waybill, with the proper postage thereon, shall constitute the service of notice required by this chapter, but in the case of nonperishable property notice shall be given by registered mail. In case there is no waybill notice may be given as prescribed in this section to the person entitled thereto at his known place of residence or business.

Sec. 45. Actual notice. Actual notice to the persons entitled to notice shall be sufficient and render the mailing of notice unnecessary, and the time within which said property may be sold shall begin to run from the time of such actual notice.

Sec. 46. Sale. After the required notice has been given, the carrier may make public or private sale of the property at such time and place as in its judgment may be advisable, as follows:

1. In case of perishable property at any time after the lapse of twenty-four (24) hours from the service of notice.

2. In case of live stock at any time after the lapse of five (5) days from the service of notice.

3. In case of nonperishable property at any time after the lapse of ten (10) days from the service of notice.

Sec. 47. Sale when owner unknown. When a carrier is in possession of property which is unclaimed or for which no directions have been given for the disposition thereof, and the owner or person entitled thereto, or his address, is unknown, the same may be sold as provided in this chapter, after the lapse of time prescribed in the preceding section from the receipt of the property or arrival at its destination, without giving the notice heretofore prescribed, except that in the case of nonperishable property, advertisement of the sale, describing the property to be sold, and the time and place of sale, shall be published, after the lapse of the time prescribed before sale can be made, once a week for two (2) consecutive weeks in a newspaper published in the place where such sale is to be held. The sale shall not be held less than fifteen (15) days from the time of the first publication. If there is no newspaper published in such place, the advertisement shall be posted at least ten (10) days before such sale in not less than six (6) conspicuous places therein.

Sec. 48. Inventory - sale in bulk or separate articles. Property sold under the provisions of this chapter shall first be listed by the carrier, so as to show the number and kind of articles or packages, or the number of head and kind of live stock, and may be sold in bulk, in lots, or by separate package or articles, or by the head, and the carrier shall keep an accurate account of the separate and aggregate amounts received for all property sold.

Sec. 49. Recovery of property by satisfaction of lien. At any time before the property is sold any person entitled to the same may pay the amount necessary to satisfy the lien and all charges due the carrier who shall then deliver the property to said person.

Sec. 50. Application of proceeds. The carrier shall make the following disposition of the proceeds of such sale:

1. Apply so much as may be necessary for the payment of all lawful charges for transportation, demurrage, storing, keeping, feeding, and selling, including costs of notices and all expenses connected with the sale and disposition of proceeds.

2. Pay the balance to the consignee or owner or person entitled thereto upon a proper showing that the person claiming it is entitled thereto.

Sec. 51. Disposition of unclaimed balance. When no claim is made by any person for such balance, within one (1) month after the sale the carrier shall pay the same to the treasurer of the county where such property was sold, taking his receipt therefor, which payment shall be accompanied by a verified list of the property sold, showing the amount received, the amount deducted or applied for lawful charges, and the names and addresses of the consignor and consignee as they appear on the waybill. In case there is no waybill the verified list shall show the name and address of the person entitled to notice before the sale of the property, or in case the only notice given was by advertisement then a copy of said advertisement shall be attached to said list.

Sec. 52. Release of carrier. Upon payment to the county treasurer of such balance or in case such property does not sell for an amount in excess of the lawful charges, the carrier shall be released from all further liability in relation to the property.

Sec. 53. Duty of county treasurer. Any county treasurer receiving any funds under the provisions of this chapter, shall make a record in his office

of the date and amount received, and shall file and preserve the verified list of property, and if said fund shall remain unclaimed for one (1) year, he shall credit it to the general fund of the county.

Sec. 54. Owner may reclaim - limitation. The rightful owner of any such fund may at any time within ten (10) years after it is credited to the general fund, make claim for said amount to the board of supervisors and on proof of his right thereto, it shall be allowed and paid as other claims against the county.

Sec. 55. Other remedies. The remedy for enforcing the lien herein provided shall not preclude any other remedies allowed by law for the enforcement of a lien against personal property nor bar the right to recover so much of the carrier's claim as shall not be paid by the proceeds of the sale.

CHAPTER 5

FORWARDING AND COMMISSION MERCHANT'S LIEN

Sec. 56. Nature of lien. Every forwarding and commission merchant shall have a lien upon all property of every kind in his possession, for the transportation and storage thereof, for all lawful charges and services thereon or in connection therewith, and if sold under the provisions of this chapter, for selling the same.

Sec. 57. Enforcement of lien. The lienholder may enforce his lien in the same manner as a common carrier and all the provisions of the preceding chapter shall govern such proceedings as far as applicable.

CHAPTER 6

ARTISAN'S LIEN

Sec. 58. Nature of lien. Any person who renders any service or furnishes any material in the making, repairing, improving, or enhancing the value of any inanimate personal property, with the assent of the owner, express or implied, shall have a lien thereon for the agreed or reasonable compensation for his service and material while such property is lawfully in his possession, which possession he may retain until such compensation is paid, but such lien shall be subject to all prior liens of record.

Sec. 59. Enforcement of lien. The lienholder may enforce his lien by suit in equity or in the same manner as a common carrier and all the provisions of the second preceding chapter shall govern such proceedings as far as applicable, except that notice shall be given to the owner or bailor in lieu of the persons specified in said chapter as entitled to notice.

CHAPTER 7

LIEN FOR CARE OF STOCK

Sec. 60. Nature of lien for care of stock. Livery and feed stable keepers, herders, feeders, and keepers of stock and of places for the storage of motor vehicles shall have a lien on all property coming into their hands as such for their charges and the expense of keeping, but such lien shall be subject to all prior liens of record.

Sec. 62. Satisfaction of lien by sale. If such charges and expenses are not paid, the lienholder may sell said stock and property at public auction,

after giving to the owner or claimant ten (10) days' notice in writing of the time and place of such sale, if found within the county, and also by posting written notices thereof in three (3) public places in the township where said stock and property were kept or received.

Sec. 63. Disposal of proceeds. Out of the proceeds of such sale the licn-holder shall pay all of the charges and expenses of keeping said stock and property, together with the costs and expenses of said sale, and the balance shall be paid to the owner or claimant of the stock and property.

CHAPTER 8

HOTEL KEEPER'S LIEN

Sec. 64. Definitions. For the purposes of this chapter:

1. "Hotel" shall include inn, rooming house, and eating house.
2. "Hotel keeper" shall mean a person who owns or operates a hotel.
3. "Guest" shall include boarder and patron.
4. "Baggage" shall include all property which is in any hotel belonging to or under the control of any guest.

Sec. 65. Nature of hotel keeper's lien. A hotel keeper shall have a lien upon the baggage of any guest, which may be in his hotel, for:

1. The accommodations and keep of said guest.
2. The money paid for or advanced to said guest.
3. The extras and other things furnished said guest.

Sec. 66. Enforcement by ordinary action. The hotel keeper may take and retain possession of all baggage and may enforce his claim by an ordinary action. Said baggage shall be subject to attachment and execution for the reasonable charges of the hotel keeper against the guest, and for the costs of enforcing the lien thereon.

Sec. 67. Satisfaction of lien by sale. If the hotel keeper does not proceed by an ordinary action he shall retain the baggage upon which he has a lien for a period of ninety (90) days, at the expiration of which time, if such lien is not satisfied, he may sell such baggage at public auction after giving ten (10) days' notice of the time and place of sale in a newspaper of general circulation in the county where the hotel is situated, and also by mailing a copy of such notice addressed to said guest at the place of residence registered by him in the register of the hotel.

Sec. 68. Disposal of proceeds from sale. From the proceeds of said sale the hotel keeper shall satisfy his lien, the reasonable expense of storage, and the costs for enforcing the lien, and any remaining balance shall, on demand within six (6) months, be paid to the guest, and if not demanded within said period of time, said balance shall be deposited by the hotel keeper with the county treasurer of the county in which the hotel is situated, together with:

1. A statement of the hotel keeper's claim and the costs of enforcing same.
2. A copy of the published notice of sale.
3. A statement of the amounts received for the goods sold at said sale.

Sec. 69. Duty of county treasurer - right of guest. The balance received by the county treasurer under the preceding section shall be credited by him to the general fund of the county, subject to the right of the guest, or his representative, to reclaim the same at any time within three (3) years from the date of deposit with the county treasurer.

CHAPTER _____

LIABILITY OF HOTEL KEEPERS AND STEAMBOAT OWNERS FOR BAGGAGE

Sec. 70. Limitation on liability. No keeper of any hotel, inn, or eating house, nor the owner of any steamboat, shall be liable to any guest for more than one hundred dollars (\$100.00) for the loss of or injury to any money, jewelry, articles of gold or silver manufacture, precious stones, personal ornaments, documents of any kind, or other similar property, if such keeper or owner at all times provides:

1. A metal safe or vault, in good order and fit for the safe keeping of such property.
2. Locks or bolts on the door and proper fastenings on the transoms and windows of the sleeping quarters used by guests.
3. Printed notices posted up in a conspicuous place in the office or other public room and in the quarters occupied by guests, stating that such places for safe deposit are provided for the use and accommodation of guests and patrons.

Sec. 71. Exception - failure to receive property. The limited liability provided in the preceding section shall not apply where:

1. A guest has offered to deliver such valuables to said keeper or owner for custody in such metal safe or vault, and
2. Said keeper or owner has omitted or refused to receive and deposit the same in such safe or vault and give such guest a receipt therefor.

But such keeper or owner shall not be required to receive from any one guest for deposit in such safe or vault, property having a market value of more than five hundred dollars (\$500.00).

Sec. 72. Nature of liability. The liability of such keeper or owner for loss of or injury to personal property placed by any guest in his care, other than that described in the two preceding sections, shall be that of a depository for hire.

Sec. 73. Limitation on amount of liability. In no event shall the liability of such keeper or owner exceed the following amounts:

1. For each trunk and its contents, two hundred fifty dollars (\$250.00).
2. For each valise and its contents, one hundred fifty dollars (\$150.00).
3. For each box, bundle, or package and its contents, fifty dollars (\$50.00).
4. For any and all other miscellaneous effects of each guest, not exceeding one hundred dollars (\$100.00).

Sec. 74. Leaving baggage after registering off. In case baggage or other personal property of a guest has remained in any hotel, inn, eating house, or steamboat forty-eight (48) hours after the guest has paid his bill and registered off and the relation of keeper and guest has ceased, such keeper or owner may hold such baggage or property at the risk of the owner.

Sec. 75. Forwarding baggage before becoming guest. In case baggage or other property has been forwarded to any hotel, inn, eating house, or steamboat, and the owner of such baggage or property does not within forty-eight (48) hours become a guest, such keeper or owner may hold such baggage or property at the risk of the owner.

Approved March 12, 1924.

MARRIAGE LICENSES

H. F. 213

AN ACT to amend, revise, and codify sections sixty-five hundred eighty-nine (6589), sixty-five hundred ninety (6590), sixty-five hundred ninety-six (6596) and sixty-six hundred (6600) of the compiled code of Iowa, and sections sixty-six hundred thirty-seven (6637) and eighty-six hundred eighteen (8618) of the supplement to to said code, relating to marriages and incest; and to require certain qualifications for all applicants for marriage licenses.

Be It Enacted by the General Assembly of the State of Iowa:

That sections sixty-five hundred eighty-nine (6589) and sixty-five hundred ninety (6590) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. License. Previous to the solemnization of any marriage, a license for that purpose must be obtained from the clerk of the district court of the county wherein the marriage is to be solemnized. Such license must not be granted in any case:

1. Where either party is under the age necessary to render the marriage valid.
2. Where the male is a minor, or the female is under eighteen (18) years of age, unless a certificate of the consent of the parents is filed. If one of the parents is dead such certificate may be executed by the survivor. If both parents are dead the guardian of such minor may execute such certificate.
3. Where either party is disqualified from making any civil contract.
4. Where the parties are within the degrees of consanguinity or affinity in which marriages are prohibited by law.
5. Where either party is an idiot, imbecile, insane or under guardianship as an incompetent.

Sec. 2. Proof of age and qualification. When an application for a license is made the clerk shall require at least one (1) affidavit from some competent and disinterested person, stating such facts as to age and qualification of the parties as the clerk may deem necessary to determine the competency of the parties to contract a marriage. If the clerk is acquainted with the age and qualification of the parties, he may execute, in lieu of said affidavit, a certificate stating such fact, and that he know the parties to be competent to contract a marriage. The affidavit or certificate, in each case, shall be filed by the clerk and constitute a part of the records of his office. A memorandum of such affidavit or certificate shall also be entered in the license book.

Sec. 3. Delivery of blank return with license. When a license is issued the clerk shall deliver to the applicant a blank return for the marriage, and give such instructions relative thereto as will insure a complete and accurate return.

That section sixty-five hundred ninety-six (6596) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 4. Certificate - return. After the marriage has been solemnized, the officiating minister or magistrate shall:

1. Give each of the parties a certificate of the same.
2. Make return of such marriage within fifteen (15) days to the clerk of the district court, upon the blank provided for that purpose.

Sec. 5. Contents of return. The return of a marriage shall state:

1. Number and date of license.
2. Person making affidavit of age and qualification of parties to contract marriage. If the clerk certifies to the age and qualification of the parties such fact shall be noted on the return.
3. Name of person giving consent to marriage in case the male is a minor or the female is under eighteen years of age and the relationship of such person to bride or groom.
4. Full name, age, color, nationality, residence, occupation, place of birth, father's full name, mother's full maiden name, and number of marriage for both bride and groom; also, full maiden name of bride, if a widow.
5. Time and place of ceremony.
6. Witnesses to marriage.
7. Name and office of person officiating.
8. Date of return.

If the return of a marriage is not complete in every particular, the clerk shall require the person making the same to supply the omitted information, except as to the first three items prescribed above, which shall be supplied by the clerk.

That section sixty-six hundred (6600) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 6. Void marriages. Marriages between the following persons shall be void:

1. Between a man and his father's sister, mother's sister, father's widow, wife's mother, daughter, wife's daughter, son's widow, sister, son's daughter, daughter's daughter, son's son's widow, daughter's son's widow, brother's daughter or sister's daughter.
2. Between a woman and her father's brother, mother's brother, mother's husband, husband's father, son, husband's son, daughter's husband, brother, son's son, daughter's son, son's daughter's husband, daughter's daughter's husband, brother's son or sister's son.
3. Between first cousins.
4. Between persons either of whom has a husband or wife living, but, if the parties live and cohabit together after the death or divorce of the former husband or wife, such marriage shall be valid.

That section eighty-six hundred eighteen (8618) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 7. Incest defined - punishment. If any persons, being within the degrees of consanguinity or affinity in which marriages are declared by law to be void, carnally know each other, they shall be guilty of incest, and imprisoned in the penitentiary not exceeding twenty-five (25) years.

That section sixty-six hundred thirty-seven (6637) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 8. Period of minority. The period of minority extends to the age of twenty-one (21) years, but all minors attain their majority by marriage, and females, after reaching the age of eighteen (18) years, may make valid contracts for marriage the same as adults.

Approved April 26, 1924.

CHAPTER 143

ADOPTION

H. F. 218

AN ACT to amend, revise, and codify section sixty-six hundred eighty-six (6686) and chapter ten (10) of title twenty-six (26) of the compiled code of Iowa, relating to adoption, and master and apprentice.

Be It Enacted by the General Assembly of the State of Iowa:

That section sixty-six hundred eighty-six (6686) and chapter ten (10) of title twenty-six (26) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Consent of parents or judge. If living, and not divorced or separated, the consent of both parents; if divorced, separated or unmarried, the consent of the parent lawfully having the care and providing for the wants of the child; or if either parent be dead then the consent of the survivor; or if both are dead, or if the child has been abandoned, that of the judge of the district court in the county of the residence of such child or where it is living, shall be given to such adoption.

Sec. 2. Contents of instrument of adoption. The consent required by the preceding section shall be given by an instrument in writing, signed by the parties or party consenting, which shall give the name of the parents, if known, the name of the child, if known, the name of the person adopting it, place of residence of all such persons, if known, the name by which such child is thereafter to be called, and shall also state that it is given to the person adopting for the purpose of adoption as his own.

Approved February 8, 1924.

CHAPTER 144

MUNICIPAL COURTS

H. F. 220

AN ACT to amend, revise, and codify sections six thousand eight hundred forty-one (6841) to six thousand eight hundred forty-three (6843), inclusive, six thousand eight hundred forty-five (6845) to six thousand eight hundred eighty-seven (6887), inclusive, six thousand eight hundred eighty-nine (6889), six thousand eight hundred ninety-one (6891) to six thousand eight hundred ninety-five (6895), inclusive, and six thousand nine hundred (6900) of the compiled code of Iowa, and sections six thousand eight hundred forty (6840), six thousand eight hundred forty-four (6844), six thousand eight hundred eighty-eight (6888), and six thousand eight hundred ninety (6890) of the supplement to said code, relating to municipal courts.

Be It Enacted by the General Assembly of the State of Iowa:

That sections six thousand eight hundred forty-one (6841) to six thousand eight hundred forty-three (6843), inclusive, six thousand eight hundred forty-five (6845) to six thousand eight hundred eighty-seven (6887), inclusive, six thousand eight hundred eighty-nine (6889), six thousand eight hundred ninety-one (6891) to six

thousand eight hundred ninety-five (6895), inclusive, and six thousand nine hundred (6900) of the compiled Code of Iowa, and sections six thousand eight hundred forty (6840), six thousand eight hundred forty-four (6844), six thousand eight hundred eighty-eight (6888), and six thousand eight hundred ninety (6890) of the supplement to said Code are amended, revised, and codified to read as follows:

Section 1. Municipal court established - district defined. A municipal court may be established in any city having a population of five thousand (5,000) or more, by proceedings as hereinafter provided. All the civil townships in which such city or any part thereof is located shall constitute the municipal court district.

Sec. 2. Election - how secured. Upon the filing with the city clerk of a petition of not less than fifteen per cent (15%) of the qualified electors as shown by the poll list in the last municipal or state election of any municipal court district, the mayor shall, by proclamation published once a week for three (3) consecutive weeks in two (2) newspapers of general circulation published in said municipality, or, if two (2) such newspapers be not published, then in one (1) such newspaper, submit the question of establishing a municipal court at a general, municipal, or special election to be held at a time specified therein, which time shall be within two (2) months after said petition is filed. If the said proposition is not adopted at such election, said question shall not be re-submitted to the voters of said district within two (2) years thereafter.

Sec. 3. Polling places. The city council shall for all elections provided for in this chapter designate and provide polling places, select judges and clerks of the election, and furnish booths and ballots for the voters residing in each such township outside the limits of such city; but no registration of such voters shall be required.

Sec. 4. Question submitted - election - certifying result. At such election the proposition to be submitted shall be, "Shall the proposition to establish a municipal court in the city of (name of city) be adopted?" The election shall be conducted, the vote canvassed, and the result declared in the manner provided by law in respect to other municipal elections. If the majority of the votes cast on said proposition be in favor thereof, said municipal court shall be deemed established. Immediately after such proposition is adopted, the mayor shall transmit to the governor, the secretary of state, and the county auditor, each, a certificate showing that such proposition was adopted.

Sec. 5. Number of judges. In any municipal court district having a population of less than thirty thousand (30,000), wherein a municipal court has been established, there shall be one (1) municipal judge; in districts having more than thirty thousand (30,000) and less than fifty thousand (50,000) inhabitants, there shall be two (2) municipal judges; in districts having more than fifty thousand (50,000) inhabitants there shall be one (1) municipal judge for each thirty thousand (30,000) inhabitants or major fraction thereof, but no district shall have more than four (4) judges.

Sec. 6. Appointment of officers. Whenever such court has been established, or whenever any city becomes entitled to an additional judge of such court, the governor shall appoint a judge to fill the position until the beginning of the regular term of office succeeding the next election, or until his successor is elected and qualified. Under like conditions or if for any other reason a vacancy shall exist the other elective officers of the court shall be appointed by the mayor with the approval of the city council.

Sec. 7. Qualification of officers - duties. Each officer of the court shall be a qualified elector residing in the municipal court district. The judge shall be a practicing lawyer, and shall subscribe to the oath required of judges of the district court, which shall be filed with the city clerk. The duties of the clerk and the bailiff shall be the same, so far as applicable, as those of the clerk of the district court, and of constables and sheriffs, respectively. All regular police officers shall be ex officio special bailiffs when so ordered by a judge, without other compensation than that paid for their services as police officers.

Sec. 8. Deputy clerks and bailiffs - how appointed - salary. The clerk and bailiff, with the approval of the city council, shall each have power to appoint such deputies as may be necessary to transact the business of the court, whose salaries shall be fixed by the city council.

Sec. 9. Bonds. The clerk of the court, the deputy clerks, the bailiff, and the deputy bailiffs shall give such bonds as may be required by the city council, which bonds shall be filed with and approved by the city clerk.

Sec. 10. Officers - election and appointment. Whenever a municipal court has been established, there shall be elected at the following city election a judge or judges thereof; also a clerk and bailiff unless the council shall appoint the city clerk to act as clerk and a policeman to act as bailiff thereof.

Sec. 11. Qualification of officers - term. The elective officers of the court shall qualify, and their term of office shall begin, on the first Monday after their election. They shall serve for a term of four (4) years. If the city clerk acts as clerk or a policeman as bailiff, the council shall determine whether or not they shall have compensation additional to their regular salaries, and fix the same if allowed.

Sec. 12. Nomination and election of officers. The elective officers of the court shall be nominated and elected in the manner provided by law for the nomination and election of other elective officers of the city in such district, except as herein otherwise provided. At all primary and general municipal elections at which officers of the court are to be nominated or elected, as the case may be, there shall be a separate ballot entitled "The Municipal Judiciary Ballot" upon which shall be placed in alphabetical order the names of the candidates without party designation, and the number of judges, clerks, and bailiffs for whom each elector is entitled to vote shall be designated thereon.

Those receiving the highest number of votes at the primary election if one be held shall be nominated for such offices to the extent of twice the number to be filled, if that many or more candidates are voted for at such primary.

Sec. 13. Court of record - records. The court shall be a court of record, and shall have a seal with the words "Municipal court of
.....(inserting name of city), Iowa" thereon. The records of the court shall be kept in substantially the same form and manner as the records of the district court.

Sec. 14. Concurrent jurisdiction with district court. It shall have concurrent jurisdiction with the district court in all civil matters where the amount in controversy does not exceed one thousand dollars (\$1,000.00), except in probate matters, actions for divorce and alimony and separate maintenance, juvenile proceedings unless otherwise authorized, and those directly affecting the title to real estate.

Sec. 15. Jurisdiction. criminal matters. In all criminal matters, the court shall exercise the jurisdiction conferred on justice of the peace courts,

mayor's courts, and police courts, except that the mayor's court of any incorporated city or town within such municipal court district other than the city in which said court is established shall have exclusive jurisdiction of prosecutions for the violations of the ordinance of such town.

Sec. 16. Powers of court and judges. In all matters of which the municipal court has jurisdiction, the court and the judges shall have the same powers in reference to injunctions, writs, orders, and other proceedings in and out of court as are possessed by the district court and the judges thereof.

Sec. 17. Inferior courts abolished. Upon the qualification of the officers of the municipal court, the police court, mayor's court except in incorporated city or towns other than the city in which said court is established justice of the peace courts, and the superior court, in and for the municipal court district, and the offices of police judge, clerk of police court, justices of the peace, constables, judge and clerk of the superior court, shall be abolished.

Sec. 18. Transfer causes and records to district court. All causes pending in the superior court of which the district court has original jurisdiction shall be forthwith transferred to the district court and there be docketed, and all records and papers pertaining to the same delivered to and preserved by the clerk.

Sec. 19. Other causes and records transferred to municipal court. All other causes pending in the superior court and all causes pending in the police court, mayor's court, except for violation of ordinances of incorporated cities or towns other than that in which said court is established, and justice of the peace courts shall forthwith be transferred to the municipal court and there docketed, and all records and papers pertaining to such causes shall be delivered to the clerk thereof, except that certified copies of such records as have been filed in the district court may be filed with the clerk of the municipal court in lieu of original records.

Sec. 20. Records transferred to municipal court. All records and papers of the superior court, police court, mayor's court, except for violation of ordinances of incorporated cities or towns in which said court is established, and justice of the peace courts, not transferred under the two (2) preceding sections, shall be transferred to the municipal court.

Sec. 21. Certified copies of records. The clerk of the district court shall have full power to certify and transcript such records of the superior court as come into his possession; and the clerk of the municipal court shall have full power and authority to certify and transcript such records and certified copies thereof as may come into his possession, and certified copies made by him of said certified copies filed with him shall have the same force and effect as though they were certified copies of the original records.

Sec. 22. Sessions continuous - absence of judge - substitute. There shall be no terms of court, and the court shall be open for business twelve (12) months of the year. There shall always be one (1) judge present each day to hold court and issue such writs and orders as are required. In case of inability of any judge to act, any other judge of any municipal or district court may hold court during such inability; or the governor may appoint a judge to hold court during such inability, who shall have the same qualifications and shall be paid the same salary and in the same manner as the regular judge.

Sec. 23. Laws applicable - rules. All provisions of law relating to the district court and the judges and jurors thereof shall, so far as applicable and when not inconsistent with this chapter, apply to the municipal court and the judges thereof. The judges of the municipal court shall adopt and promulgate

rules of practice which shall conform, as nearly as may be, to the rules of the district court of the district in which said municipal court is located. If not established by statute or rule, the judge hearing the cause may prescribe the method of procedure.

Sec. 23-a1. Change of venue. All provisions of the law relating to change of venue from the district court shall govern so far as applicable changes of venue from the municipal court.

Sec. 24 . Causes of action - how divided. Causes of action within its jurisdiction shall be divided into the following classes:

Class "A" shall include all equitable actions, actions of forcible entry and detainer, and all ordinary actions, when the amount in controversy exceeds one hundred dollars (\$100.00), and all special actions of which the court has jurisdiction.

Class "B" shall include all ordinary actions when the amount in controversy is one hundred dollars (\$100.00) or less.

Class "C" shall include the trial of all public offenses of which this court has jurisdiction, other than for the violation of the city ordinances.

Class "D" shall include all criminal actions for the violation of city ordinances.

Sec. 25. Filing petition - pleadings. The petition in class "A" cases must be filed with the clerk of the court not less than five (5) days before the date set in the original notice for the appearance of the defendant and unless so filed the defendant shall not be held to appear and answer. Pleadings in class "B" cases shall be the same as for civil actions in justice of the peace courts.

Sec. 26. Return day. In all civil actions, the original notice shall require the defendant, if served within the county, to appear and answer not less than five (5) nor more than fifteen (15) days from the day of service thereof; if served without the county, not less than ten (10) nor more than twenty (20) days from the day of service thereof.

Sec. 27. Criminal actions - how tried. All criminal actions for the violation of city ordinances shall be tried summarily and without a jury. All other criminal actions shall, except as otherwise provided in this chapter, be triable in the same manner as criminal actions in justice of the peace or other courts having jurisdiction thereof. Prisoners may be committed to either the city or county jail, or they may be paroled, or their sentence suspended, at the discretion of the court.

Sec. 28. Witness fees. In class "A" cases witnesses shall receive the same fees as witnesses in the district court. In class "B", "C", and "D" cases, witness fees shall be the same as in justice of the peace courts. In class "C" and "D" cases, no witness fees shall be paid to any regular police officer of said city, any clerk of said court or his deputy, or any bailiff thereof or his deputy.

Sec. 29. Fees, costs, and expenses. If no provision is made in the laws applicable to the district court for fees, costs, and expenses, they shall be the same as in justice of the peace courts. The bailiff may retain the amount allowed to him by law for mileage and necessary actual expenses in addition to his salary. All other fees, fines, forfeitures, costs and expenses shall be turned over to the city treasurer by the officer collecting the same on or before the tenth day of each succeeding month and the city treasurer shall forthwith pay to the county treasurer for the benefit of the school fund the portion of the fines and forfeitures collected for the violation of state laws.

Sec. 30. Jury commission . The city clerk and the city auditor, or in

cities not having both such officers then the city clerk and the city treasurer, and the clerk of the municipal court shall constitute the jury commission. They shall receive no additional compensation, but necessary expenses incurred in the performance of their duties shall be allowed and paid from the city treasury.

Sec. 31. Jury list. The commission, in presence and under the supervision of the judge of said court, if only, one, and if more than one, a judge of said court designated by the judges thereof, shall, on the establishment of the court prepare from the poll books of the last preceding general election in the territory included in the municipal court district, a list equal in number to one-tenth (1/10) of all electors thereon qualified for jury service, which shall be known as the "jury list"; and shall before the last Monday in April following the general municipal election thereafter prepare such a list from the poll books of the preceding general municipal election.

Sec. 32. Jury list book. The name of each person on said list shall be entered in alphabetical order in a book kept for that purpose, and opposite each name shall be entered the person's place of residence, giving his street and number or other definite location if possible. The book shall be kept in the office of the city clerk, and shall be open to the public for inspection and investigation. The jury list may be revised annually on order of the judge.

Sec. 33. Jury - how drawn - when. When the jury commission shall have completed such jury list, each name contained thereon shall be prepared and deposited in a jury box in the manner required in the district court, which jury box, after being sealed by the jury commissioners, shall be deposited with and remain in the custody of the clerk of the court. On the last Monday of each month, the jury commission shall, in open court and in the presence of the judge or judges, break the seal on said jury box, and draw therefrom the number of names ordered by the court, to constitute the jury panel for the succeeding month.

Sec. 34. Jury summons - mileage. The clerk of the municipal court shall forthwith issue a summons to each person drawn to appear in court at such time during the succeeding month as may be ordered by the judge or judges. At such time each juror shall be called and all excuses heard and determined. Jurors shall not be allowed mileage.

Sec. 35. Jurors to serve one month - exemptions. The clerk of the court shall, at the end of each month, check off the jury list the names of all jurors who have served during that month, and such names shall not be again deposited in the jury box until after a new jury list has been prepared, but the names of those who have been drawn and excused from service shall be again deposited therein. Jurors in the district court shall be exempt from service in the municipal court during the biennium in which service was rendered in the district court.

Sec. 36. Jurors - number - demand for jury. Demand for trial by jury may be made as provided by rule of court, and if not so made, the cause shall be tried by the court. The jury shall consist of six (6) jurors, unless, in class "A" cases, a jury of twelve (12) is demanded. The party demanding a jury of twelve (12) must at the time deposit with the clerk the sum of six dollars (\$6.00).

Sec. 37. Peremptory challenges in jury of six. In all cases where the jury consists of six (6) jurors the clerk shall select eight jurors by lot from the regular panel or additions thereto. Each party shall have the right to peremptorily challenge two (2) jurors and strike off one (1) juror. After all challenges have thus been exercised or waived and two jurors have been stricken from the list the clerk shall read the names of the six jurors re-

maining who shall constitute the jury selected.

Sec. 38. Instructions. In all criminal actions and in all civil actions triable to a jury where the amount in controversy exceeds one hundred dollars (\$100.00), the judge shall instruct the jury in writing. Where the amount in controversy in civil actions is one hundred dollars (\$100.00) or less, the instructions may be oral.

Sec. 39. Entry judgment - jurisdiction - setting aside default. Judgments shall be rendered and entered upon the record in all cases within ten (10) days after final submission of the cause, unless for good cause the court extends the time. The court shall retain jurisdiction for the purpose of correction of errors of the court or in the record for ten (10) days after the entry of final judgment. Motions to set aside defaults may be made within ten (10) days after the entry thereof. Motions to vacate a judgment or order because of irregularity in obtaining it must be made within ninety (90) days from the entry thereof.

Sec. 40. Judgment liens. Judgments of the court may be by it enforced the same as judgments of the district court, except that no real property shall be levied on or sold on process issued out of said court. Judgments may be made liens on real estate in the county by filing transcripts thereof in the district court, which thereafter shall have exclusive jurisdiction for the enforcement of such judgments as though rendered in the district court as of the date of filing in said court.

Sec. 41. Appeals. The laws relating to appeals from judgments or orders of the district court or a judge thereof to the supreme court shall apply to judgments or orders of the municipal court, or a judge thereof, in all civil actions. In class "C" actions, appeals shall be taken direct to the supreme court the same as from the district court. In class "D" actions appeals shall be taken to the district court as provided in the case of appeals from justice courts.

Sec. 42. Judgments superseded. Whenever a judgment of the court is appealed from and superseded and a transcript of the judgment has been, or thereafter shall be, filed in the district court, the clerk of the municipal court shall certify such fact to the clerk of the district court thereof, who shall note the same on the docket entry of the cause, which shall have the same effect as though the cause had been appealed from and superseded in the district court. Whenever further action is taken in such causes in the municipal court, the same shall be certified to the clerk of the district court, who shall note the same on the docket entry of said cause.

Sec. 43. Shorthand reporter. Each judge of the municipal court may appoint a shorthand reporter. All provisions relating to shorthand reporters and their duties in the district court, in so far as applicable, shall govern, except their compensation which shall be fixed by order of the court not exceeding eight dollars (\$8.00) per day, for the time actually engaged in their court duties, and shall be paid one-half by the county and one-half by the city.

All actions included in class "A" hereof, may be reported the same as in the district court, and the reporter's fees shall be taxed therein as costs.

The transcript fees paid reporters shall be the same as in the district court, and may be taxed as part of the costs on appeal.

Sec. 44. Report of preliminary examinations. The judge may order the testimony offered upon preliminary examinations taken down and certified by the shorthand reporter and a transcript of the testimony of the witnesses upon such preliminary examination, or the substance of their testimony, prepared by such

reporter and filed in the district court with the transcript of proceedings on such preliminary examination. The fees for reporting such preliminary examinations and for transcript of the testimony shall be the same as allowed in civil causes, and shall be taxed as part of the costs in the case.

Sec. 45. No report in class "B" actions - when. No reporter shall be provided for in the trial of actions in class "B" unless the party demanding the same shall pay the fees of the reporter to the clerk in advance, which shall be taxed as costs in the case, unless otherwise ordered by the court.

Sec. 46. Salary. The annual salary of each municipal judge shall be three thousand dollars (\$3,000.00) in cities of less than thirty thousand (30,000) inhabitants; three thousand four hundred dollars (\$3,400.00) in cities of thirty thousand (30,000) and less than seventy-five thousand (75,000) inhabitants; and three thousand six hundred dollars (\$3,600.00) in cities of seventy-five thousand (75,000) or more inhabitants.

Each clerk shall receive an annual salary of eighteen hundred dollars (\$1,800.00) in cities of less than thirty thousand (30,000) inhabitants; twenty-two hundred dollars (\$2,200.00) in cities of thirty thousand (30,000) and less than seventy-five thousand (75,000) inhabitants; and twenty-six hundred dollars (\$2,600.00) in cities of seventy-five thousand (75,000) or more inhabitants.

Each bailiff shall receive an annual salary of fifteen hundred dollars (\$1,500.00) in cities of less than thirty thousand (30,000) inhabitants; seventeen hundred fifty dollars (\$1,750.00) in cities of thirty thousand (30,000) and less than seventy-five thousand (75,000) inhabitants, and two thousand dollars (\$2,000.00) in cities of seventy-five thousand (75,000) inhabitants or over.

The deputy clerks and deputy bailiffs shall receive such compensation as the city council may allow.

The salaries of municipals judges, clerk, bailiff and all deputies shall be paid monthly on the first Monday of each month. For the first month such salary shall be paid from the city treasury and the second month such salary shall be paid from the county treasury. Each month thereafter such payments shall alternate from the city to the county treasury in like manner.

Sec. 47. City to provide rooms. The city council shall provide suitable place for holding said court, and such other rooms and offices as may be necessary for the transaction of the business of said court. All of the other expenses of maintaining said court not otherwise provided for in this chapter shall be paid from the city treasury.

Sec. 48. Abolishing municipal courts. When a municipal court shall have been established for more than four (4) years, it may be abandoned by proceeding as follows: Upon the filing with the city clerk of a petition of not less than fifteen per cent (15%) of the qualified electors of such municipal court district as shown by the poll lists of the last municipal or state election, the mayor, by proclamation, shall submit such proposition at a general election. If the majority of votes cast at such election be in favor of the proposition of abandoning the court, the officers elected at the next succeeding general election shall be those prescribed by law for such cities and townships, and upon the qualification of such officers such municipal court shall be abolished.

Sec. 49. Municipal court buildings authorized. Cities having a population of fifty thousand (50,000) or over shall have the power to erect a municipal court building, and to purchase the grounds therefor, such building when constructed to be used for the housing of the municipal court and such other like purposes as the council from time to time may by ordinance direct, including the housing and retention of persons charged with offenses against the laws of the city and the state. Provided, that no such grounds shall be purchased nor any building erected

thereon until the question has been submitted to the people at a regular or special election, and approved by majority of the votes cast at such election voting on said question.

Sec. 50. Tax levy authorized. For the purpose of paying for the construction of such building, and the purchase price of such grounds, such city shall have the power to levy upon all the property within the corporate limits of such cities, subject to taxation, in addition to all other taxes provided by law, a special tax not exceeding in any one (1) year one (1) mill on the dollar for a period of years not exceeding fifty (50).

Approved April 14, 1924.

CHAPTER 145

SUPERIOR COURTS

H. F. 221

AN ACT to amend, revise, and codify sections six thousand nine hundred eight (6908), six thousand nine hundred eleven (6911) and six thousand nine hundred thirty-four (6934) of the compiled code of Iowa, relating to superior courts.

Be It Enacted by the General Assembly of the State of Iowa:

That section six thousand nine hundred eight (6908) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Submission to voters. Upon petition of one hundred (100) citizens of any such city, the mayor, by and with the consent of the council, may, at least ten (10) days before any general or city election, issue a proclamation submitting to the qualified voters of any city the question of establishing said court. Should a majority of all the votes cast upon such proposition be in favor of said court, the same shall be deemed established.

Sec. 2. Governor to appoint judge. Whenever such court has been established, the governor shall appoint a judge, who shall hold office until the day following the first Monday in May succeeding the next regular city election and until his successor is elected and qualified.

Sec. 3. Judges - terms of office - commission. Each judge hereafter elected shall hold office for four years from the first Monday in May next succeeding his election and shall be elected at the regular municipal election next preceding the expiration of the term of the incumbent as herein extended. The term of each present incumbent is extended until the first Monday in May next succeeding the city election first following the expiration of the term for which he was elected. The mayor shall transmit his certificate of election of such judge to the governor who shall thereupon issue to him the commission empowering him to act as judge.

That section six thousand nine hundred eleven (6911) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 4. Vacancy. In case of vacancy in said office the governor shall appoint a judge who shall hold office until the next city election, and in case of inability of any judge to act through sickness or any other cause, a judge shall be appointed by the governor to hold office during such inability.

Sec. 5. In case of vacancy in said office for sixty days or more, a district judge of the county may, on application of any party to any proceeding pending in the superior court enter an order directed to the clerk of that court or his deputy or the acting clerk, directing such clerk to forthwith transmit to said district court the files and exhibits in said cause, together with a certified copy of the record in said cause, and thereupon said cause shall be disposed of in the district court as though originally brought therein.

That section six thousand nine hundred thirty-four (6934) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 6. Question of abolishing court to be submitted. Upon the filing with the city clerk of the petition of two hundred of the qualified electors of any city in which a superior court is now or hereafter established, the mayor shall at least ten days before any general election or election for city officers, issue a proclamation submitting to the qualified voters of said city the proposition to abolish the superior court. The ballots shall be printed in the following form: "Shall the proposition to abolish the superior court of be adopted?", and the election shall be conducted in all respects in accordance with the provisions of the election law.

Approved February 8, 1924.

CHAPTER 146

CIVIL ACTIONS

S. F. 287

AN ACT to amend, revise, and codify section seven thousand one hundred forty-eight (7148) of the compiled code of Iowa, relating to the place of bringing actions.

Be It Enacted by the General Assembly of the State of Iowa:

That section seven thousand one hundred forty-eight (7148) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Against construction companies. An action may be brought against any corporation, company, or person engaged in the construction of a railway, canal, telegraph or telephone line, highway or public drainage improvement, on any contract relating thereto, or to any part thereof, or for damages in any manner growing out of the contract or work thereunder, in any county where such contract was made, or performed in whole or in part, or where the work was done out of which the damage claimed arose.

Approved January 4, 1924.

CHAPTER 147

COMMENCING ACTIONS

H. F. 228

AN ACT to amend, revise, and codify sections seven thousand one hundred sixty-three (7163), seven thousand one hundred seventy-one (7171) to seven thousand one hundred seventy-three (7173), inclusive, seven thousand one hundred

eighty (7180), seven thousand one hundred eighty-one (7181), seven thousand one hundred eighty-three (7183) to seven thousand one hundred eighty-five (7185), inclusive, and seven thousand one hundred eighty-nine (7189), of the compiled code of Iowa, relating to the manner of commencing actions.

Be It Enacted by the General Assembly of the State of Iowa:

That section seven thousand one hundred sixty-three (7163) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Method of service. The notice shall be served as follows:

1. By reading it to the defendant or offering to do so in case he neglects or refuses to hear it read, and in either case by delivering him personally a copy thereof, or, if he refuses to receive it, offering to do so.

2. If not found within the county of his residence, or if, because of his sickness or other disability, personal service can not be made upon him, by leaving a copy thereof at his usual place of residence with some member of his family over fourteen (14) years of age, or with the person having the care and custody of him, or with the head of the family where he resides.

3. By taking an acknowledgment of the service indorsed thereon, dated and signed by the defendant.

That sections seven thousand one hundred seventy-one (7171) to seven thousand one hundred seventy-three (7173), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 2. Service on insane person out of hospital. When a defendant has been judicially declared to be of unsound mind and is not confined in any state hospital for the insane, service must be made upon him and upon his guardian, and, if he have none, or if the guardian institutes the action, then upon the spouse, or the person having the care or custody of him or with whom he lives.

Sec. 3. Service of notice upon inmate of certain institutions. Every civil process addressed to any inmate of the department of the state university hospital for the medical and surgical treatment of indigent persons, of the psychopathic ward of said hospital or of any institution in charge of the board of control shall be served upon him, unless otherwise specially provided by law, by the person in charge of the institution of which he is an inmate, in the same manner as original notices are required to be served, and by delivering to him a correct copy of the petition or application. The person serving such process shall make return accordingly in the same manner and with the same effect as sheriffs in other cases. The process shall also be served on the spouse of such inmate if found within the state, but upon the filing of an affidavit that said spouse, after diligent search and inquiry has been made, can not be found within this state, such spouse may be served with notice by publication as in the case of an original notice.

Sec. 4. Service on county. If the county is a party to any action, service of process may be made on the chairman of the board of supervisors or county auditor.

That sections seven thousand one hundred eighty (7180), seven thousand one hundred eighty-one (7181), and seven thousand one hundred eighty-three (7183) to seven thousand one hundred eighty-five (7185), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 5. Unknown defendants. Where it is necessary to make an unknown person defendant, the petition shall be sworn to and state the claim of plain-

tiff with reference to the property involved in the action, that the name and residence of such person is unknown to the plaintiff, and that he has sought diligently to learn the same. The notice thereof shall contain the name of the plaintiff, a description of the property, the claim of the plaintiff thereto, the relief demanded, the name of the court, and the term in which appearance must be made. Such notice must be entitled in the name of the plaintiff against the unknown claimants of the property and shall be signed by the plaintiff or his attorney.

Sec. 6. Method of publication. The publication must be of the original notice required for the commencement of actions, once each week for four (4) consecutive weeks, before or after the filing of the petition, in some newspaper of general circulation published in the county where the petition is or will be filed, selected by the plaintiff or his attorney.

Sec. 7. When complete - proof. When the foregoing provisions have been complied with, the defendant so notified shall be required to appear as if personally served on the day of the last publication, within the county in which the petition is filed, proof thereof being made by the affidavit of the publisher or his foreman, and filed before default is taken.

That section seven thousand one hundred eighty-nine (7189) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 8. Lis pendens. When any part of real property, the subject of an action, is situated in any other county than the one in which the action is brought, or when the action is brought in the superior court, the plaintiff must, in order to affect third persons with constructive notice of the pendency thereof, file with the clerk of the district court of such county a notice of the pendency of the action, containing the names of the parties, the object of the action, and a description of the property in that county affected thereby, who shall at once index and enter a memorandum thereof in the incumbrance book, and, from the time of such indexing, the pendency of the action shall be a constructive notice to subsequent purchasers or incumbrancers thereof, who shall be bound by all the proceedings taken after the filing of such notice, to the same extent as if parties to the action. Within two (2) months after the determination of the action, there shall also be filed with such clerk a certified copy of the final order, judgment or decree, who shall enter and index the same as though rendered in that county, or such notice of pendency shall cease to be constructive notice.

Approved March 5, 1924.

CHAPTER 148

PLEADINGS

S. F. 229

AN ACT to amend, revise, and codify sections seven thousand two hundred three (7203), seven thousand two hundred eight (7208), seven thousand two hundred nine (7209), seven thousand two hundred twelve (7212), seven thousand two hundred eighteen (7218), and seven thousand two hundred twenty-two (7222) of the compiled code of Iowa, relating to pleadings.

Be It Enacted by the General Assembly of the State of Iowa:

That section seven thousand two hundred three (7203) of the compiled Code of

Iowa is amended, revised, and codified to read as follows:

Section 1. Pleadings in equitable actions attacked by motion. In actions triable in equity, every defense in point of law arising upon the face of the petition cross petition, petition of intervention, answer, counterclaim, or reply, as the case may be, for misjoinder of parties, or which in an action triable at law may be made by demurrer, shall be made by motion to dismiss or in the answer to reply.

Sec. 2. Motion disposed of before final hearing. Every point of law going to the whole or any material part of the cause or causes of action stated in the petition, counterclaim, cross petition, petition of intervention, or defense stated in the answer to reply, shall, on order of court or on motion of either party, be presented to the court and disposed of before final hearing.

Sec. 3. Plea in bar or abatement in answer or reply - hearing. In such actions, every defense presented by plea in bar or in abatement, or to the jurisdiction under general appearance, made in the answer or reply, shall on motion of either party or on order of court be separately heard and disposed of before the trial of the principal case.

Sec. 4. Five days' notice for hearing. The motion to dismiss may be set down for hearing by either party upon five (5) days' written notice to the adverse party or his attorney. Such notice with proof of service shall be filed with the original papers.

Sec. 5. Motion denied - time of answer or reply. If the motion be denied, the mover shall answer or reply within five (5) days thereafter unless the parties agree to a longer time or the court, before or after the expiration of said time, shall extend the same.

Sec. 6. Motions and demurrers. All demurrers and motions assailing a pleading shall be in writing, and filed before answer or reply has been filed to the pleading assailed, except as provided in this chapter, and specify and number the causes on which they are founded, and none other shall be argued or considered. Only one (1) motion of the same kind and one (1) demurrer assailing such pleading shall be filed, unless such pleading is amended after the filing of a motion or demurrer thereto.

That sections seven thousand two hundred eight (7208), seven thousand two hundred nine (7209), seven thousand two hundred eighteen (7218), and seven thousand two hundred twenty-two (7222) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 7. Demurrer - causes of - actions at law. In actions triable at law, any party may demur to any pleading filed by any adverse party upon one (1) or more of the following grounds appearing on its face:

1. That the court has no jurisdiction of the person of the defendant or the subject of the action.
2. That the adverse party has not legal capacity to sue.
3. That there is another action pending between the same parties for the same cause.
4. That there is a defect of parties, plaintiffs or defendants.
5. That the facts stated in the pleading attacked do not entitle the adverse party to the relief demanded.
6. That the pleading attacked shows that the cause of action or defense is barred by the statute of limitations; or fails to show it to be in writing where it should be so evidenced; or, if founded on an account or writing as evidence of indebtedness, that neither such writing or account or copy thereof is incorporated into or attached to the pleading, or a sufficient reason stated for not doing so.

It shall not be sufficient to state the grounds of demurrer in the foregoing terms.

That section seven thousand two hundred twelve (7212) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 8. When any ground of demurrer or of motion to dismiss, as the case may be, does not appear on the face of the petition, cross petition, or counterclaim the issue may be raised by answer or reply.

Sec. 9. Objection raised by answer - arrest of judgment. When any petition, cross petition, or counterclaim fails to state a cause of action, or any answer or reply a defense, advantage may be taken thereof by a motion in arrest of judgment, numbering and specifying the grounds thereof.

Approved January 25, 1924.

CHAPTER 149

EVIDENCE IN CIVIL ACTIONS

H. F. 230

AN ACT to amend, revise, and codify sections seventy-three hundred sixty-two (7362), seventy-three hundred ninety-two (7392) and seventy-three hundred ninety-eight (7398) of the compiled code of Iowa, relating to evidence.

Be It Enacted by the General Assembly of the State of Iowa:

That section seventy-three hundred sixty-two (7362) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Production of books and papers. The petition for that purpose shall be verified, and must state the facts expected to be proved by such books or papers, and that, as the petitioner believes, such books and papers are under the control of the party against whom the rule is sought, and must show wherein they are material. The rule shall thereupon be granted to produce the books and papers, or show cause to the contrary, if the court deems such rule expedient and proper.

That section seventy-three hundred ninety-two (7392) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 2. Depositions - when taken and by whom. After the commencement of a civil action or other proceeding, if the witness is, or is about to go, beyond the reach of a subpoena, or is for any other cause expected to be unable to attend court at the time of trial, the party wishing his testimony may take his deposition in writing before any person having authority to administer oaths; and if the action is triable by equitable proceedings, then without any other reason therefor either party may so take the deposition of any witness.

That section seventy-three hundred ninety-eight (7398) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 6. Who may act as commissioner. Such commission may issue to any of the following named officers who may be designated in the notice and in the commission, either by the name of office of such officer or by his individual name and official style, to wit:

1. The clerk or any judge of any court of record.
2. Any commissioner appointed by the governor of this state to take acknowledgements of deeds in another state.
3. Any notary public.
4. Any consul or consular agent of the United States.
5. When the witness is in the military or naval service of the United States, any commissioned officer under whose command he is serving, or any commissioned officer in the judge advocate general's department.

Sec. 7. Blank subpoenas - contempt. Any officer or commissioner before whom a deposition is to be taken within the state shall be supplied by the clerk of the district court with necessary blank subpoenas duly signed by such clerk under the seal of such court, which may be served as subpoenas in the district court. Any witness who refuses to obey such subpoena or after appearance refuses to testify shall be reported by the officer or commissioner to the district court of the county where the subpoena was issued or to a judge thereof who shall thereupon proceed as if the refusal had occurred in the district court.

Sec. 8. Commissioner designated by court or parties. Such commission may also issue to any person designated by the court for that purpose or agreed upon by the parties, such person being named in the notice.

Sec. 9. Specification of place of taking. If the commission issue to any officer or person for the taking of the deposition in any of the United States or in Canada, the name of the state or province and county in which the deposition is to be taken shall be specified in the notice and commission; otherwise it shall be sufficient to name the state, territory, or district and town or city.

Approved April 16, 1924.

CHAPTER 150

TRIAL AND JUDGMENT

S. F. 231

AN ACT to amend, revise, and codify sections seven thousand four hundred forty-seven (7447), seven thousand four hundred fifty (7450), seven thousand four hundred fifty-one (7451), and seven thousand five hundred eighty-one (7581) of the compiled code of Iowa, relating to trial and judgment.

Be It Enacted by the General Assembly of the State of Iowa:

That section seven thousand four hundred forty-seven (7447) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Equitable actions - evidence - trial anew on appeal. In actions cognizable in equity, wherein issues of fact are joined, the court may order the evidence or any part thereof to be taken in the form of depositions, or either party may take depositions as authorized by law, and shall be entitled to a continuance to the second term for that purpose. The evidence in such actions shall be presented on appeal to the supreme court, which shall try such causes anew.

That sections seven thousand four hundred fifty (7450) and seven thousand four hundred fifty-one (7451) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 2. Trial term. Causes shall be triable at the first term after legal and timely service has been made.

That section seven thousand five hundred eighty-one (7581) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 3. Satisfaction of judgment - complete record. Where a judgment is set aside or satisfied by execution or otherwise, the clerk shall at once enter a memorandum thereof on the column left for that purpose in the judgment docket. In cases where the title to land is involved and expressly settled or determined, the clerk shall make a complete record of the whole cause, except abstracts of title attached to the pleadings, and enter it in the proper book. In no other case need a complete entry be made, except at the request of either party, which party shall pay the costs of said entry.

Approved February 9, 1924.

CHAPTER 151

EXAMINATION OF DEBTORS

H. F. 234

AN ACT to amend, revise, and codify section seventy-seven hundred fifty-nine (7759) of the compiled code of Iowa, relating to the examination of debtors in proceedings auxiliary to execution.

Be It Enacted by the General Assembly of the State of Iowa:

That section seventy-seven hundred fifty-nine (7759) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Debtor interrogated. The debtor, on his appearance, may be interrogated in relation to any facts calculated to show the amount of his property, or the disposition which has been made of it, or any other matter pertaining to the purpose for which the examination is permitted to be made. The interrogatories and answers shall be reduced to writing and preserved by the court or officer before whom they are taken. All examinations and answers under this chapter shall be on oath.

Approved January 26, 1924.

CHAPTER 162

ESTATES OF DECEDENTS

H. F. 235

AN ACT to amend, revise, and codify section seven thousand seven hundred eighty-seven (7787) of the compiled code of Iowa, and section seven thousand nine hundred one-a four (7901-a4) of the supplement to the compiled code of Iowa, relating to estates of decedents.

Be It Enacted by the General Assembly of the State of Iowa:

That section seven thousand seven hundred eighty-seven (7787) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Within thirty days after his appointment, each executor or administrator shall file a verified list of the names, ages, relationship, and places of residence of the heirs of the deceased, and the name, age and residence of the surviving spouse, if any, together with an accurate description of all the real estate of which the deceased died seized.

Sec. 2. Each executor or administrator shall, in his final report, set forth:

1. An accurate description of all the real estate of which the decedent died seized, stating its nature and extent.
2. Whether the deceased died testate or intestate.
3. The name, age, and place of residence of the surviving spouse, or that none survived the deceased.
4. The name, age, and place of residence of each of the heirs and their relationship to the deceased.
5. The name, age, and place of residence of each legatee or devisee, and whether any legacy or devise remains a charge on the real estate, and if so, the nature and amount thereof.
6. The name of the guardian or trustee for any heir, legatee or devisee and the court from which his letters were issued.

That section seven thousand nine hundred one-a four (7901-a4) of the supplement of the compiled Code of Iowa is amended, revised and codified to read as follows:

Sec. 3. In case such surviving spouse does not make such election within six months from the date of the completed service of such notice, or if such surviving spouse shall be the executor of the will and fails, within six months after the will is admitted to probate, to file with the clerk of the court an election to refuse to take under the provisions of the will of the deceased, it shall be conclusively presumed that such survivor consents to the provisions of the will and elects to take thereunder; unless within such period of six months an affidavit should be filed setting forth that such surviving spouse is mentally incapable of making such election.

Approved April 26, 1924.

CHAPTER 153

WILLS AND LETTERS OF ADMINISTRATION

S. F. 237

AN ACT to amend, revise, and codify sections seven thousand seven hundred ninety-one (7791), seventy-eight hundred nineteen (7819), seven thousand eight hundred twenty-nine (7829), and seven thousand eight hundred thirty (7830) of the compiled code of Iowa, and sections seven thousand eight hundred thirty-two-a one (7832-a1) to seven thousand eight hundred thirty-two-a four (7832-a4), inclusive, of the supplement to said code, relating to wills and letters of administration.

Be It Enacted by the General Assembly of the State of Iowa:

That section seven thousand seven hundred ninety-one (7791) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Disposal of property by will. Any person of full age and sound mind may dispose by will of all his property, subject to the rights of homestead and exemption created by law, and the distributive share in his estate given by law to the surviving spouse, except sufficient to pay his debts and expenses of

administration; but where the survivor is named as devisee therein, it shall be presumed, unless the intention is clear and explicit to the contrary, that such devise is in lieu of such distributive share, homestead, and exemptions.

Sec. 2. Limitation. No devise or bequest to a corporation organized under the chapter relating to corporations not for profit or to a foreign corporation of a similar character, or to a trustee for the use or benefit of any such corporation shall be valid in excess of one-fourth (1/4) of the testator's estate after the payment of debts, if a spouse, child, child of deceased child, or parent survive the testator.

That section seven thousand eight hundred twenty-nine (7829) and seven thousand eight hundred thirty (7830) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 3. Estate of absentee - petition. Administration may be had on the estate of an absentee. A petition therefor must be filed in the office of the clerk of the district court and must allege:

1. That the absentee was a resident of this state and has, without known cause, absented himself from his usual place of residence, and concealed his whereabouts from his family, for a period of seven (7) years.

2. That said absentee has property in this state (describing it with reasonable certainty), all or part of which is situated in the county in which the petition is filed.

3. The names of the persons, so far as known to the petitioner, who would be entitled to share in the estate of the absentee if he were dead.

4. Facts showing that the petitioner is a party who would be entitled to administer on the estate of said absentee in case the absentee were known to be dead.

Sec. 3-a1. Notice. Upon the filing of such petition, the court, or a judge thereof in vacation, shall prescribe the notice and the return day therein, which shall be addressed to and served upon said absentee and the said beneficiaries of his estate.

Sec. 3-a2. Service. Said notice shall in all cases be served:

1. By publication in the county in which the petition is filed, once each week for eight (8) consecutive weeks, in a newspaper designated by the court or judge, and

2. Personally upon all the known or alleged beneficiaries of the estate of said absentee, residing within the state, in the manner, and for the length of time required for the service of original notices.

Sec. 3-a3. Proof of service - filing. Proof of the publication and personal service of said notice shall be filed with the clerk aforesaid on or before the day set for hearing.

Sec. 3-a4. Hearing - orders. If, on the day set for hearing, the absentee fails to appear, the court shall appoint some disinterested person to appear for the absentee and all beneficiaries not appearing, and said cause shall thereupon stand continued until the next term of said court, and the court shall have authority to make further continuance upon proper showing. Said person shall investigate the matters and things alleged in the petition. The court shall hear the proofs and, if satisfied of the truth of the allegations of the petition, shall order the issuance of letters of administration upon the estate of said absentee as though said absentee were known to be dead.

Sec. 3-a5. Administration. The person to whom the administration is granted shall proceed to administer and dispose of the estate in the same manner that administrators are required to dispose of and administer the estates of decedents.

Sec. 3-a6. Sale of real estate. Such administrator may, under the orders of the court, sell and dispose of all real estate and other property owned by such absentee, and after the payment of legal costs, expenses, and claims, make distribution of the proceeds thereof to the persons entitled thereto.

Sec. 3-a7. Procedure in sale of real estate. The provisions of law regarding application, notice, and manner of sale of real estate for the payment of debts by administrators shall be followed so far as applicable.

Sec. 3-a8. Decree as to heirs. Prior to any order of distribution, the court shall hear proof and determine the legal heirs and beneficiaries of said absentee, and their respective interests in such estate.

Sec. 3-a9. Additional notice. Before determining said heirs and beneficiaries the court may prescribe further and additional notices and the service thereof.

That sections seven thousand eight hundred thirty-two-a one (7832-a1) to seven thousand eight hundred thirty-two-a four (7832-a4), inclusive, of the supplement to the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 5. Satisfaction and assignment of judgments and mortgages by foreign fiduciary officer. Judgments rendered by any court in the state of Iowa, and mortgages, or deeds of trust executed as mortgages, on property in this state, and belonging to an estate, trust or to a person under guardianship may, in whole or in part as to any particular property, be released and discharged or be assigned by an executor, administrator, guardian, trustee, receiver, referee, assignee or commissioner, or any one acting in a fiduciary capacity appointed by a court of record of any foreign state or country, when no resident executor, administrator, guardian, receiver, referee, assignee, commissioner, or person acting in a fiduciary capacity has been appointed or qualified in this state. Such release, satisfaction, discharge or assignment may be made in any manner or by any instrument which would be valid and effective if made by a like officer qualified under the law of this state.

Sec. 6. Certificate of appointment and authority. Before a release, satisfaction, discharge, or assignment by such foreign officer shall be effective, a certificate executed by the judge or clerk of the court making the appointment, with seal attached, if such officer has a seal, shall be recorded. Said certificate shall show the name of the court making the appointment, the date of the same, and that such foreign officer has not been discharged at the time of the execution of the release, satisfaction, discharge, or assignment and is authorized to execute the same.

Sec. 7. Filing of certificate. The certificate aforesaid shall be filed for records:

1. In case of judgments, in the office of the clerk of the court in which the judgment is of record or in which it has been filed, or
2. In case of mortgages, or deeds of trust, in the office of the county recorder of the county in which the mortgage or deed of trust is of record.

Sec. 8. Record - index of satisfaction. Such certificates shall be recorded by the proper officer in the judgment records of the court in which the same appears of record, or in the appropriate chattel or real estate records, as the case may be, and the record of such release, satisfaction, discharge, or assignment shall be properly indexed.

That section seventy-eight hundred nineteen (7819) of the compiled Code of Iowa be amended, revised, and codified to read as follows:

Sec. 9. Administration granted. In other cases, where an executor is not appointed by will, administration shall be granted to any suitable person or persons on the request and application of:

1. The surviving spouse.
2. The next of kin.
3. Creditors.
4. Any other person showing good grounds therefor.

Approved February 21, 1924.

CHAPTER 154

DISTRIBUTION OF INTESTATE PROPERTY

S. F. 239

AN ACT to amend, revise, and codify sections seven thousand nine hundred four (7904) and seven thousand nine hundred ten (7910) of the compiled code of Iowa, relating to the distribution of intestate property.

Be It Enacted by the General Assembly of the State of Iowa:

That sections seven thousand nine hundred four (7904) and seven thousand nine hundred ten (7910) of the compiled Code of Iowa are amended, revised and codified to read as follows:

Section 1. If the intestate leaves no issue, the whole of the estate to the amount of seventy-five hundred dollars, after the payment of the debts and expenses of administration, and one-half of all of the estate in excess of said seventy-five hundred dollars shall go to the surviving spouse and the other one-half of said excess shall go to the parents. If no spouse, the whole shall go to the parents. In case of an adopted child, the parents by adoption shall inherit as if they were the natural parents.

Approved December 20, 1923.

CHAPTER 155

FORECLOSURE OF MORTGAGES

S. F. 241

AN ACT to amend, revise, and codify sections eight thousand one hundred sixty (8160), eight thousand one hundred sixty-one (8161), eight thousand one hundred sixty-six (8166), and eight thousand one hundred seventy-eight (8178) of the compiled code of Iowa, relating to foreclosure and release of mortgages, and sales under pledge.

Be It Enacted by the General Assembly of the State of Iowa

That sections eight thousand one hundred sixty (8160) and eight thousand one hundred sixty-one (8161) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Attorney fees. If the notes secured by such mortgage, or the mortgage itself, provide for the payment of attorneys' fees, the same fees shall be collected, if an attorney is employed to look after and direct the proceedings, as are provided by law to be collected after judgment in actions upon such contracts. The attorney shall make an affidavit like that required in actions, and have it attached by the officer or person making sale to his return of the proceedings thereunder.

Sec. 2. Bill of sale. The officer, or other person conducting the sale shall execute to the purchaser a bill of sale of the property, which shall be effectual to carry the whole title and interest purchased.

That section eighty-one hundred sixty-six (8166) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 3. Sale under pledge. The pledgee of personal property held as security for an indebtedness, unless otherwise agreed in writing, may sell such property for the payment of the indebtedness when due, by giving the pledgor and any purchaser or assignee of the property or any part of it of which the pledgee has notice in writing, ten (10) days' written notice of his intention to sell the same for the payment of such debt.

Sec. 4. The pledgee shall take the address of the pledgor at the time the pledge is made and in all cases the notice shall be served upon the pledgor by registered mail addressed to the address given by the pledgor at the time the property was pledged or at his last known address. If the pledgor is a resident of the county in which the property was held the notice shall be posted for ten (10) days in three (3) public places in the township of the pledgor's residence. If the pledgor is not a resident of the county where the property is held such notice shall be posted for ten (10) days in three (3) public places of such county and such notice shall contain a full and accurate description of the property to be sold, the day and hour when, and the place at which the same will be sold. If redemption is not made before the date thus fixed, the pledgee may sell at public auction, to the highest bidder, the pledged property, or so much of the same as may be necessary to pay the debt, interest, and all costs of making such sale, and may be a bidder at such sale. He shall apply the proceeds, first, in the payment of such costs, and second, to the payment of the debt. Any surplus arising from the sale and any property remaining unsold shall be paid or returned to the pledgor or his assignee.

That section eight thousand one hundred seventy-eight (8178) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 5. Satisfaction acknowledged. When the amount due on a mortgage is paid off, the mortgagee, his personal representative or assignee, or those legally acting for him, and in case of payment of a school fund mortgage the county auditor, must acknowledge satisfaction thereof in the margin of the record of the mortgage, or by execution of an instrument in writing, referring to the mortgage, and duly acknowledged and recorded. If he fails to do so within thirty (30) days after being requested in writing, he shall forfeit to the mortgagor or any grantee of the property who has paid the mortgage, the sum of twenty-five

dollars (\$25.00). When any mortgage is satisfied on the margin of the record of the mortgage, as herein provided, the person satisfying the same shall be identified to and his signature shall be witnessed by the county recorder or his deputy.

Approved January 30, 1924.

CHAPTER 106

CLERK OF THE SUPREME COURT

S. F. 245

AN ACT to amend, revise, and codify sections eight thousand four hundred seventy-eight ((8478) and eight thousand four hundred seventy-nine (8479) of the compiled code of Iowa, relating to the clerk of the supreme court.

Be It Enacted by the General Assembly of the State of Iowa

That sections eight thousand four hundred seventy-eight (8478) and eight thousand four hundred seventy-nine (8479) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Appointment. Within ninety (90) days prior to the first secular day in January, nineteen hundred twenty-seven (1927) and every four (4) years thereafter, the judges of the supreme court shall appoint a clerk of the supreme court who shall hold office for four (4) years and until his successor has been appointed and qualified. In case a vacancy occurs, the same shall be filled by appointment for the unexpired portion of the term only.

Sec. 2. Present clerk of the supreme court. Nothing in this act shall affect the term of office of the present clerk of the supreme court.

Approved January 22, 1924.

CHAPTER 157

SUPREME COURT PROCEDURE

H. F. 246

AN ACT to amend, revise, and codify sections seventy hundred thirty-two (7032), seventy hundred thirty-five (7035), eighty-four hundred eighty-six (8486), eighty-four hundred ninety (8490), eighty-four hundred ninety-one (8491), eighty-four hundred ninety-five (8495), eighty-four hundred ninety-six (8496), eighty-four hundred ninety-seven (8497), eighty-four hundred ninety-nine (8499), eighty-five hundred (8500), eighty-five hundred two (8502), eighty-five hundred four (8504) and eighty-five hundred twenty-eight (8528) of the compiled code of Iowa, relating to procedure in the supreme court, and qualifications for admission to the bar.

Be It Enacted by the General Assembly of the State of Iowa

That section eighty-four hundred eighty-six (8486) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Motion for new trial. The supreme court on appeal may review and reverse any judgment or order of the municipal, superior, or district court,

although no motion for a new trial was made in such court.

That sections eighty-four hundred ninety (8490) and eighty-four hundred ninety-one (8491) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 2. Time for appealing. Appeals from the district, superior, and municipal courts may be taken to the supreme court at any time within four (4) months from the date of the entry of record of the judgment or order appealed from, and not afterwards; but, when a motion for new trial, or in arrest of judgment, or for judgment notwithstanding the verdict has been filed, such time for appeal shall be automatically extended so as to permit the same at any time within 60 days after the entry of the ruling upon such motion.

Sec. 3. Amount in controversy. No appeal shall be taken in any cause in which the amount in controversy between the parties as shown by the pleadings does not exceed one hundred dollars (\$100.00), unless the trial judge shall, during the term in which judgment or order is entered, certify that the cause is one in which the appeal should be allowed. Upon such certificate being filed the same shall be appealable regardless of the amount in controversy. Said limitation shall not affect the right of appeal in any action in which an interest in real estate is involved, nor shall the right of appeal be affected by the remission of any part of the verdict or judgment returned or rendered.

Sec. 4. Appeal by coparties. A part of several coparties may appeal, but in such case they must serve notice of such appeal upon those not joining therein, and file proof thereof with the clerk of the court from which the appeal is taken.

That section eighty-four hundred ninety-five (8495) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 5. Service. A notice of appeal shall be served and return made thereon in the same manner as an original notice in a civil action, and filed in the office of the clerk of the court in which the judgment or order appealed from was rendered or made. All other notices connected with or growing out of the appeal shall be served and the return made in like manner, and filed in the office of the clerk of the supreme court, and all notices provided for in this section become a part of the record in the case on being filed.

That sections eighty-four hundred ninety-six (8496), eighty-four hundred ninety-seven (8497) and eighty-four hundred ninety-nine (8499) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 6. Abstract of record - time of filing - hearing. An abstract of the record shall be filed in the office of the clerk of the supreme court within thirty (30) days before the second term after the appeal was taken. If the abstract is filed fifteen (15) days before the first day of the next term of court the cause shall be placed on the calendar for that term and come on for hearing, unless otherwise ordered by the court.

Sec. 7. Docketing - assignment for each day. The clerk shall docket the causes as they are filed in his office and shall, under order of the chief justice, arrange and set a proper number for trial for each day of the term, placing together as far as practicable those from the same judicial district, and shall cause notice thereof to be published and distributed as the court may direct.

That section eighty-five hundred (8500) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 8. Dismissal or affirmance. If an abstract of the record is not filed by appellant within thirty (30) days before the second term after the appeal was taken, unless further time is given before the expiration of said time by the court or a judge thereof for good cause shown, the appellee may file an abstract of such matters of record as are necessary, or may file a copy of the final judgment or order appealed from, or other matters required, certified to by the clerk of the trial court, and cause the case to be docketed, and the appeal upon motion shall be dismissed, or the judgment or order affirmed. Denial of abstracts, additional abstracts, or transcripts may also be filed.

That section eighty-five hundred two (8502) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 9. Certification of record. Any party may cause a certified copy of the record in the lower court or any part of the same to be filed in the office of the clerk of the supreme court for its consideration. The original transcript of evidence may be sent up, but shall be returned to the clerk of the proper county after the cause has been determined by the supreme court. Upon application to the supreme court or any judge thereof, the clerk of the court from which appeal is taken may be ordered to file such certified copy.

That section eighty-five hundred four (8504) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 10. Original papers - production. Where a view of an original paper or exhibit in the action may be important to a correct decision of the appeal, the court or any judge thereof may order the clerk of the court below to transmit the same, which he shall do in the manner provided for the transmission of certifications of the record.

That section eighty-five hundred twenty-eight (8528) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 11. Rehearing - notice. Written notice of intention to petition for a rehearing shall be served on the opposite party or his attorney and the clerk of the supreme court within thirty (30) days after the filing of the opinion, or within such time as the court may by rules prescribe.

Sec. 12. Petition for rehearing - service - time of filing. Such petition shall be printed, and, with proof of service thereof on the opposite party or his attorney, shall be filed with said clerk within sixty (60) days after the opinion is filed.

Sec. 13. Petition may constitute brief and argument. The petition may be made by the argument or a brief of authorities relied upon for rehearing. The adverse party may file a printed argument in response. If the party applying for a rehearing shall give notice of oral argument in his petition, then both parties shall be entitled to be heard orally, unless the party giving notice waives argument.

That section seventy hundred thirty-two (7032) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 14. Qualifications for admission to bar. Every applicant for such admission must be at least twenty-one years of age, of good moral character, and an inhabitant of this state, and must have actually and in good faith pursued a regular course of study of the law for at least three full years, either in the office of a member of the bar in regular practice of this state or other state, or of a judge of a court of record thereof, or in some reputable law school in the United States, or

partly in such office and partly in such law school; but, in reckoning such period of study, the school year of any such law school, consisting of not less than thirty-six weeks exclusive of vacations, shall be considered equivalent to a full year. Every such applicant for admission must also have actually and in good faith acquired a general education substantially equivalent to that involved in the completion of a high school course of study of at least four years in extent.

That section seventy hundred thirty-five (7035) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 15. Fees - how used. Every applicant for admission shall pay to the clerk of the supreme court an examination fee of five dollars, payable before the examination is commenced. Practitioners from other states seeking admission to practice in this state as provided by law shall pay an admission fee of ten (10) dollars. The fees thus paid to the clerk shall be retained by him as a special fund to be appropriated as otherwise provided; and any amount thereof remaining in his hands unappropriated on the thirtieth day of June of each year shall be turned over to the state treasury.

Approved February 1, 1924.

CHAPTER 158

CARRYING DANGEROUS WEAPONS

S. F. 247

AN ACT to amend, revise, and codify sections eighty-five hundred seventy-five (8575), eighty-five hundred seventy-eight (8578) to eighty-five hundred eighty-eight (8588), both inclusive, and eighty-five hundred ninety-two (8592) of the compiled code of Iowa, relating to the use and carrying of dangerous weapons and permits therefor.

Be It Enacted by the General Assembly of the State of Iowa:

That section eighty-five hundred seventy-five (8575) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. If any person shall wilfully draw or point a pistol, revolver or gun at another, he shall be guilty of a misdemeanor, and be fined not more than one hundred dollars (\$100.00) or imprisoned in the county jail not more than thirty (30) days; but this section shall not apply to police officers or other persons whose duty it is to execute process or warrants, or make arrests.

That sections eighty-five hundred seventy-eight (8578) to eighty-five hundred eighty-eight (8588), both inclusive, of the compiled Code of Iowa be amended, revised, and codified to read as follows:

Sec. 2. The sheriff of any county may issue a permit, limited to the time which shall be designated therein, to carry concealed a revolver, pistol or pocket billy. It shall be the duty of said sheriff to issue a permit to go armed with a revolver, pistol or pocket billy to all peace officers and such other persons who, in the judgment of said official, should be permitted to go so armed. Banks, trust companies, mining, transportation, manufacturing and mercantile companies or establishments may obtain a general permit good for any of their employes, only while on duty, actually engaged in guarding any property or the transportation of moneys or other valuables. Permits issued to peace officers or to employes of

railroad or express companies shall permit such persons to go armed anywhere within the state while in the discharge of their duties.

Sec. 3. Each such permit shall, unless revoked by notice in writing sent by registered mail to the permit holder by the sheriff issuing same, expire on December thirty-first, following the issuance.

Sec. 4. The sheriff shall keep a record showing the names and addresses of all persons to whom permits shall have been issued, together with the dates of issuance and expiration of such permits.

Sec. 5. Before any permit to go armed with a revolver, pistol or pocket billy is granted, an application therefor shall be filed with the sheriff. Permits may be issued only on personal application therefor, except, that chiefs of police may make application for permits for members of their respective departments, and owners, managing officers or superintendents of banks, trust companies, mining, transportation, manufacturing and mercantile companies or establishments may make such application for and in behalf of their employes. The application shall be in writing and state the full name, residence, age, place and nature of the employment or business of the person to whom it is proposed to grant the permit. The application shall be signed by the person making application. The permit shall be issued, except as otherwise provided in section 2 hereof, to the individual whom it permits to go armed and shall not be transferable.

Sec. 6. Whenever a permit is issued to any person to carry concealed weapons by virtue of such person being a peace officer, the right of such person to carry any of said weapons shall cease when said person ceases to be a peace officer. The sheriff may at any time revoke any permit issued by him.

Sec. 7. It shall be the duty of any person armed with a revolver, pistol or pocket billy concealed upon his person to have in his immediate possession the permit provided for in this chapter and to produce same for inspection at the request of any peace officer. Failure to so produce such permit shall constitute a misdemeanor.

That section eighty-five hundred ninety-two (8592) of the compiled Code of Iowa be amended, revised, and codified to read as follows:

Sec. 8. Every person selling revolvers, pistols, pocket billies and other weapons of a like character which can be concealed on the person, whether such person is a retail dealer, pawnbroker or otherwise, shall report within twenty-four (24) hours to the county recorder, the sale of any revolver, pistol or pocket billy and in such report shall set forth the time of selling, age, occupation, place of employment or business, name and residence of such purchaser of said weapon or weapons, together with the number, make and other marks of identification of such weapon or weapons, and the recorder on receipt of such information shall make a permanent record of the same in a book specially kept for that purpose.

Sec. 9. In all prosecutions on the charge of carrying a concealed weapon without a permit, proof that no permit had been issued to the defendant in the county in which the offense was alleged to have been committed shall be prima facie evidence that the defendant had no permit to carry a concealed weapon.

Approved April 15, 1924.

MAGISTRATES AND PEACE OFFICERS

H. F. 250

AN ACT to amend, revise, and codify sections ninety hundred fifty-one (9051) to ninety hundred fifty-four (9054), inclusive, and sections ninety hundred fifty-eight (9058) to ninety hundred sixty-two (9062), inclusive, of the compiled code of Iowa, relating to magistrates and peace officers.

Be It Enacted by the General Assembly of the State of Iowa:

That sections ninety hundred fifty-one (9051) to ninety hundred fifty-four (9054), inclusive, and sections ninety hundred fifty-eight (9058) to ninety hundred sixty-two (9062), inclusive, of the compiled Code of Iowa, are amended, revised, and codified to read as follows:

Section 1. Magistrates defined. The term "magistrate" includes:

1. All judges of the supreme, district, superior or municipal courts, throughout the state.
2. All justices of the peace, mayors, and judges of the police court, within their respective counties.

Sec. 2. Power of magistrates. Magistrates have power to hear ^{and} complaints, or preliminary informations, issue warrants, order arrests, require security to keep the peace, make commitments, and take bail, as provided by law.

Sec. 3. Peace officer defined. The following are "peace officers":

1. Sheriffs and their deputies.
2. Constables.
3. Marshals and policemen of cities and towns.
4. All special agents of the department of justice.
5. Such persons as may be otherwise so designated by law.

Sec. 4. Officers of justice defined. Magistrates and peace officers are sometimes designated as "officers of justice".

Sec. 5. Agents of the department of justice - tenure - salary. The attorney general may appoint such number of persons as special agents of the department of justice, as, in his judgment, is necessary to effect the capture, detention, arrest, and prosecution of persons violating the laws of the state. Such agents shall act under the direction, and at the pleasure of, the attorney general, and at such salary as he may fix, but the expenditure for salaries and expenses shall not exceed the appropriation therefor.

Sec. 6. Expenses. All special agents of the department of justice shall be paid their actual and necessary expenses incurred in the discharge of their duties.

Sec. 7. Bonds. All persons appointed to the position of special agents of the department of justice shall give bond in the sum of five thousand dollars (\$5,000.00), which bond shall be approved by the appointing officer.

Sec. 8. Powers. All special agents of the department of justice shall have, throughout the state, the same power to make arrests and file informations, and otherwise enforce the law, as possessed by county attorneys and peace officers.

within their respective counties. They shall have the right to demand and receive, in the discharge of their duties, the assistance of any county attorney or peace officer within their respective counties.

Sec. 9. Power of governor and attorney general. The governor and attorney general shall each have the power to call to their aid in the enforcement of the law any peace officer, and when such officers are so called upon it shall be their duty faithfully to render such assistance as may be required, in any part of the state, and such peace officers while so acting shall have the same powers throughout the state as possessed by the sheriff of the county in which such peace officer is acting.

Sec. 10. Appropriation - department of justice. There is hereby appropriated, annually, until July 1st, 1925, out of any unappropriated funds in the state treasury, for the purpose of paying the salary and expenses of agents of the department of justice, the sum of thirty-seven thousand five hundred dollars (\$37,500.00).

Approved February 26, 1924.

CHAPTER 160

APPEALS IN CRIMINAL CASES

H. F. 253

AN ACT to amend, revise, and codify section ninety-five hundred sixty-two (9562) of the compiled code of Iowa, relating to appeals in criminal cases.

Be It Enacted by the General Assembly of the State of Iowa

That section ninety-five hundred sixty-two (9562) of the compiled Code of Iowa is amended, revised and codified to read as follows:

Section 1. Duty of clerk when appeal is taken. When an appeal is taken, the clerk of the court in which the judgment was rendered shall:

1. Forthwith prepare and transmit to the attorney general a certified copy of the notice of appeal, together with the date of the service and filing thereof.
2. Promptly prepare and transmit to the clerk of the supreme court a transcript of all record entries in the cause, together with copies of all papers in the case on file in his office, except those returned by the examining magistrate on the preliminary examination, all duly certified under the seal of his court.

Sec. 2. Duties of county attorney. The county attorney shall:

1. When an appeal is taken by the state, at least forty (40) days prior to the term at which the cause is to be heard, prepare and deliver to the attorney general a typewritten manuscript for the abstract of record in the cause.
2. When an appeal is taken by the defendant, prepare and transmit to the attorney general a typewritten manuscript covering all matters which may be required to be embraced in any amended abstract which should be filed by the state in order to properly present said appeal.

Such manuscripts shall be prepared in ample time so that the same may be printed and filed within the time and in the manner prescribed by law and the rules of the supreme court.

Approved February 21, 1924.

LABOR AND MATERIAL ON PUBLIC IMPROVEMENTS

H. F. 254

AN ACT to amend, revise, and codify chapter seven (7) of title twenty-four (24), sections eighty-four hundred twenty-nine (8429) and eighty-four hundred thirty (8430) of the compiled code of Iowa, and sections eighty-four hundred twenty-seven (8427) and eighty-four hundred twenty-eight (8428) of the supplement to said code, relating to bonds for the performance of contracts for public improvements, and to the rights of persons who furnish labor or materials on such improvements.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter seven (7) of title twenty-four (24), sections eighty-four hundred twenty-nine (8429) and eighty-four hundred thirty (8430) of the compiled Code of Iowa, and sections eighty-four hundred twenty-seven (8427) and eighty-four hundred twenty-eight (8428) of the supplement to said Code are amended, revised, and codified to read as follows:

Section 1. Terms defined. For the purpose of this title:

1. "Public corporation" shall embrace the state, and all counties, cities, towns, public school corporations, and all officers, boards, or commissions empowered by law to enter into contracts for the construction of public improvements.

2. "Public improvement" is one, the cost of which is payable from taxes or other funds under the control of the public corporation, except in cases of public improvement for drainage or levee purposes the provisions of the drainage law in cases of conflict shall govern.

3. "Construction" shall, in addition to its ordinary meaning, embrace repair and alteration.

4. "Material" shall, in addition to its ordinary meaning, embrace feed provisions and fuel.

Sec. 2. Public improvements - bond and conditions. Contracts for the construction of a public improvement shall, when the contract price equals or exceeds one thousand dollars (\$1,000.00), be accompanied by a bond, with surety, conditioned for the faithful performance of the contract, and for the fulfillment of such other requirements as may be provided by law. Such bond may also be required when the contract price does not equal said amount.

Sec. 3. Bond mandatory. The obligation of the public corporation to require, and the contractor to execute and deliver, said bond, shall not be limited or avoided by contract.

Sec. 4. Deposit in lieu of bond. A deposit of money, or a certified check on a solvent bank of the county in which the improvement is to be located, or state or federal bonds, or bonds issued by any city, town, school corporation, or county of this state, or bonds issued on behalf of any drainage or highway paying district of this state, may be received in an amount equal to the amount of the bond and held in lieu of a surety on such bond, and when so received such securities shall be held on the terms and conditions applicable to a surety.

Sec. 5. Amount of bond. Said bond shall run to the public corporation. The amount thereof shall be fixed, and the bond approved, by the official board

or officer empowered to let the contract, in an amount not less than seventy-five per cent (75%) of the contract price, and sufficient to comply with all requirements of said contract and to insure the fulfillment of every condition, expressly or impliedly embraced in said bond. Except that in contracts where no part of the contract price is paid until after the completion of the public improvement the amount of said bond may be fixed at not less than twenty-five per cent (25%) of the contract price.

Sec. 6. Subcontractors on public improvements. The following provision shall be held to be a part of every bond given for the performance of a contract for the construction of a public improvement, whether said provision be inserted in such bond or not, to wit:

"The principal and sureties on this bond hereby agree to pay to all persons, firms, or corporations having contracts directly with the principal or with subcontractors, all just claims due them for labor performed or materials furnished, in the performance of the contract on account of which this bond is given, when the same are not satisfied out of the portion of the contract price which the public corporation is required to retain until completion of the public improvement, but the principal and sureties shall not be liable to said persons, firms, or corporations unless the claims of said claimants against said portion of the contract price shall have been established as provided by law."

Every surety on this bond shall be deemed and held, any contract to the contrary notwithstanding, to consent without notice:

1. To any extension of time to the contractor in which to perform the contract.
2. To any change in the plans, specifications or contract, when such change does not involve an increase of more than twenty per cent of the total contract price, and shall then be released only as to such excess increase.
3. That no provision of this bond or of any other contract shall be valid which limits to less than one year from the time of the acceptance of the work the right to sue on this bond for defects in workmanship or material not discovered or known to the obligee at the time such work was accepted.

Sec. 7. Claims for material or labor. Any person, firm, or corporation who has, under a contract with the principal contractor or with subcontractors, performed labor or furnished material, service or transportation, in the construction of a public improvement, may file, with the officer authorized by law to issue warrants in payment of such improvement, an itemized, sworn, written statement of the claim for such labor or material, service or transportation.

Sec. 8. Filing claims in case of highway improvements. In case of highway improvements by the county, claims shall be filed with the county auditor of the county letting the contract.

Sec. 9. Officer to indorse time of filing claim. The officer shall indorse over his official signature upon every claim filed with him, the date and hour of filing.

Sec. 10. Time of filing claims. Claims may be filed with said officer as follows:

1. At any time before the expiration of thirty (30) days immediately following the completion and final acceptance of the improvement.
2. At any time after said thirty (30) day period, if the public corporation has not paid the full contract price as herein authorized, and no action is pending to adjudicate rights in and to the unpaid portion of the contract price.

Sec. 11. Claims filed after action brought. The court may permit claims

to be filed with it during the pendency of the action hereinafter authorized, if it be made to appear that such belated filing will not materially delay the action.

Sec. 12. Payments under public contracts. Payments made under contracts for the construction of public improvements, unless provided otherwise by law, shall be made on the basis of monthly estimates of labor performed and material delivered; said payments to be made for not more than ninety per cent (90%) of said estimates and to be so made that at least ten per cent (10%) of the contract price will remain unpaid at the date of the completion of the contract, anything in the contract to the contrary notwithstanding.

Sec. 13. Inviolibility and disposition of fund. No public corporation shall be permitted to plead noncompliance with the preceding section, and the retained percentage of the contract price, which in no case shall be less than ten per cent (10%), shall constitute a fund for the payment of claims for materials furnished and labor performed on said improvement, and shall be held and disposed of by the public corporation as hereinafter provided.

Sec. 14. Retention of unpaid funds. Said fund shall be retained by the public corporation for a period of thirty (30) days after the completion and final acceptance of the improvement. If at the end of said thirty (30) day period claims are on file as herein provided the public corporation shall continue to retain from said unpaid funds a sum not less than double the total amount of all claims on file.

Sec. 16. Action to determine rights to fund. The public corporation, the principal contractor, any claimant for labor or material who has filed his claim, or the surety on any bond given for the performance of the contract, may, at any time after the expiration of thirty (30) days, and not later than six (6) months, following the completion and final acceptance of said improvement, bring action in equity in the county where the improvement is located to adjudicate all rights to said fund, or to enforce liability on said bond.

Sec. 17. Parties. The official board or officer letting the contract, the principal contractor, all claimants for labor and material who have filed their claim, and the surety on any bond given for the performance of the contract shall be joined as plaintiffs or defendants.

Sec. 18. Adjudication - payment of claims. The court shall adjudicate all claims. Payments from said retained percentage, if still in the hands of the public corporation, shall be made in the following order:

1. Costs of the action.
2. Claims for labor.
3. Claims for materials.
4. Claims of the public corporation.

Sec. 19. Insufficiency of funds. When the retained percentage aforesaid is insufficient to pay all claims for labor or materials, the court shall, in making distribution under the preceding section, order the claims in each class paid in the order of filing the same.

Sec. 20. Converting property into money. When it appears that the unpaid portion of the contract price for the public improvement, or a part thereof, is represented, in whole or in part, by property other than money, or if a deposit has been made in lieu of a surety, the court shall have jurisdiction thereover, and may cause the same to be sold, under such procedure as it may deem just and proper, and disburse the proceeds as in other cases.

Sec. 21. Attorney fees. The court may tax, as costs, a reasonable attorney fee in favor of any claimant for labor or materials who has, in whole or in part, established his claim.

Sec. 22. Unpaid claimants - judgment on bond. If, after the said retained percentage has been applied to the payment of duly filed and established claims, there remain any such claims unpaid in whole or in part, judgment shall be entered for the amount thereof against the principal and sureties on the bond. In case the said percentage has been paid over as herein provided, judgment shall be entered against the principal and sureties on all such claims.

Sec. 23. Abandonment of public work - effect. When a contractor abandons the work on a public improvement or is legally excluded therefrom, the improvement shall be deemed completed for the purpose of filing claims as herein provided, from the date of the official cancellation of the contract. The only fund available for the payment of the claims of persons for labor performed or material furnished shall be the amount then due the contractor, if any, and if said amount be insufficient to satisfy said claims, the claimants shall have a right of action on the bond given for the performance of the contract.

Sec. 24. Retention of funds in case of highway improvement. If payment for such improvement is to be made in whole or in part from the primary road fund, the county auditor shall immediately notify the state highway commission of the filing of all claims.

Sec. 25. Filing of claim - effect. The filing of any claim shall not work the withholding of any funds from the contractor except the retained percentage, as provided in this chapter.

Sec. 26. Public corporation - action on bond. Nothing in this chapter shall be construed as limiting in any manner the right of the public corporation to pursue any remedy on the bond given for the performance of the contract.

Approved April 9, 1924.

CHAPTER 162

APPOINTMENTS AND BONDS OF GUARDIANS

H. F. 256

AN ACT to amend, revise, and codify sections sixty-six hundred forty-five (6645) and sixty-six hundred seventy-one (6671) of the compiled code of Iowa, and sections sixty-six hundred fifty-two (6652), sixty-six hundred seventy (6670), seventy-eight hundred forty-eight (7848), and seventy-eight hundred forty-eight-a one (7848-a1) of the supplement to said code, relating to the appointment and bonds of guardians, and to the sale or mortgage of the property of persons under guardianship, and of persons deceased.

Be It Enacted by the General Assembly of the State of Iowa:

That section sixty-six hundred forty-five (6645) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Bond and oath of guardian of property. Guardians of the property of a minor shall give bond, with surety to be approved by the court or

clerk, in a penalty double the value of the personal estate and of the rents and profits of the real estate of the minor, conditioned for the faithful discharge of their duties as such guardians according to law, and must take an oath of the same tenor as the condition of the bond.

Sec. 2. Surety company bond. Where an approved surety company bond is furnished, said bond may be fixed in a lesser amount than is provided in the preceding section, but in no case less than the actual value of the personal estate and the rents and profits of the real estate, with twenty-five per cent (25%) added thereto.

Sec. 3. Bond and oath of guardian of person. The court or judge may require a bond to be given by the guardian of the person of minors, with like conditions as when the bond is given by a guardian of the property.

That section sixty-six hundred fifty-two (6652) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 4. Petition. The petition for that purpose must state the ground thereof and be verified.

Sec. 5. Return day - notice. The plaintiff may fix the time and place of hearing before the court and in such case, a notice thereof, together with a copy of the petition, must be served, unless otherwise provided, on the ward in the same manner, and for the same time, before the day of hearing as would be required if the day of hearing was the first day of a term of court, and the notice was a notice of the commencement of an ordinary civil action, except that when service is made by publication the copy of the petition need not be published.

Sec. 6. Time, manner and place of hearing. The court or judge may, on application therefor, fix, by proper order, the time and place of hearing before the court or judge, and the time of service and the manner thereof.

That section sixty-six hundred seventy (6670) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 6-a1. Petition - appointment. When a petition, verified by affidavit, is presented to the district court that any inhabitant of the county is:

1. An idiot, lunatic or person of unsound mind; or
2. An habitual drunkard, incapable of managing his affairs; or
3. A spendthrift who is squandering his property;

And the allegations of the petition are satisfactorily proved upon the trial, the court may appoint a guardian of the property of such person.

Sec. 6-a2. Ex-officio guardian. The guardian appointed under the preceding section shall be the guardian of the minor children of his ward, unless the court otherwise orders.

Sec. 6-a3. Guardian of drunkard. If a person is an habitual drunkard the court may appoint a guardian of his person, whether he has any estate or not.

Sec. 6-a4. Party may apply for a guardianship. Any person, other than an idiot or lunatic, may, upon his own application, by verified petition, have a guardian appointed for his person or property or both, if in the opinion of the district court or judge to whom the petition is presented, said appointment would inure to the best interest of said applicant.

Sec. 6-a5. Notice not required. Upon application under the last preceding section no notice of the hearing shall be required.

That section sixty-six hundred seventy-one (6671) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 7. Petition - trial. Such petition shall set forth, as particularly as may be, the facts upon which the application is based, and shall be answered as in other ordinary actions, all the rules of which shall govern so far as applicable and not otherwise provided in this chapter. The applicant shall be plaintiff and the other party defendant.

Sec. 7-a1. Temporary guardian. A temporary guardian may be appointed but only after a hearing on such notice to the defendant and on such service of said notice as the court or judge shall prescribe.

Sec. 7-a2. Trial. An issue arising on a prayer for the appointment of a temporary guardian shall be tried by the court, or by a judge in vacation. An issue arising on the prayer for the appointment of a permanent guardian shall be tried by the court unless a jury be demanded by either party.

Sec. 7-a3. Effect of appointment. If a permanent guardian be appointed, all contracts or business transactions of the defendant after the filing of the petition shall be presumed to be a fraud against the rights and interests of the defendant.

That sections seventy-eight hundred forty-eight (7848) and seventy-eight hundred forty-eight-a one (7848-a1) of the supplement to the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 8. Return day - notice and service. The applicant for the order to sell or mortgage may fix the time and place of hearing before the court, and, in such case, a notice thereof must be served, unless otherwise provided, on all resident and nonresident persons interested in said real estate, including claimants, if any, whose names are unknown, in the same manner, and for the same time before the day of hearing, as would be required if the day of hearing was the first day of a term of court, and the notice was a notice of the commencement of an ordinary civil action.

Sec. 9. Time and place of hearing and service. The court or judge may, on application therefor, fix, by proper order, the time and place of hearing before the court or judge, and the time of service and the manner thereof.

Sec. 10. Order conditional on service. No order for the sale or mortgage of such real estate shall be granted until proof of service as above provided is made.

Approved March 14, 1924.

CHAPTER 163

CIGARETTES AND TOBACCO

S. F. 257

ANY ACT to amend, revise, and codify chapter seven-a (7-a) and chapter seven-b (7-b) of title five (5) of the supplement to the compiled code of Iowa, re-

lating to cigarettes, cigarette papers, wrappers, and tubes and to the sale and advertisement of tobacco.

Be It Enacted by the General Assembly of the State of Iowa:

That chapters seven-A (7-A) and seven-B (7-B) of title five (5) of the supplement to the compiled Code of Iowa are amended, revised, and codified to read as follows:

CHAPTER _____

CIGARETTES AND TOBACCO

Section 1. Definition of terms. The term "person" as used in this chapter shall include corporation, firm, copartnership, and association; the term "paper" shall include "wrapper" and "tube".

Sec. 2. Sale or gift to minor prohibited. No person shall furnish to any minor under twenty-one (21) years of age by gift, sale, or otherwise any cigarette or cigarette paper, or any paper or other substance made or prepared for the purpose of use in making of cigarettes. No person shall directly or indirectly by himself or agent sell, barter, or give to any minor under sixteen (16) years of age any tobacco in any other form whatever except upon the written order of his parent or guardian or the person in whose custody he is.

Sec. 3. Violation - penalty. Any person who shall violate any of the provisions of the preceding section shall for the first offense be punished by fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00), or by imprisonment in the county jail for not more than thirty (30) days. For a second or any subsequent violation such person shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or imprisonment in the county jail for not less than one (1) month nor more than six (6) months or by both such fine and imprisonment.

Sec. 4. Minors required to give information. Any minor under twenty-one (21) years of age in any place other than at the home of his parent or parents, being in the possession of a cigarette or cigarette papers, shall be required at the request of any peace officer, juvenile court officer, truant officer, or teacher in any school to give information as to where he or she obtained such article.

Sec. 5. Violation - penalty. Any minor under twenty-one (21) years of age refusing to give information as required by the preceding section shall be guilty of a misdemeanor and if eighteen (18) years of age or over, shall be punished by a fine not exceeding five dollars (\$5.00) or by imprisonment in the county jail not exceeding five (5) days, or by both such fine and imprisonment.

If such minor shall be under the age of eighteen (18) years he or she shall be certified by the magistrate or justice of the peace before whom the case is tried, to the juvenile court of the county for such action as said court shall deem proper. But if any minor having been convicted of violating the preceding section shall give information which shall lead to the arrest of the person or persons having violated any of the provisions of the third preceding section and shall give evidence as a witness in any proceedings that may be prosecuted against said person or persons, the court in its discretion may suspend sentence against the offending minor.

Sec. 6. Permit to sell. No person shall sell cigarettes or cigarette papers, without first having obtained a permit therefor in the manner provided

by this chapter. Such permit may be granted by resolution of the council of any city or town under any form of government and when so granted, may be issued by the clerk of such city or town. If issued to a person for use outside of a city or town such permit may be granted by resolution of the board of supervisors and when so granted shall be issued by the auditor of the county. Such permit shall remain in force and effect for two (2) years following the July first after its issuance, unless sooner revoked.

Sec. 7. Form of permit. Such permit shall:

1. Be granted only to a person owning or operating the place from which sales are to be made under the permit.
2. Not be transferable.
3. Be numbered and show the name and residence of the person to whom granted and the place of business of the holder where sales are to be conducted under said permit.

Sec. 8. Revocation. The city or town council or board of supervisors, as the case may be, granting such permit shall revoke the permit of any person who has been convicted of violating any of the provisions of this chapter and no permit shall again be granted to a person for a period of two (2) years from the date his permit has been revoked.

Sec. 9. Issuance or revocation certified to state treasurer. The clerk of a city or town and the auditor of a county which has granted a permit shall upon the issuance or revocation of any permit granted under the provisions of this chapter immediately certify such issuance or revocation to the treasurer of state.

Sec. 10. Bond. No permit shall be issued until the applicant therefor shall file a bond to be approved by the council or the board of supervisors granting the permit, which bond shall run to the city, town or county, as the case may be, for the benefit of all parties interested and shall be in the amount of not less than one thousand dollars (\$1,000.00), conditioned upon the faithful observance of all the provisions of this chapter, including the payment of all taxes, fines, penalties and costs in said chapter provided and for the payment of all damages that may result from the sale of cigarettes or cigarette papers, in or upon the premises occupied by the obligor. Said bond shall be signed by the obligor as principal and by a surety company authorized to do business in this state; or by two sureties who shall each qualify in double the amount of the bond, and neither of whom shall be surety on any other like bond.

Sec. 11. Milet tax. No permit shall be granted or issued until the applicant shall have paid to the treasurer of the city or town or county granting such permit, a millet tax as follows:

1. In towns and other places outside any city or town, fifty dollars (\$50.00).
2. In cities of the second class, seventy-five dollars (\$75.00).
3. In cities of the first class, one hundred dollars (\$100.00).

Such millet tax shall be paid for the period ending the first of July next following such permit and said permit shall become null and void if the holder thereof shall fail to pay a similar millet tax on or before the first day of July each year thereafter, for the year then beginning.

Sec. 12. When payable. Every person holding a permit or carrying on the business of selling or keeping for sale any cigarettes or cigarette papers, or maintaining a place where cigarettes or cigarette papers are sold or kept with intent to sell, shall pay the millet tax provided for in the preceding section, on or before the first day of July in each year, for the year then beginning.

Sec. 13. Lien and penalties. The said millet tax shall be a lien upon the real estate wherein or whereon the business is conducted or where a place for selling or

keeping with intent to sell, any cigarettes or cigarette papers, is maintained, from the time said tax becomes due and payable. If the tax is not paid in the month of July when the same falls due a penalty of twenty percent (20%) shall be added to the amount thereof for said month and one per cent (1%) per month thereafter until paid.

Sec. 14. Return by assessor—certification of tax. In all cases where the mulct tax has not been paid the assessor of the city or town or township, as the case may be, shall, on or after the twentieth of July of each year, return to the county auditor and the treasurer of state a list of persons who are or during the preceding year have been, engaged in carrying on within said city or town or township the business of selling or keeping for sale cigarettes or cigarette papers, or maintaining a place where they or any of them are sold or kept for sale, together with a description of the real estate wherein or whereon such business is carried on or such place maintained, with the name of the occupant or tenant or owner or agent.

The county auditor shall thereupon enter said mulct tax as provided for in section eleven (11) of this chapter against the real estate so described and also certify said tax to the county treasurer for collection as other taxes. Any assessor willfully failing to comply with the provisions of this section shall pay a fine of fifty dollars (\$50.00) and costs for each offense.

Sec. 15. Listing by sheriff or citizens. Should the assessor for any reason fail to perform the duties prescribed in the preceding section, the sheriff or any three (3) citizens of the county, may by verified statement on information and belief, addressed to the county auditor, procure the listing of names and description of property and places as provided in said section with the same force and effect as if done by the assessor.

Sec. 16. When tax delinquent—collection. After the expiration of thirty (30) days from the date when the mulct tax becomes due and payable, if not paid it shall be delinquent and collectible by the county treasurer in the same manner in which other delinquent taxes are collectible and all the provisions as to the collection of other delinquent taxes shall apply, including the provisions of law regarding tax sales for delinquent taxes in December of each year.

Sec. 17. Tax paid to general fund. All mulct taxes provided for in this chapter for cities and towns shall be paid to the treasurer of the city or town wherein the business for which such tax is paid is located and shall go into the general fund of said city or town. If paid for conducting business outside of any city or town it shall be paid to the county treasurer and credited to the general fund of such county.

Sec. 18. State stamp tax—schedule. There is hereby levied and assessed and shall be collected and paid to the treasurer of state prior to or at the time of sale and delivery to the consumer, upon all cigarettes, cigarette papers, wrappers, and tubes sold, the following taxes:

1. Class A. On cigarettes weighing not more than three (3) pounds per thousand (1,000), one (1) mill on each such cigarette.

2. Class B. On cigarettes weighing more than three (3) pounds per thousand (1,000), two (2) mills on each such cigarette.

3. Class C. On cigarette papers or wrappers or any papers made or prepared for the purpose of making cigarettes, made up in packages, books or sets, on each such package, book, or set containing:

(a) More than twenty five (25) but not more than fifty (50) papers, one half cent (1/2c).

(b) More than fifty (50) papers but not more than one hundred (100) papers, one cent (1c).

(c) More than one hundred (100) papers, one-half cent (1/2c) for each fifty (50) or fractional part thereof.

4. Class D. On tubes, one cent (1c) for each fifty (50) tubes

or fractional part thereof.

Sec. 19. Size of package - stamps affixed - cancellation. All cigarettes sold under the provisions of this chapter shall be put up in packages containing five (5), eight (8), ten (10), twelve (12), fifteen (15), sixteen (16), twenty (20), twenty-four (24), forty (40), fifty (50), eighty (80), or one hundred (100) cigarettes each. Before being delivered to the consumer each package of cigarettes and each package, book, or set of papers or tubes shall have securely affixed thereto a suitable stamp denoting the tax thereon and said stamp shall be properly cancelled prior to removal or consumption under such regulation as the treasurer of state shall prescribe.

Sec. 20. Violation - penalty. Any person violating any of the provisions of the last two (2) preceding sections shall be punished by fine of not less than one hundred dollars (\$100.00), nor more than three hundred dollars (\$300.00) and be confined in the county jail until such fine is paid, but not exceeding six (6) months. In addition all cigarettes, cigarette papers, and papers made or prepared for the purpose of making cigarettes, in his possession or in his place shall be confiscated and forfeited to the state.

Sec. 21. Forgery - counterfeiting - penalty. Any person who, with intent to defraud the state, shall make, alter, forge, or counterfeit any license, permit, or stamp provided for in this chapter or who shall have in his possession any forged, counterfeited, spurious, or altered license, permit, or stamp with intent to use the same, knowing or having reasonable grounds to believe they are such, shall be fined not more than one thousand dollars (\$1,000.00), and be imprisoned in the state penitentiary not more than three (3) years.

Sec. 22. Preparation of stamps - delivery to treasurer - sale. The auditor of state shall prepare and have suitable stamps for use on each kind of package. Upon requisition of the treasurer of state the auditor shall deliver to his order the stamps designated in such requisition and shall charge the treasurer with the stamps so delivered, and shall keep an accurate record of all stamps coming into and leaving his hands. The treasurer of state shall sell the stamps only to dealers holding unrevoked permits. The moneys received from the sale of said stamps shall be turned into the general fund of the state.

Sec. 23. Redemption of unused stamps - unlawful for dealers to sell. The state treasurer shall, on written request, redeem any unused stamps from any dealer to whom the stamps were sold, and pay for same out of any funds derived under the provisions of this chapter. It shall be unlawful for any dealer to sell such stamps to any person whatsoever.

Sec. 24. Additional assistant to enforce provisions - compensation. The state treasurer is hereby authorized to appoint an additional assistant, whose sole duty it shall be to administer and enforce the provisions of this chapter including the collection of all stamp taxes provided for herein. In such enforcement the state treasurer may call to his aid the attorney general, the special agents of the state, any county attorney, or any peace officer. The treasurer is further authorized to appoint such clerks and additional help as may be needed to carry out the provisions of this chapter. The compensation of all persons employed hereunder shall be fixed by the executive council, and be paid from the revenues derived under the provisions of this chapter.

Sec. 25. Violation - nuisance - abatement. Any person violating any of the provisions of this Chapter or maintaining a place where cigarettes or ciga-

rette papers are sold or kept with intent to sell in violation of the provisions of this chapter shall be guilty of keeping and maintaining a nuisance, and the building or place so used for the sale or keeping for sale of cigarettes or cigarette papers, in violation of the provisions of this chapter, shall be a nuisance and all persons keeping or maintaining the same or aiding or being concerned therein may be enjoined and such building or place abated as a nuisance. The procedure in actions to enjoin and abate such nuisance or for contempt for violating any order of injunction in connection therewith shall be, so far as applicable, the same as those now provided by the laws of the state for enjoining and abating intoxicating liquor nuisance.

Sec. 26. Proceedings by search warrant. If any reputable citizen of the county shall make oath before a magistrate that he has reason to believe and does believe that any house, place or building, describing the same and naming the occupant or keeper thereof, is unlawfully used as a place in which to receive, keep, store, sell or give away cigarettes or cigarette papers in violation of this chapter or that the keeper or occupant is in any way concerned, engaged, or employed, in owning or keeping any such cigarettes or cigarette papers in such building or place with intent to violate the law or authorize or permit the same to be done, such magistrate shall issue a search warrant particularly describing the place to be searched, the person or persons to be apprehended or the articles or things to be seized, directed to any peace officer in the county, commanding him to search such house, building or place and to seize such cigarettes or cigarette papers and for the arrest of the occupant or keeper thereof.

Sec. 27. Seizure - sale. Any cigarettes or cigarette papers seized under a search warrant and the occupant or keeper of the house, building or place where they were seized shall be brought before the magistrate who issued the search warrant. If the magistrate finds that such cigarettes or cigarette papers so seized were kept in violation of law, he shall make and enter upon his docket an order for their forfeiture to the county in which they were seized and shall issue a special execution directing any peace officer of the county to whom the magistrate shall deliver it, to sell such forfeited goods to any person having a permit to keep and sell the same at the highest cash price he can obtain and such peace officer shall be exempt from the provisions of this chapter providing for stamping such articles before sale. The proceeds derived from such sale shall be paid by the peace officer to the county treasurer and by him credited to the school fund of the county. Such peace officer shall return the special execution to the court from which it was issued as in other cases.

Sec. 28. Additional tax penalty assessed by magistrate. Any magistrate who shall, in a search warrant proceeding, order the forfeiture and sale of any cigarettes or cigarette papers which have been seized as having been kept for sale or with intent to sell in violation of the provisions of this chapter, shall certify a copy of the record of such finding and order to the county treasurer within ten (10) days after the entry of such order, and thereupon the county treasurer shall, in addition to all other penalties and taxes, assess a tax of three hundred dollars (\$300.00) against the property, building or place in or upon which such cigarettes or cigarette papers were unlawfully kept for sale or with intent to sell in violation of the provisions of this chapter, and which tax the county treasurer shall collect in the same manner and by the same proceedings as other taxes and credit the same to the city or town or general fund of the county as the case may be.

Sec. 29. Notice of assessment. Within ten (10) days after the receipt of the magistrate's certificate the county treasurer shall by registered mail notify the keeper or occupant of such house, building or place and the owner

of record thereof, if any, of such assessment.

Sec. 30. Request to exhibit permit - prima facie evidence. The proprietor or keeper of any building or place wherein cigarettes or cigarette papers shall be kept for sale or with intent to sell, shall upon request of any peace officer of the county exhibit to such peace officer his permit to so keep and sell. His refusal or failure to so exhibit such permit shall be prima facie evidence that such cigarettes or cigarette papers are kept for sale or with intent to sell in violation of the provisions of this chapter.

Sec. 31. Advertisement near public schools prohibited. No bills, pictures, posters, placards or other matter used to advertise the sale of tobacco in any room shall be distributed, posted, painted or maintained within four hundred (400) feet of premises occupied by a public school or used for school purposes. But this provision shall not apply to advertisement in newspapers regularly published and distributed to subscribers and purchasers as such.

Sec. 32. Penalty. Any person violating any of the provisions of the preceding section shall be punished by a fine not exceeding one hundred dollars (\$100.00) or imprisonment in the county jail not exceeding thirty (30) days.

Approved March 12, 1924.

CHAPTER 164

PUBLIC HEALTH

H. F. 260

AN ACT to amend, revise, and codify chapters two (2), three (3), four (4), and ten (10) of title six (6), and sections thirteen hundred thirty-five (1335) to thirteen hundred thirty-eight (1338), inclusive, thirteen hundred forty-six (1346) to thirteen hundred fifty-five (1355), inclusive, thirty-four hundred forty-seven (3447), thirty-four hundred forty-eight (3448), forty-one hundred fourteen (4114), forty-two hundred ten (4210), forty-two hundred eleven (4211), and forty-two hundred thirteen (4213) of the compiled code of Iowa, and chapters one (1) and five (5) of title six (6) of the compiled code of Iowa and the supplement to said code, and chapters one-a (1-a), four-a (4-a), nine-a (9-a), and eleven (11) of title six (6) of the supplement to the compiled code of Iowa, relating to the public health.

So It Enacted by the General Assembly of the State of Iowa:

That chapters two (2), three (3), four (4), and ten (10) of title six (6), and sections thirteen hundred thirty-five (1335) to thirteen hundred thirty-eight (1338), inclusive, thirteen hundred forty-six (1346) to thirteen hundred fifty-five (1355), inclusive, thirty-four hundred forty-seven (3447), thirty-four hundred forty-eight (3448), forty-one hundred fourteen (4114), forty-two hundred ten (4210), forty-two hundred eleven (4211), and forty-two hundred thirteen (4213) of the compiled Code of Iowa, and chapters one (1) and five (5) of title six (6) of the compiled Code of Iowa and the supplement to said Code, and chapters one-A (1-A), four-A (4-A), nine-A (9-A), and eleven (11) of title six (6) of the supplement to the compiled Code of Iowa are amended, revised, and codified to read as follows:

PUBLIC HEALTH

CHAPTER I

STATE DEPARTMENT OF HEALTH

Section 1. Definitions. For the purpose of this title, unless otherwise defined:

1. "Commissioner" shall mean the commissioner of public health.
2. "State department" or "department" shall mean the state department of health.
3. "Health officer" shall mean the physician who is the health officer of the local board of health.
4. "Local board" shall mean the local board of health.
5. "Physician" shall mean a person licensed to practice medicine and surgery, osteopathy and surgery, osteopathy, or chiropractic under the laws of this state, but a person licensed as a physician and surgeon shall be designated as a "physician" or "surgeon", a person licensed as an osteopath and surgeon shall be designated as an "osteopathic physician" or "osteopathic surgeon", a person licensed as an osteopath shall be designated as an "osteopathic physician", and a person licensed as a chiropractor shall be designated as a "chiropractor".
6. "Rules" shall include regulations and orders.
7. "Sanitation officer" shall mean the policeman who is the permanent sanitation and quarantine officer and who is subject to the direction of the local board of health in the execution of health and quarantine regulations.

Sec. 2. Appointment of commissioner. The governor shall, within sixty (60) days after the convening of the general assembly in nineteen hundred twenty-five (1925) and every four (4) years thereafter, appoint, with the approval of two-thirds ($2/3$) of the members of the senate in executive session, a commissioner of public health who shall be a physician specially trained in public hygiene and sanitation. The senate shall not approve an appointment, however, on the same legislative day on which it is submitted for approval.

Sec. 3. Disqualifications. The commissioner shall not be an officer or member of the instructional staff of any of the state educational institutions nor of any college in which is taught any of the professions for which a license must be obtained from the department to practice the same in this state, nor shall the commissioner hold any other lucrative office of the state, elective or appointive, during his term, but he shall devote his entire time to the duties of his office.

Sec. 4. Term of officer. The term of office of the commissioner shall be four (4) years, commencing on July first of the year of appointment.

Sec. 5. Vacancies. All vacancies in the office of the commissioner of public health that may occur while the general assembly is not in session shall be filled by appointment by the governor, which appointment shall expire at the end of thirty (30) days from the date on which the general assembly next convenes. Prior to the expiration of said thirty (30) days the governor shall transmit to the senate for its approval an appointment for the unexpired portion of the regular term. Vacancies occurring during a session of the general assembly shall be filled as regular appointments before the end of said session and for the unexpired portion of the regular term.

Sec. 6. Assistants and employees. The commissioner shall employ such assistants and employees as may be authorized by law, and the persons thus appointed shall perform such duties as may be assigned to them by the commissioner, but the head of the division of examinations and licenses shall not be a person who has been licensed to practice any of the professions for which a license must be obtained from the department to practice the same in this state.

Sec. 7. Bonds of employees. The commissioner shall require every employee who collects fees or handles funds belonging to the state to give an official bond, properly conditioned and signed by sufficient sureties, in a sum to be fixed by the commissioner which bond shall be approved by him and filed in the office of the secretary of state.

Sec. 8. Official seal. The state department of health shall have an official seal and every commission, license, order, or other paper executed by the department may be attested with its seal.

Sec. 9. Expenses. The commissioner, field and office assistants, inspectors, and employees shall, in addition to salary, receive their necessary traveling expenses by the nearest traveled and practicable route and their necessary and incidental expenses when engaged in the performance of official business.

Sec. 13. Office. The state department of health shall be located at the seat of government.

Sec. 14. Powers and duties. The commissioner of public health shall be the head of the "state department of health" which shall:

1. Exercise general supervision over the public health, promote public hygiene and sanitation, and, unless otherwise provided, enforce the laws relating to the same.

2. Conduct campaigns for the education of the people in hygiene and sanitation.

3. Issue monthly health bulletins containing fundamental health principles and other health data deemed of public interest.

4. Make investigations and surveys in respect to the causes of disease and epidemics, and the effect of locality, employment, and living conditions upon the public health. For this purpose the department may use the services of the experts connected with the bacteriological and epidemiological laboratory at the state university.

5. Make inspections of the sanitary conditions in the educational, charitable, correctional, and penal institutions in the state.

6. Make inspections of the sanitary conditions in any locality of the state upon written petition of five (5) or more citizens from said locality, and issue directions for the improvement of the same, which shall be executed by the local board.

7. Make inspections of the public water supplies, sewer systems, sewage treatment plants, and garbage and refuse disposal plants throughout the state, and direct the method of installation and operation of the same.

8. Establish, publish, and enforce a code of rules governing the installation of plumbing in cities and towns and amend the same when deemed necessary in the manner prescribed in the following section. Said rules and amendments shall be published in the same manner as other rules of the department.

9. Exercise general supervision over the administration of the housing law and give aid to the local authorities in the enforcement of the same, and it shall institute in the name of the state such legal proceedings as may be necessary in the enforcement of said law.

10. Hear and determine all appeals from the order of any local board made in connection with the enforcement of the housing law, and enforce its orders therein.

11. Establish stations throughout the state for the distribution of antitoxins and vaccines to physicians, druggists, and other persons at cost. All antitoxin and vaccine thus distributed shall be labeled "Iowa State Department of Health".

12. Exercise general supervision over the administration and enforcement of the venereal disease law, chapter five (5) of this title.

13. Exercise sole jurisdiction over the disposal and transportation of the dead bodies of human beings and prescribe the methods to be used in preparing such bodies for disposal and transportation.

14. Exercise general supervision over the administration and enforcement of the vital statistics law, chapter ten (10) of this title.

15. Enforce the law relative to the "Practice of Certain Professions Affecting the Public Health", title _____ of this code.

16. Establish and maintain such divisions in the department as are necessary for the proper enforcement of the laws administered by it, including a division of contagious and infectious diseases, a division of venereal diseases, a division of housing, a division of sanitary engineering, a division of vital statistics, and a division of examinations and licenses; but the various services of the department shall be so consolidated as to eliminate unnecessary personnel and make possible the carrying on of the functions of the department under the most economical methods.

17. Establish, publish, and enforce rules not inconsistent with law for the enforcement of the provisions of this title and for the enforcement of the various laws, the administration and supervision of which are imposed upon the department.

Sec. 14-a1. Plumbing regulations. The code of rules governing the installation of plumbing provided for in the preceding section may be amended biennially as conditions may require. The necessary amendments shall be determined by a plumbing code committee which shall be appointed by the commissioner of public health on or before July first, nineteen hundred twenty-five (1925), and every four (4) years thereafter. Such committee shall consist of the engineer who is head of the division of sanitary engineering, the commissioner of health, the housing commissioner, one master plumber and one journeyman plumber. The engineer member shall be chairman of the committee.

Sec. 14-a2. Powers of plumbing committee. The committee shall meet at the call of the chairman, which shall be issued during the month of December of each even-numbered year. It shall continue in session until it has agreed upon the amendments deemed necessary to the existing code governing the installation of plumbing.

Sec. 14-a3. Compensation and expenses of committee. The members of the committee shall receive no compensation for their services, but they shall receive their necessary traveling and hotel expenses in discharging the duties prescribed in the preceding section.

Sec. 14-a4. Plumbing code revision fund. Cities and towns licensing plumbers shall pay to the treasurer of state one dollar (\$1.00) for each license issued and twenty-five cents (25c) for each renewal thereof. The fees so received shall be kept by the treasurer of the state in a separate fund to be known as the plumbing code fund. Such fund shall be used in paying the claims arising under the preceding section and in paying the cost of printing the code of rules governing the installation of plumbing, plumbers' license and application blanks.

Sec. 15. Housing law applicable to mining camps. When the health conditions

in any mining camp become a menace to the health of the inhabitants thereof, the department shall require compliance with the provisions of the housing law in so far as the same may be reasonably applicable in such camp.

Sec. 16. Permits for construction of new mining camps. No new mining camp shall be constructed of more than five (5) houses until a written permit is secured from the department. Application for said permit shall be made in writing, accompanied by a plat of the proposed camp showing in detail the location, topography, character of the houses to be built, and the provisions to be made for drainage, sewage, outside toilets, and water supply. Within three (3) weeks from the receipt of such application the department shall inspect the proposed camp and, if satisfied that the same will comply with the general provisions of the housing law as far as reasonably applicable, shall issue the permit requested.

Sec. 16-a1. Investigation of pollution of water. The department may upon its own initiative investigate the alleged pollution or corruption of any stream or body of water which is rendering the same unwholesome or unfit for domestic use, or as a public water supply, or which is rendering it deleterious to fish life, and the department shall make such investigation upon the written petition of:

1. The council of any city or town.
2. Any local board of health.
3. The trustees of any township.
4. Twenty-five residents of the state.

The power vested by this section in the department shall not apply, however, to the lower five thousand (5,000) feet of any stream flowing into a river at a place where such river forms a part of the boundary line of the state.

Sec. 16-a2. Time and place of hearing. Upon the filing of such petition or upon the institution of such proceeding by the department, it shall make an order fixing the time and place for a hearing which shall not be less than ten (10) days thereafter. Such hearing shall be public and shall be carried on as far as possible in the same manner as a court hearing and every alleged offender shall have the right to appear by counsel, present testimony, and examine witnesses.

Sec. 16-a3. Notice. Notice of the time and place of hearing shall be served upon each alleged offender at least ten (10) days before said hearing in the manner required for the service of notice of the commencement of an ordinary action in a court of record.

Sec. 16-a4. Order. After such hearing the department may, if it believes the alleged offender is guilty of the charges, enter an order directing such person to desist in the practice found to be the cause of such pollution or corruption, or it may order a change in the method of passing waste materials into the water so that the same will be rendered innocuous and harmless.

Sec. 16-a5. Reasonable time for compliance. If any such change is ordered, unless such practice is rendering such water dangerous to the public health, a reasonable time shall be granted to the offender in which to put in use the method ordered.

Sec. 16-a6. Record. The department shall keep a complete record of such proceeding, including all the evidence taken, and such record shall be open to public inspection.

Sec. 16-a7. Appeal. An appeal may be taken by the aggrieved party from any order entered in such proceeding to the district court of the county in which the alleged offense was committed. Such appeal shall be perfected by serving a written notice on the commissioner of public health within thirty (30) days of the entry of such order.

Sec. 16-a8. Transcript. Within thirty (30) days after an application for an appeal is filed with the commissioner, he shall make, certify, and file in the office of the clerk of the court to which the appeal is taken, a full and complete transcript of all documents and papers relating to the case.

Sec. 16-a9. Trial term - precedence. The first term after the appeal is taken shall be the trial term, and if the appeal is taken during a pending term, it shall be triable during such term at any time after ten (10) days from the date that the transcript is filed by the commissioner. The hearing on appeal shall be tried as a suit in equity and shall be de novo.

Sec. 16-a10. Violation of order - contempt. Failure to obey any order made by the department with reference to matters pertaining to the pollution of streams shall constitute contempt. In such event the department may certify to the district court of the county in which such disobedience shall occur, or to the district court of Cook county, the fact of such failure. The district court shall then proceed to hear and determine the matter and to punish for contempt to the same extent as though such failure were in connection with an order made by the district court which is made punishable by contempt. Any party found guilty of contempt under this section shall be fined not to exceed one thousand dollars (\$1000.00) or be imprisoned for failure to pay such fine. The penalties provided in this section shall be considered as additional to any penalty which may be imposed under the law relative to nuisances or any other statute relating to the pollution of streams, and a conviction under this section shall not be a bar to prosecution under any other penal statute.

Sec. 17. Notice of adoption of rules. Immediately after the adoption of any rule the department shall forward a certified copy of such rule to the county auditor of each county and to each local board of health. When such rule shall be amended, notice of said amendment shall be given in the same manner.

Sec. 18. Time rules take effect. The rules of the department shall take effect and be in force in the respective counties from and after the date stated in the certified copies of said rules which are forwarded to the county auditors.

Sec. 19. Publication and distribution of rules. The department shall publish from time to time a sufficient number of its rules to supply the needs of the several counties. The county auditor shall annually forward to the department a certified list of the names and addresses of the clerks of all the local boards of health in his county. Upon receipt of said list the department shall forward to the local boards sufficient copies for distribution in each county, and the clerk of the local board shall upon request furnish a copy of said rules to any resident, physician, or citizen.

Sec. 20. Refusal of local board to enforce rules. If any local board shall fail to enforce the rules of the state department or carry out its lawful directions, the department may enforce the same within the territorial jurisdiction of such local board, and for that purpose it may exercise all of the powers given by statute to the local board, and may employ the necessary assistants to carry out its lawful directions.

Sec. 21. Expenses for enforcing rules of department. All expenses incurred by the state department in determining whether its rules are enforced by a local board, and in enforcing the same when a local board has failed to do so, shall be paid in the same manner as the expenses of enforcing such rules when enforced by the local board.

Sec. 22. Duty of peace officers to enforce rules. All peace officers of the state when called upon by the department shall enforce its rules and execute the lawful orders of the department within their respective jurisdictions.

Sec. 23. Interference with health officer. Any person resisting or interfering with the department, its employees or authorized agents, in the discharge of any duty imposed by law shall be guilty of a misdemeanor.

Sec. 24. Biennial report. The department shall make a report to the governor in each even-numbered year, at the time provided by law, which shall include all receipts and disbursements for the year, such information and statistics concerning the public health and enforcement of the several laws administered by it, and such instruction upon the subject of hygiene and sanitation as may be thought useful for dissemination among the people, with such suggestions as to legislation as may be deemed advisable.

Sec. 25. Appropriations. The following sums, or so much thereof as may be necessary, are hereby annually appropriated, for the biennium ending June thirtieth, nineteen hundred twenty-five (1925), to the department from any funds in the state treasury not otherwise appropriated:

1. Ten thousand dollars (\$10,000.00) for the purpose of enabling the department to make the various inspections, investigations, and surveys authorized by paragraphs four (4) to seven (7), inclusive, of section fourteen (14).

2. Five thousand dollars (\$5,000.00) for the purpose of administering the housing law and carrying out the provisions of sections fifteen (15) and sixteen (16).

3. Ten thousand dollars (\$10,000.00) for the registration of vital statistics including the printing of forms and such other expenses as may be required in maintaining a division of vital statistics.

4. Two thousand dollars (\$2,000.00) for the distribution of anti-toxin and vaccine.

Sec. 26. Penalty. Any person who knowingly violates any provision of this chapter, or of the rules of the department, or any lawful order, written or oral, of the department or of its officers or authorized agents shall be guilty of a misdemeanor.

CHAPTER 2

STATE BOARD OF HEALTH

Sec. 27. Composition of board of health. The state board of health shall consist of:

1. The commissioner of public health.
2. The members of the executive council.
3. Five health officers to be appointed by the governor.

Sec. 27-a. Appointment of members of board of health. The governor shall appoint, prior to the second Tuesday in January in nineteen hundred twenty-five (1925) and every two (2) years thereafter, the five (5) health officers provided for in the preceding section, who shall serve for a period of two (2) years or until their successors are appointed and qualify. Not more than one of such health officers shall be appointed from any one congressional district.

Sec. 28. Duties of board of health. The state board of health shall be an advisory body to the state department of health and shall have the following powers and duties:

1. To consider and study the entire field of legislation and administration concerning public health, hygiene, and sanitation.
2. To advise the department relative to:
 - a. The causes of disease and epidemics, and the effect of locality, employment, and living conditions upon the public health.
 - b. The sanitary conditions in the educational, charitable, correctional, and penal institutions in the state.
 - c. The public water supplies, sewer systems, sewage treatment plants, and garbage and refuse disposal plants, and the method of installing and operating the same.
 - d. Contagious and infectious diseases, quarantine and isolation, venereal diseases, antitoxins and vaccines, housing, and vital statistics.
3. To recommend policies and practices to the department relative to any duty imposed upon it by law, which recommendations shall be given due consideration by the department.
4. To appoint a committee, upon the request of the department, to advise with the department relative to any duty imposed upon it by law.
5. To investigate the conduct of the work of the department, and for this purpose it shall have access at any time to all books, papers, documents, and records of the department.
6. To advise or make recommendations to the governor and general assembly relative to public health, hygiene, and sanitation.
7. To adopt rules, not inconsistent with law, for its internal control and management, a copy of which rules shall be filed with the department.
8. To act by committee, or by a majority of the board.
9. To keep minutes of the transactions of each session, regular or special, which shall be public records and filed with the department.

Sec. 29. Submission of questions to board by department. The department may lay before the board, or any committee thereof, at any regular or special meeting, any matter upon which it desires the advice or opinion of such body or committee.

Sec. 30. Time of meetings. The board shall meet semi-annually, on the second Tuesday in July and January of each year, and at such other times as may be deemed necessary by the commissioner of public health or the governor. The officer calling a special meeting of the board shall give each member ten (10) days' written notice by mail of such meeting. A majority of the members of the board shall constitute a quorum.

Sec. 31. Place of meetings. The meetings of the board shall be held at the seat of government unless otherwise ordered by the board. The executive council shall furnish the board with suitable quarters in which to hold its meetings.

Sec. 33. Officers. At the meeting held in July of each year a president and secretary shall be elected from the board, who shall serve for a period of one year. At the request of the board the department shall furnish an executive clerk from the regular employees of the department to record the minutes of the meetings of the board.

Sec. 34. Supplies. The department shall furnish the board of health with all articles and supplies required for the public use and necessary to enable the board to perform the duties imposed upon it by law. Such articles and supplies

shall be obtained by the department in the same manner in which the regular supplies for the department are obtained and the same shall be considered and accounted for as if obtained for the use of the department.

Sec. 35. Compensation and expenses of board members. The members of the board shall receive no compensation as such, but the traveling expenses of the members shall be paid from any funds in the state treasury not otherwise appropriated.

Sec. 36. Publication of proceedings. Upon request of the board the department shall incorporate the proceedings of the board, or any part thereof, in its biennial report to the governor, and the same shall be published as a part of the official report of the department.

CHAPTER 3

LOCAL BOARD OF HEALTH

Sec. 37. Organization of local board of health. The local board of health shall consist:

1. In cities and towns, of the mayor, health physician, and members of the city or town council.
2. In townships, of the members of the board of township trustees.

Sec. 38. Chairman of local board - duties. In cities and towns the mayor shall be chairman of the local board, and when said board is not in session he shall as mayor and as chairman of said board enforce the statutes of the state relative to public health and the rules of the state department and local board. In townships the trustees shall elect one (1) of their number as chairman who shall have the same duties as the chairman of the local board in cities and towns.

Sec. 39. Clerk of local board - duties. The town, city, or township clerk, as the case may be, shall be clerk of the local board, keep its records, and perform such other duties as may be prescribed by the local board.

Sec. 40. Health officer of local board. Each local board shall have a health officer who shall be a physician, or one specially trained in public hygiene and sanitation. In cities and towns the health physician shall be such health officer. In every other case the local board shall appoint said health officer who shall hold office during its pleasure.

Sec. 41. Appointment of sanitation and quarantine officer. Upon request of the local board, the mayor in every city or town shall appoint a member of the police force to be a permanent sanitation and quarantine officer who shall be subject to the orders and directions of the local board and its health officer in the execution of health and quarantine regulations.

Sec. 42. Meetings. The local board shall meet for the transaction of business on the first Monday of April and November in each year and at such other times as it may deem necessary.

- Sec. 43. Duties of local board. The duties of the local board shall be:
1. To obey and enforce the rules and lawful orders of the state department.
 2. To furnish the state department at the times and in the manner prescribed by the department, reports of its proceedings.

3. To establish, maintain, and terminate quarantines in all cases of quarantinable diseases as may be required by law or by the rules of the state department.

4. To make such rules, not inconsistent, with law or the rules of the state department as may be necessary for the enforcement of the various laws, the administration of which is imposed upon the local board.

5. To have, subject to the rules of the state department, charge of the burial or disposal of the dead and of all cemeteries dedicated to public use not legally controlled by other trustees or persons.

6. To regulate all fees and charges of persons employed by it in the execution of health laws, its own rules, and those of the state department.

Sec. 44. Publication of rules. All rules adopted by the local board shall take effect after publication in some newspaper of general circulation in the city, town, or township in which said board has jurisdiction, or after posting a copy of the same in five (5) public places therein.

Sec. 45. General duties of health officer. The health officer shall be the advisor of the local board in all matters pertaining to the public health, the control of communicable diseases, the establishment, maintenance, and termination of quarantine, sources of filth, disposal of garbage, refuse, and night soil, and the pollution of wells and other sources of water supply; and he shall recommend to the local board the proper measures to be taken by it for the abatement of unhealthful conditions and for the preservation of the public health.

Sec. 46. Special duties of health officer. At least twice each year, and oftener if necessary, the health officer shall personally inspect, or cause to be inspected, the schools, public buildings, and public utilities within the jurisdiction of the local board, and he shall recommend to the local board the necessary measures to be taken by it for the maintenance of such schools, public buildings, and public utilities in a sanitary condition. In case of sickness where no physician is in attendance, the health officer shall investigate the character of such sickness and report his findings to the local board.

Sec. 47. Additional duties of health officer. In addition to his statutory duties the health officer shall perform such other duties as the local board may assign to him.

Sec. 48. Right to enter premises to abate nuisances. The local board, health officer, or sanitation officer may enter any building, vessel, or other place for the purpose of examining into, preventing, or removing any nuisance, source of filth, or cause of sickness.

Sec. 49. Abatement of nuisance. The local board may order the owner, occupant, or person in charge of any property, building, or other place, to remove at his own expense any nuisance, source of filth, or cause of sickness found thereon, by serving on said person a written notice, stating some reasonable time within which such removal shall be made, and if such person fails to comply with said order, the local board may cause the same to be executed at the expense of the owner or occupant.

Sec. 50. Closing of premises. In such cases the local board may order the occupants of said place to move therefrom and fix some reasonable time for compliance therewith. If the order is not complied with, said board may forcibly remove the occupants and close the premises; and said place shall not be again occupied as a dwelling or place of business without the written permission of the local board.

Sec. 51. Refusal of admittance - warrant. In case any member of the local board, the health officer, or the sanitation officer, in proceeding under the authority of the three (3) preceding sections, shall be refused entry to any place, complaint may be made under oath to any magistrate of the county, whether a member of the local board or not, and said magistrate shall thereupon issue his warrant, directed to some peace officer of the county, commanding him between the hours of sunrise and sunset, accompanied by two (2) or more members of said board, the health officer, or the sanitation officer, to prevent, remove, or destroy any nuisance, source of filth, or cause of sickness, found to exist in said place, which order shall be executed by said officer under the direction of the members of the local board, the health officer, or the sanitation officer.

Sec. 52. Collection of costs for abating nuisance. All expenses incurred by the local board in proceeding under the four (4) preceding sections may be recovered by suit in the name of the local board, or said board may certify the amount of said expenses, together with a description of the property, to the county auditor who shall enter the same upon the tax books as costs for removing a nuisance and said amount shall be collected as other taxes.

Sec. 53. Peace officers to enforce rules and orders. Peace officers, when called upon by the local board, shall enforce its rules and execute the lawful orders of said board.

Sec. 54. Interference with health officers. No person shall interfere with the local board, or its officers, or authorized agents, in the discharge of any duty imposed by law, or the rules of the state department or the local board.

Sec. 55. Penalty. Any person who knowingly violates any provision of this chapter, or of the rules of the local board, or any lawful order, written or oral, of said board, or of its officers or authorized agents, shall be guilty of a misdemeanor.

CHAPTER 4

CONTAGIOUS AND INFECTIOUS DISEASES

Sec. 56. Definitions. For the purposes of this chapter:

1. "Communicable disease" shall mean any infectious or contagious disease.
2. "Placard disease" shall mean whooping cough, measles, mumps, chickenpox, or any other disease designated as a placard disease by the state department.
3. "Quarantinable disease" shall mean scarlet fever (including scarlet rash and scarletina), smallpox, diphtheria, (including membranous croup), cholera, leprosy, cerebro-spinal meningitis, anterior poliomyelitis, Spanish influenza, bubonic plague, or any other disease designated as quarantinable by the state department.
4. "Quarantine" shall mean the complete detention of a person within his own residence or temporary place of abode and the exclusion of the public from said place for the purpose of safeguarding the public from a communicable disease.
5. "Isolation" shall mean the removal of a person from his own residence or temporary place of abode and detention in some special place, from which the public is excluded, for the purpose of safeguarding the public from a communicable disease.

Sec. 57. Form of warning signs and reports. The form of quarantine, temporary quarantine, and warning signs shall be prescribed by the rules of the state

department, and the forms for all reports required by this chapter shall be likewise prescribed.

Sec. 58. Reporting of quarantinable and placard diseases. The physician, attending any person infected with a quarantinable disease or placard disease shall immediately report the same orally to the local board or to one of its officers and at once follow said report with a written report. Such reports shall be made in accordance with the rules of the state department and the local board. In case there is no attending physician, the parents, guardian, school teacher, or the householder of the premises wherein such disease exists shall report the same.

Sec. 59. Reporting quarantinable and placard diseases to department. All quarantinable and placard diseases shall be reported by the local board to the state department as prescribed by the rules of the department.

Sec. 60. Care of persons infected with communicable diseases. In case any person shall be infected with any communicable disease, dangerous to the public health, whether a resident or otherwise, the local board shall make such orders in regard to the care of said person as are necessary to protect the public health, and said orders shall be executed by the mayor, township clerk, health officer, or sanitation officer as the local board may direct or provide by its rules.

Sec. 61. Establishment of quarantine. A quarantine shall be established in every case of a quarantinable disease, and in such cases the infected person may be removed and isolated in a separate house or hospital for detention and treatment. All quarantines and isolations ordered under the authority of this section shall be executed in accordance with the rules of both the state department and the local board.

Sec. 62. Placard diseases not quarantined. A quarantine shall not be established in case of a placard disease, but a warning sign shall be posted which shall serve merely as a warning to the public.

Sec. 63. Warning signs required. All quarantinable and placard diseases shall, as soon as possible, be definitely diagnosed and the proper warning sign placed in a conspicuous place on the house, dwelling, or place in which the quarantinable or placard disease exists.

Sec. 64. Temporary quarantine pending diagnosis. When the type of the disease cannot be immediately determined or diagnosed, a temporary quarantine shall be established and all the requirements of quarantine shall be observed, but such temporary quarantine shall terminate within forty-eight (48) hours after being established.

Sec. 65. Instructions to persons quarantined or isolated. Every official, when establishing a quarantine or removing an infected person for the purpose of isolation, shall furnish to said person printed instructions relative to the duties and restrictions imposed upon him by law and by the rules of the state department and local board.

Sec. 66. Temporary isolation hospitals. When no detention hospital has been established by the county, the local board shall provide a suitable place, when necessary, for the isolation of persons infected with communicable diseases dangerous to the public health, and the expense incident thereto shall be paid by the county in the same manner as other expenses incurred under the provisions

of this chapter.

Sec. 67. Forcible removal for isolation. The forcible removal and isolation of any infected person shall be accomplished by an application to any civil magistrate in the manner provided in section fifty-one (51) for the removal and abatement of nuisances; and such magistrate shall issue the warrant, as directed in such cases, to remove such person to the place designated by the local board and to take possession of the infected house, lodging room, premises, or effects until the same have been properly fumigated or disinfected.

Sec. 68. Fees for removing for isolation. The officers designated by the magistrate shall be entitled to receive for their services such reasonable compensation as shall be determined by the local board. The amount so determined shall be certified and paid in the same manner as other expenses incurred under the provisions of this chapter.

Sec. 69. Removal to another jurisdiction. No person known to be infected with any communicable disease dangerous to the public health shall move or be removed from the jurisdiction of one (1) local board to the jurisdiction of another local board without the written permission of the local board from whose jurisdiction the infected person is to be removed, and if the removal is to another county, then the written permission of the local board into whose jurisdiction the infected person is to be removed shall also be secured.

Sec. 70. Removal to residence. When the infected person resides not more than fifteen (15) miles from the place at which it is determined that he is infected with a communicable disease dangerous to the public health and said person requests that he be removed to his place of residence, the local board shall grant permission for his immediate removal, unless in its judgment such removal would involve great danger to the infected person or the public health.

Sec. 71. Method of removal to residence. All removals of infected persons as provided in the two (2) preceding sections shall be by private conveyance along the least frequented highways, under escort of the health officer or sanitation officer, and as thoroughly isolated as possible.

Sec. 72. Payment of expenses in removal to residence. All expenses of removal under the preceding section shall be paid by the county in which the infected person has a legal settlement and all bills for said expenses shall be presented, allowed, and paid in the same manner as bills for quarantine and isolation.

Sec. 73. Jurisdiction over detention hospitals. The local board of the city or town which is allowed to maintain a detention hospital for patients infected with communicable diseases, outside the limits of said municipality, shall have exclusive jurisdiction and control of such detention hospital and grounds for the enforcement of all sanitary and health regulations.

Sec. 74. Controversies concerning location of detention hospitals. All controversies arising between local authorities respecting the location of detention hospitals and grounds for the treatment of communicable diseases, shall be referred to the state department, which shall give two (2) days' notice to the parties interested, and after investigating the matter make such order as the facts warrant, which action shall be final.

Sec. 75. Termination of quarantines and isolations. The quarantine or isolation authorized by this chapter may be terminated by the mayor or the township clerk, as the case may be, acting under the rules or directions of the local board.

Sec. 76. Report of termination. The termination of all quarantinable and placard diseases shall be reported by the local board to the state department as prescribed by the rules of the state department.

Sec. 77. Disinfection on termination of quarantinable disease. In case of death from or the termination of any quarantinable disease, the person who was infected and the place of quarantine or isolation, with all persons, furniture, bedding, clothing, and all other articles contained therein, shall be fumigated or disinfected in accordance with the rules of the state department, and under the direction of the local board, which shall require the attending physician to superintend or perform the work. In case there be no attending physician, or in case the attending physician refuses to perform this duty, then the local board shall employ some other suitable person to perform such work.

Sec. 78. Disinfection from other communicable diseases. The undertaker or person in charge of the funeral of any person dying from any communicable disease which is not quarantinable shall within forty-eight (48) hours after the death of such person report to one (1) of the officers of the local board the name and residence of the deceased person, together with the cause of death. Upon receipt of said notice the officer receiving the same shall cause said premises to be disinfected in accordance with the rules of the state department.

Sec. 79. Medical attendance and supplies for quarantined persons. In case any person under quarantine or the persons liable for the support of such person shall, in the opinion of the local board, be financially unable to secure the proper care, provisions, or medical attendance, the local board shall furnish such supplies and services during the period of quarantine and may delegate such duty by its rules to one (1) of its officers or to the health officer.

Sec. 80. Medical attendance and supplies for isolated persons. The local board shall provide the proper care, provisions and medical attendance for every person removed and isolated in a separate house or hospital for detention and treatment, and the same shall be paid for by the county in which the infected person has a legal settlement if patient or legal guardian is unable to pay same.

Sec. 81. Rights of isolated persons. Any person removed and isolated in a separate house or hospital may employ, at his own expense, the physician or nurse of his choice, and may provide such supplies and commodities as he may require.

Sec. 82. Authorization of supplies and services. All services and supplies furnished to individuals or families under the provision of this chapter must be authorized by the local board or by one (1) of its officers acting under the rules of said board, and a written order therefor designating the person or persons employed to furnish such services or supplies, issued before said services or supplies were actually furnished, shall be attached to the bill when the same is presented for audit and payment.

Sec. 83. Filing of bills - approval by local board. All bills incurred in carrying out the provisions of this chapter in establishing, maintaining, and terminating quarantine and isolation, in providing a necessary house or

hospital for isolation, and in making fumigations or disinfections, shall be filed with the clerk of the local board. Said board at its next regular meeting or special meeting called for the purpose shall examine and audit the same and, if found correct, approve and certify the same to the county board of supervisors for payment.

Sec. 84. Rules for allowing claims. All bills for supplies furnished and services rendered for persons removed and isolated in a separate house or hospital, or for persons financially unable to provide their own sustenance and care during quarantine, shall be allowed and paid for only on a basis of the local market price for such provisions, services, and supplies in the locality in which the same shall have been furnished. No bill for disinfecting or fumigating premises or effects shall be allowed unless it shall be found that the infected person or those liable for his support are financially unable to pay the same.

Sec. 85. Approval and payment of claims by supervisors. The board of supervisors shall not be bound by the action of the local board in approving such bills but shall allow the same from the poor fund for a reasonable amount and within a reasonable time.

Sec. 86. Reimbursement from county of legal settlement. If any person receives services or supplies under this chapter who does not have a legal settlement in the county in which such bills were incurred and paid, the amount so paid shall be certified to the board of supervisors of the county in which said person claims settlement or owns property and the board of supervisors of such county shall reimburse the county from which such claim is certified, in the full amount originally paid by it.

Sec. 87. Penalty for exposing to contagious disease. Any person who knowingly exposes another to infection from any communicable disease, or knowingly subjects another to the danger of contracting such disease from a child or other irresponsible person, shall be liable for all damages resulting therefrom, and be punished as provided in this chapter.

Sec. 88. Penalty. Any person who knowingly violates any provision of this chapter, or of the rules of the state department or the local board, or any lawful order, written or oral, of said department or board, or of their officers or authorized agents, shall be guilty of a misdemeanor.

CHAPTER 5

VENEREAL DISEASES

Sec. 89. Venereal disease defined. For the purposes of this chapter "venereal disease" shall mean syphilis, gonorrhoea, or chancroid.

Sec. 90. Physicians to report to local board. Immediately after the first examination or treatment of any person infected with any venereal disease, the physician giving the same shall mail to the local board having jurisdiction over the place in which the examination or treatment was given a report stating the case number, age, sex, color, marital condition, and occupation of said person and the nature, probable origin, and previous duration of such disease.

Sec. 91. Distribution of information. Every physician who examines or treats a person infected with any venereal disease shall give said person at the time of the first examination or treatment a circular of information con-

cerning venereal disease and a copy of the provisions of this chapter, and he shall include in the report required by the preceding section a statement that the requirements of this section have been complied with.

Sec. 92. Notification of former physician. When a person applies for treatment of any venereal disease, the physician shall ascertain whether such person has previously consulted or employed some other physician for the same purpose, and if so, to immediately notify the physician last consulted or employed that the infected person is now under his care and treatment.

Sec. 93. Penalty for false information. Any person infected with a venereal disease who shall refuse to give or who falsely gives to a physician any information concerning prior treatment for the same, or relative to the name and address of the physician last consulted or employed, shall be punished as provided in this chapter.

Sec. 94. Conditions under which name is to be reported. After a person infected with any venereal disease has consulted or employed a physician and fails to report to said physician for treatment during a period of ten (10) days, the physician shall report the name and address of said person to the local board unless he shall receive during said period of time a report from some other physician that the infected person is now under his care and treatment.

Sec. 95. Circulars of information, laws, and forms. All reports to the local board or by one (1) physician to another concerning persons infected with venereal disease shall be made upon forms to be prescribed by the state department of health, and all circulars of information, copies of the venereal disease law, and forms for reports, which are required to be used or distributed by this chapter, shall be supplied by the department to the proper persons.

Sec. 96. Power of local board in certain cases. When it shall appear to the local board that any person infected with any venereal disease is not under the care and treatment of a physician or has not reported to said physician for a period of ten (10) days, or is not taking recognized precautionary measures to prevent the infection of others, said board shall take such measures as it is authorized to take to protect the public health in the case of other communicable diseases dangerous to the public health, except as otherwise provided in this chapter.

Sec. 97. Isolation in detention hospital. When in the judgment of the local board it is necessary for the protection of the public health that any person infected with any venereal disease be isolated, the mayor or township clerk shall isolate such person in the detention hospital provided for in this chapter and shall cause to be administered to said person a proper course of treatment.

Sec. 98. Establishment of detention hospitals. When in the judgment of the board of supervisors of any county, or when advised by the state department acting with the United States public health service, that it is necessary to provide a detention hospital in the county for the isolation of persons infected with venereal diseases, said board of supervisors may provide such hospital and shall have power to construct, purchase, or rent a suitable place for such purposes and to equip and maintain the same in accordance with plans and specifications provided in advance by the state department.

Sec. 99. Tax levy for detention hospital. For the purposes of the preceding section, including the purchase of real estate for hospital purposes, the board of

supervisors shall have power to levy a special tax for a period not to exceed fifty (50) years, but such levy shall not exceed two (2) mills on the dollar in any one (1) year.

Sec. 100. Bond issue for detention hospital. Any county may anticipate the collection of the tax herein provided and may issue interest-bearing bonds at a rate of interest not to exceed five per cent (5%) per annum, to be denominated hospital bonds. Said bonds and the interest thereon shall be secured by said tax, and shall be payable only out of the hospital fund provided for in the preceding section. No bonds shall be issued in excess of taxes authorized to be levied.

Sec. 101. Conditions of bonds. Such bonds shall be issued and sold in accordance with the provisions of existing statutes relating to the issuance and sale of bonds by counties. In issuing such bonds the board of supervisors may cause portions of the same to become due at different definite periods, but no bonds so issued shall be due and payable in less than three (3) or more than fifty (50) years from date of issue.

Sec. 102. Physician and attendants. The board of supervisors shall appoint and fix the compensation of a physician and such nurses and other attendants as may be necessary to provide proper treatment and care for persons isolated in such detention hospital. In case the board of supervisors shall fail to make such provision the chairman of the local board shall name a physician to render the necessary medical and surgical service and shall provide such other attendants as may be required.

Sec. 103. State department to prescribe rules for detention hospitals. The state department shall prescribe the rules for the maintenance and operation of the detention hospitals provided for in this chapter.

Sec. 104. Termination of isolation. In case of isolation the local board shall not terminate said isolation until the case has become noninfectious or until permission has been given by the state department.

Sec. 105. Test for determining infectiousness. In order to determine whether a venereal disease has become noninfectious an examination shall be made. Gonorrhea shall be deemed to be infectious until at least two (2) successive smears, taken not less than forty-eight (48) hours apart, fail to show gonococci upon a microscopic examination of the same.

Sec. 106. Examination by physicians other than health officer. Any person, subjected to examination under this chapter, may demand that some other physician than the health officer or physician representing the local board shall also make an examination; said physician shall be appointed by the chairman of the local board. In case the health officer or physician representing the local board and said physician cannot agree upon the diagnosis they shall select a third physician to make an examination, and the decision of two (2) of said physicians shall determine the diagnosis.

Sec. 107. Examination of women. In making examinations of women for the purpose of ascertaining the existence of any venereal disease, women physicians shall be appointed for said purpose, if practicable, when requested by the person to be examined.

Sec. 108. Fee for making examination. The compensation of physicians, other than health officers and those representing the local board, for making examinations under this chapter, shall be five dollars (\$5.00) for each exam-

ination.

Sec. 109. Payment of expenses incident to isolation. The expenses incident to isolation under this chapter, including examinations, medical and surgical services, nursing and care, shall be paid as in cases of isolation for other diseases.

Sec. 110. Release on bond. Any person, except a prostitute, infected with any venereal disease may be released from isolation upon bond. Written application for such release shall be made to the local board, under oath, and must state that the applicant is not a prostitute; and such written application shall be accompanied by a certificate to that effect signed by some peace officer, magistrate, township clerk or trustee of the city, town, or township wherein the case occurs.

Sec. 111. Form, amount, and conditions of bond. If the application is approved the applicant shall file with the county auditor a bond in the penal sum of one thousand dollars (\$1,000.00) conditioned that the applicant will not permit or perform any act which might expose to infection any other person, and will continue treatment until cured, and will faithfully observe the rules, and other requirements of the state department, local board, and health officer. Said bond shall run to and for the benefit of the county wherein the venereal disease occurs, and shall be signed by one (1) or more freeholders as sureties, to be approved by the county auditor; but a cash guaranty in a like amount may be accepted in lieu of such bond.

Sec. 112. Examination before release from bond. Before any person is released from any such bond as cured, an examination shall be made in the manner provided in this chapter, and permission secured from the state department.

Sec. 113. Parents responsible for minors. The parents of minors acquiring venereal diseases, and living with said parents shall be legally responsible for the compliance of such minors with the provisions of this chapter.

Sec. 114. Information and reports confidential. The identity of persons infected with venereal disease shall be kept secret and all information, records and reports concerning the same shall be confidential and shall be inaccessible to the public, but said records and reports shall be open to inspection by law-enforcing officers and to persons who have contracted venereal diseases from infected persons.

Sec. 115. Druggists to keep record of remedies sold. Every pharmacist or person who sells any proprietary drug, preparation, or article of any kind used for the cure or treatment of any venereal disease shall keep a record of the name, address, and sex of each purchaser. A copy of said record shall be mailed each week to the health officer of the city, town, or township wherein the sale was made.

Sec. 116. Suppression of prostitution - certificates. The local board, health officer, sanitation officer, and all other officers enforcing the provisions of this chapter shall use all proper means of suppressing prostitution, and no certificate or other evidence of freedom from venereal disease shall be issued by said officers.

Sec. 117. Penalty for transmitting disease. Any person infected with any venereal disease who shall transmit the same to another person, or expose another to infection by intercourse, shall be punished as provided in this chapter, and in addition thereto shall be liable to the party injured for all damages sustained by reason of said injury.

Sec. 118. Penalty for failing to report. Any physician who fails to make or falsely makes any of the reports required by this chapter concerning persons infected with any venereal disease, or who discloses the identity of such person, except as herein provided, shall be punished as provided in this chapter.

Sec. 119. Inspection of suspected cases. In all suspected cases of venereal disease in the infectious stages, the local board shall immediately use every available means to determine whether the person suspected is infected with said disease and if so, to ascertain the sources of such infection.

Sec. 120. Health officer to make examination. The health officer in each city, town, or township shall examine every person reasonably suspected of having any venereal disease in the infectious stages to ascertain if such person is so infected, but no person shall be subjected to such examination who is under the care and treatment of a physician and is taking recognized precautionary measures to prevent the infection of others.

Sec. 121. Temporary isolation of suspects. Persons reasonably suspected of being infected with any venereal disease may be temporarily isolated in the detention hospital provided for in this chapter by the local board until an examination can be made.

Sec. 122. Prophylactic treatment of eyes of new born. Every physician shall immediately, upon the birth of an infant, instill into the eyes of such newly born infant a prophylactic solution approved by the state department.

Sec. 123. Detection of eye infection after birth. Every physician who shall detect any inflammation, swelling, or redness in the eyes of any infant, or any unnatural discharge therefrom, within six (6) months after its birth, shall immediately treat such child with the prophylactic solution prescribed in the preceding section. Any other person having the care of such child who shall discover any such condition of the eyes, within said time, shall immediately report the same and the location of such infant to the local board.

Sec. 124. Certain children exempted. Nothing in the two (2) preceding sections shall be construed to require medical treatment for the minor child of any person who is a member of a well recognized church or religious denomination, and whose religious convictions in accordance with the tenets or principles of his church or religious denomination are against medical treatment for disease.

Sec. 125. Penalty. Any person violating any of the provisions of this chapter shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the county jail for a period not to exceed six (6) months, or by both such fine and imprisonment.

CHAPTER 6

DISPOSAL OF DEAD BODIES

Sec. 126. Definitions. For the purpose of this chapter:

1. "Local registrar" shall mean the local registrar of vital statistics
2. "State registrar" shall mean the state registrar of vital statistics
3. "Registration district" or "district" shall mean the district established by law for the registration of vital statistics.
4. "Person" shall include firm and corporation.
5. "Dead body" shall mean the dead body of a human being.

Sec. 127. Death certificate and burial or removal permit required. No person

without securing a proper death certificate and a burial or removal permit, shall:

1. Keep a dead body for more than seventy-two (72) hours after death or discovery of the same.
2. Remove such body from or into any registration district in this state.
3. Bury or make other final disposition of such body in this state.

Sec. 128. Execution and filing of death certificates. The undertaker or other person in charge of the funeral or disposition of the body of every person dying in this state shall be responsible for the proper execution of a death certificate, which shall be filled out in durable black ink, in a legible manner, and filed with the local registrar of the registration district in which the death occurred or the body was found.

Sec. 129. Contents of death certificate. The certificate of death shall be executed on the United States standard form, approved by the bureau of the census, and shall contain the following items:

PART I

CERTIFICATION OF PERSONAL PARTICULARS

1. Place of death, including state, county, township, town, city, or industrial camp. If in a city, the street, and house number; if in a hospital or other institution, the name of the same shall be given in place of the street and house number.
2. Full name. If an unnamed child, the surname preceded by "unnamed".
- 2-a. Residence. Length of residence in city or town where death occurred, and in the United States, if of foreign birth.
3. Sex.
4. Color or race, as white, black, mulatto (or other Negro descent), Indian, Chinese, Japanese, or other race.
5. Conjugal condition, as single, married, widowed, or divorced.
6. Date of birth, including the year, month, and day.
7. Age, in years, months, and days. If less than one day, the hours or minutes.
8. Occupation. The occupation of every person, male or female, who had any remunerative employment, shall be reported stating:
 - a. Trade, profession, or particular kind of work.
 - b. General nature of industry, business, or establishment in which employed (or employer).
9. Birthplace; at least state or foreign country, if known.
10. Name of father.
11. Birthplace of father; at least state or foreign country, if known.
12. Maiden name of mother.
13. Birthplace of mother; at least state or foreign country, if known.
14. Name and address of informant.

PART II

CERTIFICATION OF DEATH AND LAST SICKNESS PARTICULARS

15. Date of death, year, month, day, and hour. Time last seen alive.
17. Period of medical attendance.
18. Cause of death, showing the course of disease or sequence of causes resulting in the death, giving first the name of the disease causing death (primary cause) and the contributory (secondary) cause, if any, and the duration

of each, and whether attributable to dangerous or insanitary conditions of employment.

Causes of death which may be the result of either disease or violence shall be carefully defined; and if from violence, the means of injury shall be stated, and whether (probably) accidental, suicidal, or homicidal.

Indefinite and unsatisfactory terms, denoting only symptoms or disease or conditions resulting from disease, will not be sufficient.

19. For deaths in hospitals, institutions, or of nonresidents, the length of residence at place of death and in the state, together with the place where disease was contracted, if not at place of death, and former or usual residence shall be given.

20. Signature and address of physician or official making the certification of death and last sickness particulars.

PART III

CERTIFICATION OF BURIAL PARTICULARS

21. Place of burial or removal.

22. Date of burial or removal.

23. Signature and address of undertaker or person acting as such.

PART IV

ATTTESTATION

24. Official signature of registrar, with the date when certificate was filed, and registration number.

Sec. 130. Duty to furnish particulars. In the execution of a death certificate, the personal particulars shall be obtained from the person best qualified to supply them. The death and last sickness particulars shall be furnished by the attending physician, or in the absence of such person, or if there be no such person, by the health officer or coroner. The burial particulars shall be supplied by the undertaker or person acting as such. Each informant shall certify to the particulars supplied by him by signing his name below the list of items furnished.

Sec. 131. Deaths without medical attendance. In case of any death occurring without medical attendance, the undertaker, or person acting as such, shall notify the local registrar of such death, and when so notified such registrar shall inform the local health officer and refer the case to him for immediate investigation. If the local registrar has reason to believe that the death may have been due to unlawful act or neglect, he shall report the case to the coroner. In such cases the coroner shall furnish such information as may be required by the state registrar in order to classify the death.

Sec. 132. Stillbirths. A certificate of death and a burial or removal permit shall be required for every stillborn child which has advanced to the fifth month of uterogestation. The cause of death in such certificate shall be stated as "stillborn", with the cause of the stillbirth, if known. If a premature birth, such fact shall be stated and the period of uterogestation, in months, if known. Stillbirth occurring without the attendance of a physician shall be treated as deaths without medical attendance as provided in the preceding section.

Sec. 133. Issuance of burial permit - correction of certificate. Upon receipt of a death certificate the local registrar shall:

1. If the certificate is properly executed and complete, issue a burial or removal permit, as may be desired, to the undertaker or other person filing the same.

2. If the certificate is incomplete or improperly executed, return such certificate to the undertaker or other person filing the same for immediate correction.

Any person supplying any of the particulars in such certificate shall complete or correct the same in accordance with the directions of the local registrar.

Sec. 134. No fee for burial or removal permit. No fee shall be charged by a local registrar for the issuance of a burial or removal permit.

Sec. 135. Completeness of certificate of death. No certificate of death shall be held complete and correct that does not supply all of the particulars called for in the United States standard form certificate, detailed in accordance with the rules of the state department of health, or satisfactorily account for their omission.

Sec. 136. Deaths from communicable diseases. In case a death occurs from some communicable disease, as defined in the chapter on contagious and infectious diseases, no permit for the removal or other disposition of the body shall be issued by the local registrar, except under such rules as may be prescribed by the state department.

Sec. 137. Contents of burial permit. The burial or removal permit shall be issued upon a form prescribed by the state department and shall state:

1. The name, age, sex, cause of death, and other necessary details required by the state department.

2. That a satisfactory certificate of death has been filed as required by law.

3. That permission is granted to inter, remove, or otherwise dispose of the body.

Sec. 138. Burial in district other than place of death. No burial permit shall be required from the local registrar of the district in which a burial is to be made, when a body is removed from one district to another district in this state, for purpose of final disposition.

Sec. 139. Transportation of bodies - papers to be attached to box. No person or common carrier shall ship or receive for shipment within this state or to any point outside the state, by any public conveyance, a dead body unless the box containing the corpse shall have attached thereto an embalmer's certificate showing the name and official number of the embalmer by whom the body was prepared, and the method of preparation employed.

Sec. 140. Shipping papers to be carried by escort. In addition to the requirements of the preceding section, the person accompanying the body shall have in his possession:

1. A copy of the physician's or coroner's certificate of cause of death.

2. A transit permit issued by the local board or local registrar.

Sec. 141. Shipment of bodies by express. When the body is shipped by express a copy of the certificate of cause of death and the transit permit shall be attached to the waybill and delivered with the body at destination.

Sec. 142. Issuance of shipping permit. All transit permits shall be issued

by the local board or local registrar upon application of an embalmer and shall be signed by the local health officer or local registrar. No transit permit shall be issued to any embalmer who is not in good standing as shown by the records of the state department.

Sec. 144. Importation of dead bodies. A body imported from outside the state shall be subject to the same rules as to transportation as bodies shipped from within the state.

Sec. 145. Burial permit for imported bodies. When a dead body is transported from outside this state into the state for final disposition, the transit or removal permit, issued in accordance with the law and health regulations of the place where the death occurred, shall be accepted by the local registrar of the district into which the body is transported, as a basis upon which to issue a local burial permit. The fact that such body was shipped into this state for burial, and the actual place of death shall be noted on the face of the burial permit by the local registrar.

Sec. 146. Shipments for scientific purposes. The provisions of this chapter relating to the transportation and importation of dead bodies, shall not be applicable to the shipment within this state of dead bodies intended for use for scientific purposes when the same are so designated by the shipper. Such bodies shall be prepared and shipped under special rules provided for that purpose by the state department.

Sec. 147. Disinterment for reburial. No person shall disinter the dead body of a human being for removal from one grave to another in the same cemetery or for removal to another cemetery without obtaining from the state department a permit for that purpose, and the department may by rule entirely prohibit disinterments for such purpose of the bodies of persons who have died of extremely contagious diseases. A dead body, properly prepared by an embalmer and deposited in a receiving vault, however, shall not be considered as a buried body within the meaning of this section.

Sec. 147-a1. Disinterment for autopsy. No person shall disinter the dead body of a human being for the purpose of holding an autopsy thereon in order to determine the cause of death without obtaining for that purpose either:

1. An order of the district court of the county in which the body is buried, or
2. A special permit from the state department of health.

Sec. 147-a2. Application for disinterment. An application to the state department for a disinterment permit either for the purpose of reburial or for holding an autopsy shall be upon a form furnished by the department and shall state:

1. Name of person whose body is to be disinterred.
2. Date of death.
3. Age at death.
4. Cause of death.
5. Name and location of the cemetery (county and township) from which the body is to be removed, and the same items concerning the cemetery in which the body is to be reinterred.
6. Relation of the applicant to the deceased person.
7. Name of the embalmer who is to perform the disinterment.
8. Such other information as the department may require.

Sec. 147-a3. Application for court order. An application for a court order

for a disinterment for the purpose of holding an autopsy may be made by the county attorney, coroner, or any attorney representing any party in any criminal or civil proceedings. Such application shall contain substantially the items required in an application for a permit made to the state department of health, and such other information as the court may direct.

Sec. 147-a4. Granting of application. No application for a permit to disinter for the purpose of holding an autopsy shall be granted by the court or state department except under circumstances such as to cause the belief that someone is criminally or civilly liable for such death. A proper showing shall be made in every case and due consideration shall be given to the public health, the dead, and the feelings of relatives and friends. The limitations of this section shall not apply when the application is made by the surviving spouse or next of kin.

Sec. 147-a5. Authority under permit. No person who is granted a permit to disinter the dead body of a human being for the purpose of reburial shall open the casket containing such body or permit an autopsy thereon. Such acts may only be performed under a special permit granted by the state department or under an order of court as provided in this chapter.

Sec. 147-a6. Method of making disinterment. Every disinterment shall be made by an embalmer and shall be performed in accordance with the rules of the state department governing the same.

Sec. 148. Delivery of burial permit. The undertaker, or person acting as such, shall deliver the burial, removal, or disinterment permit to the person in charge of the cemetery before interring, disposing of, or disinterring any body therein.

Sec. 149. Duty of sexton. The person in charge of every cemetery shall see that all the requirements of this chapter relative to burial, removal, and disinterment permits have been complied with before any burial, disposal, or disinterment is made in said cemetery.

Sec. 150. Indorsement and return of burial permit. Such person shall indorse upon said permit the date of burial, disposal, or disinterment, over his signature, and shall return the same to the local registrar of the district in which the cemetery is located within ten (10) days from the date of burial, or within the time fixed by the state department. In case reburial is made in another cemetery after disinterment, the disinterment permit shall accompany the body and shall be dealt with as an original burial permit.

Sec. 151. Record of burials to be kept. The record-keeping officer of every cemetery shall make and keep a permanent record of all burials, disposals, disinterments, or reburials made in such cemetery, which record shall at all times be open to public inspection. This record shall, in each case, state the name of each deceased person, place of death, date of burial, disposal, disinterment, or reburial and name and address of the undertaker.

Sec. 152. Procedure when no person in charge of cemetery. In case there is no person in charge of the cemetery, the undertaker, or person acting as such, shall sign said permit, giving the date of burial, disposal, or disinterment, and shall write across the face of said permit the words "No person in charge", and file the same, within ten (10) days, with the local registrar of the district in which the cemetery is located.

Sec. 153. Issuance of forged papers. Any person who shall issue a forged death certificate, burial, removal, disinterment, or transit permit, or who

shall certify falsely as to the cause of death or the preparation of a dead body, shall be guilty of forgery and punished accordingly.

Sec. 154. Penalty. Any person who shall violate any provision of this chapter shall be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00), or be imprisoned not more than thirty (30) days in the county jail, or be punished by both such fine and imprisonment.

CHAPTER 7

DEAD BODIES FOR SCIENTIFIC PURPOSES

Sec. 153. Delivery of bodies for scientific purposes. The body of every person dying in a public asylum, hospital, county home, penitentiary, or reformatory in this state, or found dead within the state, and which is suitable for scientific purposes, shall be delivered to the medical college of the state university, or some osteopathic or chiropractic college or school located in this state, which has been approved under the law regulating the practice of osteopathy or chiropractic, but no such body shall be delivered to any such college or school if the deceased person expressed a desire during his last illness that his body should be buried or cremated, nor if such is the desire of his relatives or friends. Such bodies shall be equitably distributed among said colleges and schools in accordance with such rules as may be adopted by the state department of health, but the number so distributed shall be in proportion to the number of students matriculated at each college or school. The expense of transporting said bodies to such college or school shall be paid by the college or school receiving the same.

Sec. 156. Bodies furnished to physicians. When there are more dead bodies available for use under the preceding section than are desired by said colleges or schools, the same may be delivered to physicians in the state for scientific study under such rules as may be adopted by the state department.

Sec. 157. Notification of state department - instructions. Every coroner, undertaker, and the managing officer of every public asylum, hospital, county home, penitentiary or reformatory, as soon as any dead body shall come into his custody which may be used for scientific purposes as provided in the two (2) preceding sections, shall at once notify the nearest relative or friend of the deceased, if known, and the state department by telegram, and hold such body unburied for forty-eight (48) hours. Upon receipt of such telegram the department shall telegraph instructions relative to the disposition to be made of said body.

Sec. 158. Surrender of bodies to relatives. When any dead body which has been delivered under this chapter for scientific purposes is subsequently claimed by any relative or friend, it shall be at once surrendered to such relative or friend for burial without public expense; and all bodies received under this chapter shall be held for a period of sixty (60) days before being used.

Sec. 159. Disposal after dissection. The remains of every body received for scientific purposes under this chapter shall be decently buried or cremated after it has been used for said purposes, and a failure to do so shall be a misdemeanor.

Sec. 160. Record of receipt of dead bodies. Any college, school, or physician receiving the dead body of any human being for scientific purposes shall keep a record showing:

1. The name of the person from whom, and the time and place, such body was received.

2. The description of the receptacle in which the body was received, including the shipping direction attached to the same.

3. The description of the body, including the length, weight, and sex, apparent age at time of death, color of hair and beard, if any, and all marks or scars which might be used to indentify the same.

4. The condition of the body and whether mutilated so as to prevent identification.

Sec. 161. Record and bodies subject to inspection. The record required by the preceding section and the dead body of every human being recieved under this chapter shall be subject to inspection by any peace officer, or relative of the deceased.

Sec. 162. Purpose for which dead body may be used. The dead bodies delivered under this chapter shall be used only within the limits of this state for the purpose of scientific, medical, and surgical study, and no person shall remove the same beyond the limits of this state or in any manner traffic therein. Any person who shall violate this section shall be punished by imprisonment for a term not exceeding one (1) year in the county jail.

Sec. 163. Failure to deliver dead body - penalty. Any person having the custody of the dead body of any human being which is required to be delivered for scientific purposes by this chapter, who shall fail to notify the state department of the existence of such body, or fail to deliver the same in accordance with the instructions of the department, shall be punished by a fine not exceeding fifty dollars (\$50.00).

Sec. 164. Use of dead body without proper record - penalty. Any physician or member of the instructional staff of any college or school who uses, or permits others under his charge to use the dead body of a human being for the purpose of medical or surgical study without the record required in the fourth preceding section having been made, or who shall refuse to allow any peace officer or relative of the deceased to inspect said record or body, shall be punished by imprisonment in the county jail not exceeding one (1) year, or by a fine not exceeding one thousand dollars (\$1,000.00), or by both.

Sec. 165. Penalty. Any person who shall receive or deliver any dead body of a human being knowing that any of the provisions of this chapter have been violated, shall be imprisoned in the penitentiary not more than two (2) years, or fined not exceeding twenty-five hundred dollars (\$2,500.00), or both.

CHAPTER 8

PUBLIC HEALTH NURSES

Sec. 166. Authority to employ public health nurses. The board of supervisors of any county, the council of any city or town, or the school board of any school district may employ public health nurses at such periods each year and in such numbers as may be deemed advisable. The compensation and expenses thereof shall be paid out of the general fund of the political subdivision employing said nurses.

Sec. 167. Cooperation of political subdivisions. The said boards and councils within any county may cooperate in the employment of public health nurses and may apportion the expenses therefor to the various political subdivisions represented by said authorities.

Sec. 168. Duties of public health nurses. The authorities employing

any public health nurses shall prescribe their duties which in a general way shall be for the promotion and conservation of the public health.

CHAPTER 9

MATERNITY HOSPITALS

Sec. 169. Maternity hospital defined. For the purposes of this chapter "maternity hospital" shall mean any place maintained for the reception, care, and treatment of women during pregnancy, or maintained for adopting or aiding in the adoption or disposal of any child born therein.

Sec. 170. General hospitals exempted. This chapter shall not apply to any general hospital for the treatment of diseases or for the care of obstetrical and surgical cases.

Sec. 171. License required. No person shall operate a maternity hospital without obtaining a license from the state department of health.

Sec. 172. Certain locations prohibited. No maternity hospital shall be operated within two hundred (200) feet of any church building, school, educational institution, public park, or in a building situated within seventy-five (75) feet of premises owned by another.

Sec. 173. Applications for license. Every application for a license to operate a maternity hospital shall be made in writing to the state department, accompanied by the legal inspection fee, and said application shall contain the name and address of the person to whom the license is to be issued, and a description of the location of the place to be used.

Sec. 174. Affidavit to accompany application. The application shall be accompanied by the affidavit of two (2) physicians stating that the person named in said application is personally known to each of said physicians and that he is of good character and reputation; that said physicians have personally examined the place named in the application and that the same is properly equipped for a maternity hospital; and that the operation of such a maternity hospital will be for the public convenience.

Sec. 175. Examination of proposed hospital. Before issuing a license to operate a maternity hospital the state department shall cause the place described in said application to be inspected, and shall satisfy itself as to the correctness of the matters set forth therein and in the accompanying affidavit.

Sec. 176. Form of license. Each license shall name the person to whom authority is given to operate a maternity hospital and shall describe the place in which said hospital is to be operated. Not more than one (1) license shall be issued for the operation of a maternity hospital upon the same premises.

Sec. 177. Fees - expiration of license - renewals. The initial inspection fee for a proposed maternity hospital shall be five dollars (\$5.00), and the license fee for operating such a hospital shall be twenty-five dollars (\$25.00). Each license shall expire one (1) year from the date of issue. The state department may renew any license upon payment of a renewal fee of five dollars (\$5.00). No fee provided in this section shall be required of any religious or charitable institution operating a maternity hospital.

Sec. 178. Revocation of license. Any license issued under this chapter may be revoked after reasonable notice by the state department, and a conviction for any violation of this chapter or any rule of the department shall operate as a revocation of said license.

Sec. 179. Hospital register. The person in charge of every maternity hospital shall keep a register showing the name, age, and sex of each person received or born in said hospital, the date of entry, or birth, the date of removal, or death, and in case of death, the age at which the same occurred, and the disposition of every child, or its body, born in said hospital, and of the names and addresses of the persons who removed said child, or its body. All entries in said register shall be made within twenty-four (24) hours after the occurrence of the event which is required to be recorded.

Sec. 180. Reports to state department. Within twenty-four (24) hours after the birth or death of any person in a maternity hospital the person in charge of the same shall make a report to the state department upon blanks furnished by the department, containing all the items concerning each case which are required to be entered upon the register by the preceding section.

Sec. 181. Use of assumed names and descriptions. In case the name of a mother cannot be ascertained for any record required by this chapter then the assumed name given by her shall be used; and under like circumstances, when a child has no name, a description of the child shall be used.

Sec. 182. Reports open to inspection of certain persons. All reports received by the state department under the second preceding section shall be kept of record and shall be accessible to the members of the board of control of state institutions, the attorney general, and any county attorney, but said reports shall not be accessible to any other person except on the order of a court of record.

Sec. 183. Articles of adoption to be procured. The person in charge of any maternity hospital who shall adopt or dispose of by adoption or assist in the adoption of any child born in said hospital, shall have the proper articles of adoption executed and recorded as required by law.

Sec. 184. Access to hospitals to make inspections. The state department or local board or any person designated in writing by either of said agencies shall have full access to a maternity hospital at all times for the purpose of inspecting the same or examining the register required to be kept therein.

Sec. 185. Local board to inspect and report. The local board shall inspect each maternity hospital within its jurisdiction at least once in six (6) months, and shall file an accurate report of such inspection with the state department, and such report shall be preserved as a permanent record.

Sec. 186. Unlawful operation of hospital a nuisance. Any place operated as a maternity hospital in violation of this chapter shall be deemed to be a nuisance, and the same may be abated by injunction proceedings.

Sec. 187. Penalty. Any person violating any of the provisions of this chapter or making any false entry on the register required to be kept by this chapter shall be punished by a fine of not more than two hundred fifty dollars (\$250.00), or by imprisonment in the county jail not more than six (6) months, or by both such fine and imprisonment.

REGISTRATION OF VITAL STATISTICS

Sec. 188. Definitions. For the purpose of this chapter:

1. "Local registrar" shall mean the local registrar of vital statistics.
2. "State registrar" shall mean the state registrar of vital statistics.
3. "Vital statistics" shall mean statistics concerning births, deaths, marriages, and divorces.
4. "Person" shall include firm and corporation.

Sec. 189. Registration districts. For the purpose of this chapter the following areas shall constitute a primary registration district:

1. Each city and town.
2. Each civil township having no city or town within, or partly within, its limits.
3. The portion of each civil township lying outside of any city or town located within, or partly within, such township.

Sec. 190. Consolidation of districts. The state department of health may combine two (2) or more primary registration districts when necessary to facilitate registration.

Sec. 191. State registrar. The commissioner of public health shall be the state registrar.

Sec. 192. Quarters and equipment. Suitable quarters shall be provided by the executive council for the division of vital statistics at the seat of government, which shall be properly equipped with fireproof vault and filing cases for the permanent and safe preservation of all official records made and returned under this chapter.

Sec. 193. Local registrars - appointment - tenure. The board of supervisors in each county shall appoint a local registrar for each registration district in the county. The term of office of each local registrar shall be four (4) years, and he shall serve until his successor has been appointed and has qualified.

Sec. 194. Deputy registrars - appointment. Each local registrar shall, immediately upon his acceptance of appointment as such, appoint a deputy, who shall act in his place in case of absence or disability; and such deputy shall, in writing, accept such appointment.

Sec. 195. Subregistrars - appointment. When it appears necessary for the convenience of the people in any rural district, the local registrar may, with the approval of the state department, appoint one or more suitable persons to act as subregistrars, who shall be authorized to receive birth and death certificates and to issue burial or removal permits in and for such portions of the district as may be designated.

Sec. 196. Removal of registrars. Any local registrar, deputy registrar, or subregistrar, who in the judgment of the state department fails or neglects to make prompt and complete return of births and deaths, and otherwise efficiently discharge the duties of his office, shall be forthwith removed by the department.

Sec. 197. Duties of state registrar. The state registrar shall:

1. Have general supervision of the registration of vital statistics.
2. Have supervisory power over local registrars, deputy registrars, and subregistrars, and clerks of the district court in the enforcement of the law relative to the disposal of dead bodies and the registration of vital statistics.
3. Prepare and issue such detailed instructions as may be required to procure the uniform observance of the provisions of said law and the maintenance of a perfect system of registration.
4. Furnish blank certificates of births, deaths, and other forms and record books required by this chapter to all persons concerned with the administration of the same. No other blanks and records shall be used than those supplied by the state registrar.
5. Carefully examine the certificates received from the local registrars and clerks of the district court, and if any such are incomplete or unsatisfactory he shall require such further information to be supplied as may be necessary to make the record complete and satisfactory.
6. Systematically arrange, bind, and deposit in the state historical building at the seat of government, the original certificates of births, deaths, and marriages for the preceding calendar year.
7. Prepare and maintain a comprehensive and continuous card index of all births, deaths, marriages, and divorces reported. Said index shall be arranged alphabetically:
 - (a) In the case of deaths, by the names of decedents.
 - (b) In the case of births, by the names of fathers, mothers, and children.
 - (c) In the case of marriages and divorces, by the names of both parties.

Sec. 198. Duties of local registrar. The local registrar shall, subject to the direction and supervision of the state registrar:

1. Strictly and thoroughly enforce the law relative to the disposal of dead bodies and the registration of births and deaths in his registration district.
2. Issue instructions to all physicians, undertakers, and the people in general in his district, concerning the registration of births and deaths.
3. Distribute to the proper persons all forms and blanks required for the registration of births and deaths, and for the making of other records incident thereto.
4. Distribute to every physician, undertaker, and retail casket dealer registered in his district, a copy of the law relative to the registration of vital statistics and the disposal of dead bodies, and of the rules of the state department pertaining thereto.
5. Carefully examine each certificate of birth or death when presented for record, in order to ascertain whether it has been made out in accordance with law and the instructions of the state registrar; and if any such certificate is incomplete or unsatisfactory, he shall have the same corrected.
6. Number consecutively the certificates of birth and death, in two separate series, beginning with number one (1) for the first birth and the first death in each calendar year, and sign his name as registrar in attestation of the date of filing in his office.
7. Make a complete and accurate copy of each birth and death certificate registered by him in a record book supplied by the state registrar, to be preserved permanently in his office as the local record.
8. On the tenth day of each month, transmit to the state registrar, in a stamped, return envelope, furnished by the state registrar, all original certificates registered by him for the preceding month. If no births or deaths occur in any month, he shall on the tenth day of the following month report that fact to the state registrar, on a card provided for such purpose.
9. Make a return, within thirty (30) days after the close of each

calendar year, to the state registrar of all physicians, undertakers, or retail casket dealers who have been registered in his district during the whole or any part of the preceding calendar year.

10. Make an immediate report to the state registrar of any violation of the law relative to registration of vital statistics and the disposal of dead bodies of which he has knowledge.

Sec. 199. Duty of subregistrars. Each subregistrar shall note on each certificate, over his signature, the date of filing, and shall forward all certificates to the local registrar of the district within ten (10) days, and in all cases before the third day of the following month.

Sec. 200. Regulation governing deputy and subregistrars. Every provision of this chapter, of the chapter relative to the disposal of dead bodies, and of the rules of the state department applicable to local registrars in the registration of births and deaths, and the issuance of burial permits, shall apply to deputy registrars and subregistrars.

Sec. 201. Birth certificates required. Within ten (10) days after each birth there shall be filed with the local registrar of the district in which the birth occurred a certificate of such birth filled out with durable black ink in a legible manner.

Sec. 202. Contents of birth certificates. The certificate of birth shall be executed on the United States standard form, approved by the bureau of the census, and shall contain the following items:

1. Place of birth, including state, county, township, town, or city. If in the city, the street, and the house number; if in a hospital or other institution, the name of the same shall be given in place of the street and house number.

2. Full name of child. If the child dies without a name, before the certificate is filed, the words "died unnamed" shall be entered. If the living child has not yet been named at the date of filing certificate of birth, the space for "full name of child" shall be left blank, to be filled out by a supplemental report, as hereinafter provided.

3. Sex of child.

4. Plurality of birth. Whether a twin, triplet, or other plural birth; number of each child in order of birth. A separate certificate shall be required for each child in case of plural births.

5. Legitimacy of birth; whether legitimate or illegitimate.

6. Date of birth, including the year, month and day.

7. Full name of father. If the child is illegitimate, the name of the putative father shall not be entered without his consent, unless the paternity of the child has been determined in a regular legal proceeding instituted for that purpose, but the other particulars relating to the putative father (items nine to twelve, inclusive) shall be entered, if known; otherwise, as "Unknown".

8. Residence of father.

9. Color or race of father.

10. Age of father at last birthday, in years.

11. Birthplace of father; at least state or foreign country, if known.

12. Occupation of father. The occupation shall be reported if engaged in any remunerative employment, stating:

a. Trade, profession, or particular kind of work.

b. General nature of industry, business, or establishment in which employed (or employer).

13. Maiden name of mother.

14. Residence of mother.

15. Color or race of mother.
16. Age of mother at last birthday, in years.
17. Birthplace of mother; at least, state or foreign country, if known.
18. Occupation of mother. The occupation shall be reported if engaged in any remunerative employment, stating:

- a. Trade, profession, or particular kind of work.
- b. General nature of industry, business, or establishment in which employed (or employer).

19. Number of children born to the mother, including present birth.

20. Number of children of the mother living.

21. Certification of attendance at birth, including:

- a. Statement of year, month, day (as given in item six).

- b. Hour of birth.

- c. Whether the child was born alive or stillborn.

This certification shall be signed by the attending physician with date of signature and address. If there is no physician in attendance, then by the father or mother of the child, householder, owner of the premises, or manager or superintendent of the public or private institution where the birth occurred, or other competent person.

22. Exact date of filing in office of local registrar, attested by his official signature, and registration number of birth.

Sec. 203. Duty of person in attendance at birth. The attending physician, or person acting as midwife, shall be responsible for the proper execution and return of a certificate for each birth, in accordance with the provisions of this chapter.

Sec. 204. Reporting occurrence of birth. In case there is no physician, or person acting as midwife in attendance upon the birth, a report of the same shall be made within ten (10) days thereafter to the local registrar of the district in which the birth occurred. It shall be the duty of the following persons, in the order named, to make such reports:

1. The father or mother of the child.

2. The householder or owner of the premises where the birth occurred.

3. The manager or superintendent of the public or private institution in which the birth occurred.

Sec. 205. Certificate of birth by registrar. When the report of a birth is received under the preceding section, the local registrar shall secure from the person so reporting, or from any other person having the required knowledge, such information as will enable him to prepare the proper certificate of birth.

Sec. 206. Incomplete certificates of birth. No certificate of birth shall be held complete and correct that does not supply all of the items of information called for in the United States standard form certificate, detailed in accordance with the rules of the state department, or satisfactorily account for their omission. If a certificate of birth is incomplete, the local registrar shall immediately notify the informant and require him to supply the missing items of information if they can be obtained, or he may obtain them from any other person having the required knowledge.

Sec. 207. Interrogation of informants. Every person making a return of a birth or reporting the same, or who may be interrogated in relation thereto, shall answer correctly, and to the best of his knowledge, all questions put to him by the local registrar which may be calculated to elicit any information needed to make a complete record of the birth as provided in this chapter, and the informant, as to any statement made in accordance herewith, shall verify such

statement by his signature, when requested to do so by the local registrar.

Sec. 208. Supplemental return of name of child. When any certificate of birth of a living child is presented without the statement of the given name, then the registrar shall make out and deliver to the parents of the child a special blank for the supplemental report of the given name of the child, which shall be filled out as directed and returned to the local registrar as soon as the child shall have been named.

Sec. 209. Stillborn children. A stillborn child shall be registered as a birth, and also as a death as provided in the chapter on "Disposal of Dead Bodies". A certificate of both the birth and death shall be filed with the local registrar, in the usual form and manner. The certificate of birth shall contain in place of the name of the child, the word "stillbirth". Such certificates shall not be required for a child that has not advanced to the fifth month of uterogestation.

Sec. 210. Altering birth or death certificates. No certificate of birth or death, after its acceptance for registration by the local registrar and no other record made in pursuance of this chapter, shall be altered or changed in any respect except by amendments properly dated, signed and witnessed.

Sec. 211. Institutional records of personal particulars. Every superintendent in charge of any hospital, county home, jail, reformatory, penitentiary or other institution, public or private, to which persons resort for treatment of diseases or for confinement, or are committed by process of law, shall keep a record, as directed by the state registrar, of all the personal particulars and data relative to each patient, inmate, or prisoner in such institution which are required in the United States standard forms of birth and death certificates.

Sec. 212. Source of information. The personal particulars and data required by the preceding section shall be obtained from the individual himself if practicable to do so; and when not, the same shall be obtained in as complete a manner as possible from relatives, friends, or other persons acquainted with the facts.

Sec. 213. Time of making institutional record. Such record shall be made for each patient, inmate, or prisoner at the time of his admittance; and in case of each person admitted or committed for treatment of disease, the physician in charge shall specify for entry in the record the nature of the disease, and where, in his opinion, it was contracted.

Sec. 214. Registration of physicians, undertakers, and casket dealers. Every physician, undertaker, and retail casket dealer, shall, not later than the first day of January of each year, register his name, address, and occupation with the local registrar of the district in which he resides. Such registration shall also be made immediately upon removing to another registration district.

Sec. 215. Record of casket sales. Every person selling a casket at retail shall keep a record, which shall be open at all times to the state and local registrar for inspection, showing:

1. Name of purchaser.
2. Purchaser's postoffice address.
3. Name of deceased.
4. Date and place of death of deceased.

This section shall not apply to any person selling caskets at wholesale to undertakers or other dealers.

Sec. 216. Report of casket sales. On the first day of each month every person selling caskets at retail shall report to the state registrar each sale for the preceding month, on a blank provided for that purpose. Such reports shall not be required from undertakers when they have direct charge of the disposition of the dead body for which a casket is sold.

Sec. 217. Information to accompany caskets. Every person selling a casket at retail, and not having charge of the disposition of the body, shall inclose within the casket the following:

1. A notice furnished by the state registrar, calling attention to the requirements of the law relative to the disposal of dead bodies and the registration of vital statistics.
2. A blank certificate of death.
3. The rules and regulations of the state department concerning the disposal of dead bodies.

Sec. 218. Duty to furnish information. Upon demand of the state registrar in person, by mail, or through the local registrar, every physician, informant, undertaker, or other person having knowledge of the facts relative to any birth or death, shall supply such information as he may possess, upon a form provided by the state registrar or upon the original birth or death certificate.

Sec. 219. Private genealogy records. If any person, organization, company, society, or association is in possession of any record of births or deaths which may be of value in establishing the genealogy of any resident of this state, such person, company, society, or association may file such record, or a duly authenticated transcript thereof, with the state registrar. The state registrar shall preserve such record or transcript and make an index thereof in such form as to facilitate the finding of any information contained therein. Such record and index shall be open to public inspection, subject to such reasonable conditions as the state registrar may prescribe.

Sec. 220. Certified copies of private records. The state registrar shall, upon request, supply to any applicant for any proper purpose, a certified copy of any record filed under the preceding section. For his services, the state registrar shall charge a fee of fifty cents (50c) for each hour or fractional part of any hour spent in making such copy, and twenty-five cents (25c) for attaching his certificate thereto.

Sec. 221. Fee for registering birth or death. Each local registrar shall be paid twenty-five cents (25c) for each birth or death certificate properly executed, filed, recorded, and returned to the state registrar, as required by law.

Sec. 222. Fee for reporting no registration. In case no birth or death is registered during any month, the local registrar shall be paid the sum of twenty-five cents (25c) for a report to that effect, made within the time prescribed in this chapter.

Sec. 223. No fee for registering physicians and others. No fee or other compensation shall be charged by any local registrar to any physician, undertaker, or casket dealer for registering his name under this chapter or making return thereof to the state registrar.

Sec. 224. Payment of local registrars. All amounts payable to a registrar under the provisions of this chapter shall be paid by the county in which the registration district is located, immediately upon certification

by the state registrar, in the manner in which other claims are paid by the county. The state registrar shall annually, or at such other times as he may deem expedient, certify to the auditor of each county the number of births and deaths properly registered in said county, with the name of each registrar and the amount due him as fees under the provisions of this chapter.

Sec. 225. Record book of marriages and divorces. The clerk of the district court in each county shall keep a record book for marriages and a record book for divorces. The form of said books shall be uniform throughout the state and shall be prescribed by the state department. Said book shall be provided at the expense of the county.

Sec. 226. Contents of record book for marriages. The record book for marriages shall show the same items and personal particulars for each marriage solemnized in the county as are required in the return of a marriage as prescribed by the chapter on "Marriage" in the title on "Domestic Relations."

Sec. 227. Contents of record book for divorces. The record book for divorces shall show the following items for each divorce granted in the county:

1. Full name, color, age, nationality, and number of prior marriages of each of the parties.
2. Date of marriage.
3. Cause of divorce.
4. Date of divorce.
5. Person to whom divorce granted (husband or wife).
6. Such additional data respecting each divorce as the state department may prescribe.

Sec. 228. Source of entries for record books. The items respecting each marriage shall be taken from the return whereof, and the items respecting each divorce shall be taken as far as possible from the court records. The other data necessary to complete the entries in the record book of divorces shall be supplied by the parties to the action or by their attorneys.

Sec. 229. Reporting marriages and divorces to state registrar. The clerk of the district court shall on or before the first day of February of each year transmit to the state registrar:

1. All the original returns of marriages filed in his office during the preceding calendar year.
2. A copy of the entries made in the record book for divorces for every divorce granted in the county during the preceding calendar year.
3. Such other data relative to marriages and divorces as the state registrar may prescribe.

Sec. 230. Certified copies of records - fees. The state registrar shall, upon request, supply to any applicant for any proper purpose, a certified copy of the record of any birth, death, or marriage registered under the provisions of this chapter, for the making and certifying of which he shall charge a fee of fifty cents (50c).

Sec. 231. Search of records - fee. In cases in which search of the files and records is made, but no certified copy is requested, or the requested record is not found, the state registrar shall charge a fee of fifty cents (50c) for each hour or fractional part of an hour spent in search.

Sec. 232. Free certified copies. Upon request of any parent or guardian, the state registrar shall supply, without charge, a certificate limited to a statement as to the date of birth of any child, when the same shall be necessary for admission to school or for the purpose of securing employment.

Sec. 233. United States Census Bureau may obtain records. The United States census bureau shall have the privilege of making, at its own expense and without paying the legal fees, copies of all records and vital statistics provided for in this chapter.

Sec. 234. Accounting for fees. The state registrar shall keep a true and correct account of all fees received by him and turn the same over to the state treasurer as provided by law.

Sec. 235. Certified copies of record as evidence. Any certified copy of the record of a birth, death, or marriage, made under this chapter, shall be presumptive evidence in all courts and places of the facts therein stated.

Sec. 236. System exclusive. No system for the registration of births, deaths, or marriages shall be maintained in the state or any of its political subdivisions other than the one provided for in this chapter.

Sec. 237. Investigation of violations. The state department shall have authority to investigate cases of irregularity or violation of the law relative to the registration of vital statistics and the disposal of dead bodies, and all registrars shall aid the department in such investigation.

Sec. 238. Duty of county attorney. The state department shall report, when deemed necessary, cases of violation of said law to the proper county attorney, with a statement of the facts and circumstances; and when any such case is reported to such county attorney he shall forthwith initiate and promptly follow up the necessary court proceedings against the person responsible for the alleged violation of law.

Sec. 239. Duty of attorney general. Upon request of the state department, the attorney general shall assist in the enforcement of the provisions of this chapter and of the chapter relative to the disposal of dead bodies.

Sec. 240. Penalty. Any person violating any of the provisions of this chapter or of any rule of the state department relative thereto, or falsifying any certificate of birth or any record established by this chapter, shall be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00), or be imprisoned not more than thirty (30) days in the county jail, or be punished by both such fine and imprisonment.

Sec. 241. Second offense - penalty. If any person who has been convicted under the preceding section shall be again convicted of a violation of any of the provisions of this chapter or of any rule of the state department relative thereto, on a similar charge, he shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00), or by imprisonment in the county jail not to exceed sixty (60) days, or by both such fine and imprisonment; and if a physician, he shall, in addition, have his license to practice his profession revoked; but such former conviction shall be referred to in the indictment or information, stating the court, date, and place that judgment was rendered.

CHAPTER 11

TEMPORARY AND SPECIAL PROVISIONS

Sec. 242. Continuation of present board of health. The members of the state board of health as constituted on July first, nineteen hundred twenty-four (1924), shall continue in office, irrespective of their terms of appointment, until this title takes effect, when said board shall cease to exist and shall be superseded by the state department of health provided for in chapter one (1) of this title.

Sec. 242-a1. Secretary of present board of health. The secretary of the state board of health in office at the time this title takes effect shall become the commissioner of public health provided for in chapter one (1) of this title and shall continue in such office until July first, nineteen hundred twenty-five (1925), when he shall be superseded by the commissioner of public health appointed under the provisions of said chapter.

Sec. 242-a2. Civil and sanitary engineer member of present board of health. The civil and sanitary engineer member of the state board of health in office at the time this title takes effect shall become the head of the division of sanitary engineering provided for in chapter one (1) of this title and shall continue in such position until July first, nineteen hundred twenty-five (1925), when he shall be superseded by such person as may be appointed by the commissioner of public health under the provisions of said chapter.

Sec. 242-a3. Plumbing code committee. The commissioner of public health shall, immediately upon the taking effect of this title, appoint a plumbing code committee under the provisions of chapter one (1) of this title. Said committee shall meet as soon as possible after its appointment and shall discharge the duties prescribed for such committee in said chapter. The committee provided for in this section shall cease to exist on July first, nineteen hundred twenty-five (1925) and shall be superseded by the committee appointed under chapter one (1) of this title.

Sec. 242-a4. Plumbing code fund. Immediately upon the taking effect of this title the treasurer of state shall transfer the balance remaining in the plumbing inspection fund under the provisions of chapter three hundred seventy-eight (378), acts of the thirty-eighth general assembly, to the plumbing code fund provided in chapter one (1) of this title and said fund shall become available at once for the payment of the expenses of the committee provided for in the preceding section.

Sec. 243. Amendment of certain statutes. Every statute of this state in which appears the words "state board of health", or any similar expression of the same import, is hereby amended by striking out said words or expression and inserting in lieu thereof the words "state department of health", or some similar expression of the same import. The code editor shall apply this amendment to every section affected in preparing the permanent Code for final publication.

Sec. 244. Omission from permanent Code. The provisions of this chapter are temporary in character and the code editor shall omit the same from the permanent Code when prepared for final publication.

Approved April 23, 1924.

INSPECTION OF FOODS

H. F. 261

AN ACT to amend, revise, and codify chapters four (4), nine (9), ten (10), eleven (11), and fourteen (14) of title seven (7), and sections nine hundred (900) to nine hundred two (902), inclusive, nine hundred four (904) to nine hundred six (906), inclusive, nine hundred eight (908) to nine hundred thirteen (913), inclusive, fourteen hundred forty-four (1444), fourteen hundred forty-six (1446) to fourteen hundred fifty-one (1451), inclusive, fourteen hundred fifty-three (1453) to fourteen hundred sixty-eight (1468), inclusive, fourteen hundred seventy (1470), fourteen hundred seventy-one (1471), fourteen hundred seventy-three (1473) to fourteen hundred seventy-seven (1477), inclusive, fourteen hundred seventy-nine (1479), fourteen hundred eighty (1480), fifteen hundred thirty-three (1533) to fifteen hundred thirty-five (1535), inclusive, fifteen hundred sixty-eight (1568) to fifteen hundred seventy-one (1571), inclusive, fifteen hundred seventy-three (1573) to fifteen hundred eighty-five (1585), inclusive, fifteen hundred eighty-seven (1587) to fifteen hundred ninety-one (1591), inclusive, fifteen hundred ninety-three (1593) to sixteen hundred six (1606), inclusive, of the compiled code of Iowa; chapters seven (7) and twelve (12) of title seven (7) of the compiled code and of the supplement to said code; and chapter twenty-four (24) of title five (5), fourteen hundred forty-five (1445), fourteen hundred forty-five-a one (1445-a1) to fourteen hundred forty-five-a three (1445-a3), inclusive, fourteen hundred seventy-eight (1478), fifteen hundred thirty-two-a one (1532-a1) to fifteen hundred thirty-two-a fourteen (1532-a14), inclusive, fifteen hundred thirty-two-a sixteen (1532-a16), fifteen hundred seventy-two (1572), and fifteen hundred eighty-six (1586) of the supplement to the compiled code of Iowa, relating to regulation and inspection of foods and other articles.

Be It Enacted by the General Assembly of the State of Iowa:

That chapters four (4), nine (9), ten (10), eleven (11), and fourteen (14) of title seven (7) and sections nine hundred (900) to nine hundred two (902), inclusive, nine hundred four (904) to nine hundred six (906), inclusive, nine hundred eight (908) to nine hundred thirteen (913), inclusive, fourteen hundred forty-four (1444), fourteen hundred forty-six (1446) to fourteen hundred fifty-one (1451), inclusive, fourteen hundred fifty-three (1453) to fourteen hundred sixty-eight (1468), inclusive, fourteen hundred seventy (1470), fourteen hundred seventy-one (1471), fourteen hundred seventy-three (1473) to fourteen hundred seventy-seven (1477), inclusive, fourteen hundred seventy-nine (1479), fourteen hundred eighty (1480), fifteen hundred thirty-three (1533) to fifteen hundred thirty-five (1535), inclusive, fifteen hundred sixty-eight (1568) to fifteen hundred seventy-one (1571), inclusive, fifteen hundred seventy-three (1573) to fifteen hundred eighty-five (1585), inclusive, fifteen hundred eighty-seven (1587) to fifteen hundred ninety-one (1591), inclusive, fifteen hundred ninety-three (1593) to sixteen hundred six (1606), inclusive, of the compiled Code of Iowa; chapters seven (7) and twelve (12) of title seven (7) of the compiled Code and of the supplement to said Code; and chapter twenty-four (24) of title five (5), fourteen hundred forty-five (1445), fourteen hundred forty-five-a one (1445-a1) to fourteen hundred forty-five-a three (1445-a3), inclusive, fourteen hundred seventy-eight (1478), fifteen hundred thirty-two-a one (1532-a1) to fifteen hundred thirty-two-a fourteen (1532-a14), inclusive, fifteen hundred thirty-two-a sixteen (1532-a16), fifteen hundred seventy-two (1572), and fifteen hundred eighty-six (1586) of the supplement to the compiled Code of Iowa, are amended, revised, and codified to read as follows:

TITLE —

REGULATION AND INSPECTION OF FOODS, DRUGS, AND OTHER

ARTICLES

CHAPTER 1

GENERAL PROVISIONS

Section 1. Definitions and rules of construction. For the purpose of this title:

1. "Article" shall include food, commercial food, agricultural seed, commercial fertilizer, drug, insecticide, fungicide, paint, linseed oil, turpentine, and illuminating oil, in the sense in which they are defined in the various provisions of this title.

2. "Department" shall mean the department of agriculture and wherever said department is required or authorized to do an act, it shall be construed as authorizing performance by a regular assistant or a duly authorized agent of said department.

3. "Secretary" shall mean the secretary of agriculture.

4. "Package" or "container", unless otherwise defined, shall include wrapper, box, carton, case, basket, hamper, can, bottle, jar, tube, cask, vessel, tub, firkin, keg, jug, barrel, tank, tank car, and other receptacles of a like nature; and wherever the expression "offered or exposed for sale or sold in package or wrapped form" is used it shall mean the offering or exposing for sale, or selling of an article which is contained in a package or container as herein defined.

5. "Person" shall include a corporation, company, firm, society, or association; and the act, omission, or conduct of any officer, agent, or other person acting in a representative capacity shall be imputed to the organization or person represented, and the person acting in said capacity shall also be liable for violations of this title.

6. "Rules" shall include regulations and orders by the department of agriculture.

7. "United States Pharmacopoeia" or "National Formulary" shall mean the latest revision of said publications official at the time of any transaction which may be in question.

Sec. 2. Duties of department of agriculture. The department of agriculture shall:

1. Execute and enforce the provisions of this title, except chapters nine (9) and ten (10) of House File No. 281-A, special session of the Fortieth General Assembly, which shall be executed and enforced by the Pharmacy Examiners.

2. Make and publish all necessary rules, not inconsistent with law, for enforcing the provisions of this title.

3. Provide such educational measures and exhibits, and conduct such educational campaigns as are deemed advisable in fostering and promoting the production and sale of the articles dealt with in this title in accordance with the regulations herein prescribed.

4. Issue from time to time, bulletins showing the results of inspections, analyses, and prosecutions under this title. These bulletins shall be printed in such numbers as may be approved by the state printing board and shall be distributed to the newspapers of the state and to all interested persons.

INSPECTION -- SAMPLES

Sec. 3. Procuring samples. The department shall, for the purpose of examination or analysis, procure from time to time, or whenever said department has occasion to believe any of the provisions of this title are being violated, samples of the articles dealt with in this title which have been shipped into this state, offered or exposed for sale, or sold in the state.

Sec. 4. Access to factories and buildings. The department shall have full access to all places, factories, buildings, stands, or premises, and to all wagons, auto trucks, vehicles, or cars used in the preparation, production, distribution, transportation, offering or exposing for sale, or sale of any article dealt with in this title.

Sec. 5. Dealer to furnish samples. Upon request and tender of the selling price by the department any person who prepares, manufactures, offers or exposes for sale, or delivers to a purchaser any article dealt with in this title shall furnish, within business hours, a sample of the same, sufficient in quantity for a proper analysis or examination as shall be provided by the rules of the department.

Sec. 6. Taking of samples without consent of owner. The department may, without the consent of the owner, examine or open any package containing, or believed to contain, any article or product which it suspects may be prepared, manufactured, offered, or exposed for sale, sold, or held in possession in violation of the provisions of this title, in order to secure a sample for analysis or examination, and said sample and damage to container shall be paid for at the current market price out of the contingent fund of the department.

Sec. 7. Preservation of sample. After the sample is taken it shall be carefully sealed with the seal of the department and labeled with the name or brand of the article, the name of the party from whose stock it was taken, and the date and place of taking such sample. Upon request a duplicate sample, sealed and labeled in the same manner, shall be delivered to the person from whose stock the sample was taken. The label and duplicate shall be signed by the person taking the same. The method of taking samples of particular articles may be prescribed by the rules of the department.

Sec. 8. Witnesses - subpoenas - examination. In the enforcement of the provisions of this title the department shall have power to issue subpoenas for witnesses, enforce their attendance, and examine them under oath. Such witnesses shall be allowed the same fees as witnesses in justice of the peace courts. Said fees shall be paid out of the contingent fund of the department.

LABELING -- ADULTERATIONS

Sec. 9. Labeling. All articles in package or wrapped form which are required by this title to be labeled, unless otherwise provided, shall be conspicuously marked in the English language in legible letters of not less than eight-point heavy gothic caps on the principal label with the following items:

1. The true name, brand, or trademark of the article.
2. The quantity of the contents in terms of weight, measure, or numerical count. Under this requirement reasonable variations shall be permitted, and small packages shall be excepted in accordance with the rules of the department.

3. The name and place of business of the manufacturer, packer, importer, dispenser, distributor, or dealer.

The above items shall be printed in such a way that there shall be a distinct contrast between the color of the letters and the background upon which printed.

Sec. 10. Small packages excepted. In case the size of the package or container will not permit the use of the type specified in the preceding section, the same may be reduced in size proportionately in accordance with the rules of the department.

Sec. 11. Labeling of mixtures, compounds, and imitations. In addition to the requirements of the second preceding section, unless otherwise provided, articles which are mixtures, compounds, combinations, blends, or imitations shall be marked as such and immediately followed, without any intervening matter and in the same size and style of type, by the names of all the ingredients contained therein, beginning with the one present in the largest proportion.

Sec. 12. Trade formulas excepted. Nothing in the preceding section shall be construed as requiring the printing of a patented or proprietary trade formula on a label.

Sec. 13. False labels - defacement of labels. No person shall use any label required by this title which bears any representations of any kind which are deceptive as to the true character of the article or the place of its production, or which has been carelessly printed or marked, nor shall any person erase or deface any label required by this title.

Sec. 14. Dealing in mislabeled articles. No person shall knowingly introduce into this state, solicit orders for, deliver, transport, or have in his possession with intent to sell, any article which is labeled in any other manner than that prescribed by this title for the label of said article when offered or exposed for sale, or sold in package or wrapped form in this state.

Sec. 15. Manufacture or sale of adulterated articles. No person shall knowingly manufacture, introduce into the state, solicit orders for, sell, deliver, transport, have in his possession with the intent to sell, or offer or expose for sale any article which is adulterated according to the provisions of this title.

Sec. 16. Possession - prima facie evidence. Any person having in his possession or under his control any article which is adulterated or which is improperly labeled according to the provisions of this title shall be presumed to know its true character and name, and such possession shall be prima facie evidence of having the same in possession with intent to violate the provisions of this title.

LICENSES

Sec. 17. Licenses. The following regulations shall apply to all licenses issued or authorized under this title:

1. Applications. Applications for licenses shall be made upon blanks furnished by the department and shall conform to the prescribed rules of the department.

2. Refusal and revocation. For good and sufficient grounds the department may refuse to grant a license to any applicant; and it may revoke a license

for a violation of any provision of this title, or for the refusal or failure of any licensee to obey the lawful directions of the department.

3. Expiration. Unless otherwise provided all licenses shall expire one (1) year from the date of issue.

Sec. 18. Injunction against persons not licensed. Any person engaging in any business for which a license is required by this title, without obtaining such license, may be restrained by injunction, and shall pay all costs made necessary by such procedure.

OFFENSES -- PENALTIES

Sec. 19. Penalty. Unless otherwise provided, any person violating any provision of this title, or any rule made by the department and promulgated under the authority of said department shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) or by imprisonment in the county jail not to exceed thirty (30) days.

Sec. 23. Information may charge more than one offense. In any criminal proceeding brought for violation of this title an information or indictment may charge as many offenses as it appears have been committed, and the defendant may be convicted of any or all of said offenses.

Sec. 24. Common carrier excepted. None of the penalties provided in this title shall be imposed upon any common carrier for introducing into the state, or having in its possession, any article which is adulterated or improperly labeled according to the provisions of this title when the same was received by said carrier for transportation in the ordinary course of its business and without actual knowledge of its true character.

ENFORCEMENT

Sec. 25. Report of violations to county attorney. When it shall appear that any of the provisions of this title have been violated, the department shall at once certify the facts to the proper county attorney, with a copy of the results of any analysis, examination, or inspection said department may have made, duly authenticated by the proper person under oath, and with any additional evidence which may be in possession of said department.

Sec. 26. Duty of county attorney. The county attorney may at once institute the proper proceedings for the enforcement of the penalties provided in this title for such violations.

Sec. 27. Refusal of county attorney. If the county attorney refuses to act, the governor may, in his discretion, appoint an attorney to represent the state.

Sec. 27-al. Institution of proceedings by department. In any case when it appears that any of the provisions of this title have been violated, the inspector having the investigation in charge shall, when instructed by the department, file an information against the suspected party.

MISCELLANEOUS

Sec. 28. Goods for sale in other states. Any person may keep articles specifically set apart in his stock for sale in other states which do not com-

ply with the provisions of this title as to standards, purity, or labeling.

Sec. 29. Reports by dealers. Every person who deals in or manufactures any of the articles dealt with in this title shall make upon blanks furnished by the department such reports and furnish such statistics as may be required by said department and certify to the correctness of the same.

Sec. 30. Contracts invalid. No action shall be maintained in any of the courts of the state upon any contract or sale made in violation of or with the intent to violate any provision of this title by one who was knowingly a party thereto.

Sec. 31. Fees paid into state treasury. All fees collected under the provisions of this title shall be paid into the state treasury.

CHAPTER 2

ADULTERATION OF FOODS

Sec. 32. Definitions and standards. For the purpose of this chapter the following definitions and standards of food are established:

1. Butter. Butter is the clean, nonrancid product made by gathering in any manner the fat of fresh or ripened milk or cream into a mass with or without the addition of salt, or harmless coloring matter, and containing at least eighty per cent (80%), by weight, of milk-fat.

2. Imitation butter. Imitation butter is any product containing any fat other than that derived from milk or cream as provided in paragraph one (1) above, and made in the appearance of butter or designed to be used for any of the purposes for which butter is used.

3. Renovated butter. Renovated butter is butter produced by taking original packing stock butter, or other butter, or both, and melting the same so that the milk-fat can be extracted, then by mixing the said milk-fat with skimmed milk, milk, cream, or some milk product, and rechurning or reworking the said mixture; or butter made by any method which produces a product commonly known as boiled, processed or renovated butter.

4. Cheese - whole milk or cream. Whole milk or cream cheese is the sound, ripened product made from milk or cream by coagulating the casein with rennet or lactic acid, with or without the addition of ripening ferments, seasonings, or color, and containing at least thirty per cent (30%) of milk-fat.

5. Imitation cheese. Imitation cheese is a product containing any substance other than that produced from milk or cream, as provided in paragraph four (4) above, and made in the appearance of or designed to be used for any of the purposes for which cheese produced from milk or cream is used.

6. Skimmed milk cheese. Skimmed milk cheese is a product made from skimmed milk by one of the processes by which whole milk or cream cheese is made, and containing less than thirty per cent (30%) of milk-fat.

7. Cream. Cream is the fresh portion of milk containing at least sixteen per cent (16%) of milk-fat, which rises to the surface of milk on standing or is separated from it by centrifugal force.

8. Flavoring extract. A flavoring extract is a solution in ethyl alcohol or other suitable medium of the sapid and odorous principles derived from an aromatic plant, or parts of the plant, with or without its coloring matter, and conforms in name to the plant used in its preparation.

9. Almond extract. Almond extract is the flavoring extract prepared from oil of bitter almonds, free from hydrocyanic acid, and contains not less than one per cent (1%) by volume of oil of bitter almonds.

10. Anise extract. Anise extract is the flavoring extract prepared from oil of anise, and contains not less than three per cent (3%) by volume of oil of anise.

11. Cassia extract. Cassia extract is the flavoring extract prepared from oil of cassia, and contains not less than two per cent (2%) by volume of oil of cassia.

12. Celery seed extract. Celery seed extract is the flavoring extract prepared from celery seed or the oil of celery seed, or both, and contains not less than three-tenths per cent ($3/10\%$) by volume of oil of celery seed.

13. Cinnamon extract. Cinnamon extract is the flavoring extract prepared from oil of cinnamon, and contains not less than two per cent (2%) by volume of oil of cinnamon.

14. Clove extract. Clove extract is the flavoring extract prepared from oil of cloves, and contains not less than two per cent (2%) by volume of oil of cloves.

15. Ginger extract. Ginger extract is the flavoring extract prepared from ginger, and contains in each one hundred (100) cubic centimeters the alcohol-soluble matters from not less than twenty (20) grams of ginger.

16. Lemon extract. Lemon extract is the flavoring extract prepared from oil of lemon, or from lemon peel, or both, and contains not less than five per cent (5%) by volume of oil of lemon.

17. Terpeneless extract of lemon. Terpeneless extract of lemon is the flavoring extract prepared by shaking oil of lemon with dilute alcohol, or other suitable medium, or by dissolving terpeneless oil of lemon in such medium, and contains not less than two-tenths per cent ($2/10\%$) by weight of citral derived from oil of lemon.

18. Nutmeg extract. Nutmeg extract is the flavoring extract prepared from oil of nutmeg, and contains not less than two per cent (2%) by volume of oil of nutmeg.

19. Orange extract. Orange extract is the flavoring extract prepared from oil of orange, or from orange peel, or both, and contains not less than five per cent (5%) by volume of oil of orange.

20. Terpeneless extract of orange. Terpeneless extract of orange is the flavoring extract prepared by shaking oil of orange with dilute alcohol, or other suitable medium, or by dissolving terpeneless oil of orange in such medium, and corresponds in flavoring strength to orange extract.

21. Peppermint extract. Peppermint extract is the flavoring extract prepared from oil of peppermint, or from peppermint, or both, and contains not less than three per cent (3%) by volume of oil of peppermint.

22. Rose extract. Rose extract is the flavoring extract prepared from attar of roses, with or without red rose petals, and contains not less than four-tenths per cent ($4/10\%$) by volume of attar of roses.

23. Savory extract. Savory extract is the flavoring extract prepared from oil of savory, or from savory, or both, and contains not less than thirty-five hundredths per cent ($35/100\%$) by volume of oil of savory.

24. Spearmint extract. Spearmint extract is the flavoring extract prepared from oil of spearmint, or from spearmint, or both, and contains not less than three per cent (3%) by volume of oil of spearmint.

25. Star anise extract. Star anise extract is the flavoring extract prepared from oil of star anise, and contains not less than three per cent (3%) by volume of oil of star anise.

26. Sweet basil extract. Sweet basil extract is the flavoring extract prepared from oil of sweet basil, or from sweet basil, or both, and contains not less than one-tenth per cent ($1/10\%$) by volume of oil of sweet basil.

27. Sweet marjoram extract. Sweet marjoram extract is the flavoring extract prepared from the oil of marjoram, or from marjoram, or both, and contains not less than one per cent (1%) by volume of oil of marjoram.

28. Thyme extract. Thyme extract is the flavoring extract prepared from oil of thyme, or from thyme, or both, and contains not less than two-tenths per cent ($2/10\%$) by volume of oil of thyme.

29. Tonka extract. Tonka extract is the flavoring extract prepared from tonka bean, with or without sugar or glycerin, and contains not less than one-tenth per cent ($1/10\%$) by weight of coumarin extracted from the tonka bean, together with a corresponding proportion of the other soluble matters thereof.

30. Vanilla extract. Vanilla extract is the flavoring extract prepared from vanilla bean, with or without sugar or glycerin, and contains in one hundred (100) cubic centimeters the soluble matters from not less than ten (10) grams of the vanilla bean, and contains not less than thirty per cent (30%) by volume of absolute ethyl alcohol, or other suitable medium.

31. Wintergreen extract. Wintergreen extract is the flavoring extract prepared from oil of wintergreen, and contains not less than three per cent (3%) by volume of oil of wintergreen.

32. Food. Food shall include any article used by man or domestic animals for food, drink, confectionery, or condiment, or which enters into the composition of the same, whether simple, blended, mixed, or compound. The term "blended" shall be construed to mean a mixture of like substances.

33. Ice cream. Ice cream is the frozen product made from pure sweet cream and sugar, with or without flavoring, or with the addition of not to exceed one per cent (1%) by weight of a harmless thickener, and containing not less than twelve per cent (12%) by weight of milk-fat, with an acidity not to exceed three-tenths ($3/10$) of one per cent (1%).

34. Fruit ice cream. Fruit ice cream is a similar product, consisting of the same ingredients with the addition of sound, clean, mature fruits, and containing not less than ten per cent (10%) by weight of milk-fat.

35. Nut ice cream. Nut ice cream is a frozen product, consisting of the same ingredients as ice cream with the addition of sound, nonrancid nuts, and containing not less than ten per cent (10%) by weight of milk-fat.

36. Milk. Milk is the fresh lacteal secretion obtained by the complete milking of one (1) or more cows, which contains at least three per cent (3%) of milk-fat and eleven and one-half per cent ($11\ 1/2\%$) of milk solids.

37. Skimmed milk. Skimmed milk is milk from which the cream has been removed or which is poor in fat, containing less than three per cent (3%) of milk-fat or less than eleven and one-half per cent ($11\ 1/2\%$) of milk solids.

38. Oysters. Oysters shall not contain ice, nor more than sixteen and two-thirds per cent ($16\ 2/3\%$) by weight of free liquid.

39. Vinegar. Vinegar is the product made by the alcoholic and subsequent fermentation of fruits, grain, vegetables, sugar, or syrups without the addition of any other substance and containing an acidity of not less than four per cent (4%) by weight of absolute acetic acid. The product may be distilled, but when not distilled it shall not carry in solution any other substance except the extractive matter derived from the substances from which it was made.

40. Cider or apple vinegar. Cider or apple vinegar is a similar product made by the same process solely from the juice of apples. Such vinegar which during the course of manufacture has developed in excess of four per cent (4%) acetic acid may be reduced to said strength.

41. Corn sugar vinegar. Corn sugar vinegar is a similar product made by the same process solely from solutions of starch sugar.

42. Malt vinegar. Malt vinegar is a similar product made by the same process solely from barley malt or cereals whose starch has been converted by malt.

43. Sugar vinegar. Sugar vinegar is a similar product made by the same process solely from sucrose.

Sec. 33. Additional standards. The department may establish and publish standards for foods when such standards are not fixed by law, but the same shall conform with those proclaimed by the secretary of agriculture of the United States.

Sec. 34. Food adulterations. For the purposes of this chapter any food shall be deemed to be adulterated.

1. If any substance has been mixed or packed with it so as to reduce or injuriously affect its quality.
2. If any substance has been substituted to any extent.
3. If any valuable constituent has been removed to any extent.
4. If it has been mixed, colored, powdered, coated, or stained whereby damage or inferiority is concealed.
5. If it contains saccharine, formaldehyde, or boron compound, or any poisonous or other ingredient injurious to health.
6. If it consists to any extent of a diseased, filthy, or decomposed animal or vegetable substance, whether manufactured or otherwise.
7. If it consists to any extent of an animal that has died otherwise than by slaughter.
8. If it is the product of or obtained from a diseased or infected animal.
9. If it has been damaged by freezing.
10. If it does not conform to the standards established by law or by the department.

Sec. 35. Adulterations of certain dairy products. In addition to the adulterations enumerated in the preceding section, milk, cream, or skimmed milk shall be deemed to be adulterated:

1. If it contains visible dirt or is kept or placed at any time in an unclean container.
2. If obtained from a cow within fifteen (15) days before or five (5) days after calving.
3. If obtained from a cow stabled in an unhealthful place, or fed upon any substance in a state of putrefaction or of unhealthful nature.

Sec. 35-a1. Adulteration of dairy products with fats and oils. No milk, cream, skimmed milk, buttermilk, condensed or evaporated milk, powdered or de-siccated milk, condensed skimmed milk, ice cream, or any fluid derivatives of any of them shall be made from or have added thereto any fat or oil other than milk fat, and no product so made or prepared shall be sold, offered or exposed for sale, or possessed with the intent to sell, under any trade name or other designation of any kind.

Sec. 36. Coloring imitation butter or cheese. No imitation butter or imitation cheese shall be colored with any substance and no such imitation product shall be made by mixing animal fats, vegetable oils, or other substances for the purpose or with the effect of imparting to the mixture the color of yellow butter or cheese.

Sec. 37. Coloring vinegar. Vinegar shall not be colored with coloring matter and distilled vinegar shall not have a brown color in imitation of cider vinegar.

Sec. 38. Adulteration of candies. In addition to the adulterations enumerated in section thirty-four (34), candy shall be deemed to be adulterated if it contains terra alba, barytes, talc, paraffin, chrome yellow, or other mineral substances.

Sec. 39. Sale of food by false name. No person shall offer or expose for

sale, sell, or deliver any article of food which is defined in this chapter under any other name than the one herein specified or offer or expose for sale, sell, or deliver any article of food which is not defined in this chapter under any other name than its true name, trade name, or trademark name.

CHAPTER 3

LABELING FOODS

Sec. 40. Label requirements. All food, as defined in the preceding chapter, offered or exposed for sale, or sold in package or wrapped form, shall be labeled on the package or container as prescribed in sections nine (9) to twelve (12), inclusive, unless otherwise provided in this chapter.

Sec. 41. Labeling certain dairy products and imitations. The products enumerated below shall be labeled on the side or top of the container or package in which placed, kept, offered or exposed for sale, or sold as prescribed in sections nine (9) to twelve (12), inclusive, except that the label shall be printed in letters not less than three-quarters ($3/4$) inch in height and one-half ($1/2$) inch in width and subject to the following regulations:

1. Skimmed milk. Skimmed milk shall be labeled with the words "Skimmed Milk"; but if in bottles it shall be deemed properly marked if the required words are printed on the cap of each bottle in letters not smaller than twelve-point gothic caps.

2. Renovated butter. Renovated butter shall be labeled with the words "Renovated Butter", and if offered or exposed for sale or sold in prints or rolls the wrapper of each and the container as required above shall be so labeled. If such butter is offered or exposed for sale uncovered and not in a container or package, a placard containing the required label shall be attached to the mass so as to be easily seen by the purchaser.

3. Imitation butter. Imitation butter shall be labeled "Oleomargarine".

4. Skimmed milk cheese. Skimmed milk cheese shall be labeled with the words "Skimmed Milk Cheese" on the cheese and on the package.

5. Imitation cheese. Imitation cheese shall be labeled with the words "Imitation Cheese" on the cheese and on the package.

Sec. 42. Notice of sale of imitation products. Every person owning or in charge of any place where food or drink is sold who uses or serves therein imitation butter or cheese, as in this title defined, shall display at all times opposite each table or place of service a placard for each such imitation, with the words "Imitationserved here", without other matter, printed in black roman letters not less than three (3) inches in height and two (2) inches in width, on a white card twelve (12) by twenty-two (22) inches in dimensions. The blank after the word "imitation" in the above form shall be filled with the name of the product imitated.

Sec. 43. Labeling baking powder and vinegar. Baking powder and distilled vinegar shall show on the label the name of each ingredient from which made. Distilled vinegar shall be marked as such; and cider vinegar which, having been in excess of the standard of acidity, has been reduced to the standard, shall have that fact indicated on the label.

CHAPTER 4

PRODUCTION AND SALE OF DAIRY PRODUCTS

Sec. 44. Milk license required. Every person engaging in the sale of milk

or cream at retail, in any city or town, shall obtain a milk dealer's license from the department.

Sec. 45. Exemptions. The preceding section shall not apply:

1. To persons who supply milk or cream to establishments engaged in the manufacture of dairy products.
2. To persons who do not sell milk or cream from a store or vehicle.

Sec. 46. License fee - expiration of license. The fee for said license shall be one dollar (\$1.00) for each place and for each vehicle from which sales are made. The license shall expire on July fourth after the date of issue and shall not be transferable.

Sec. 47. Requirements of licenses - contents of license. Such license shall be issued only to the person owning or leasing the vehicle or place from which sales are to be made; and each license shall contain the name, residence, and place of business of the licensee.

Sec. 48. Requirements as to milk wagons. The name of the dairy or the name of the person to whom such license is issued shall appear on both sides of each vehicle from which sales are made, in letters not less than two inches in height and there shall be such contrast between the color of the letters and the background as shall render the letters plainly legible.

Sec. 49. Skimmed milk and buttermilk to be pasteurized. Every owner, manager, or operator of a creamery shall before delivering to any person any skimmed milk or buttermilk cause the cream or milk from which the same is derived to be pasteurized according to the rules and regulations of the department.

Sec. 49-a1. No wholesaler or retailer of milk or cream, except the producer, shall offer or expose for sale any milk or cream unless the same is produced from cows known to be free from tuberculosis, as evidenced by a certificate issued within one year by a licensed veterinarian, or unless the same shall have been pasteurized according to the established regulations of the department of agriculture.

Sec. 50. Sanitary regulations for milk dealers. Every person who deals in or manufactures dairy products or imitations thereof shall maintain his premises, utensils, wagons, and equipment in a clean and hygienic condition.

Sec. 51. Testing milk or cream - milk tester's license required. Every person testing cream or milk to determine the per cent of milk-fat as a basis for fixing the purchase price shall secure a milk tester's license from the department and shall make tests only by such process as has been approved by said department.

Sec. 52. Examination of applicant. Each applicant for such a license shall be required to submit to examination and by actual demonstration show that he is competent to test cream and milk according to an approved process.

Sec. 53. Supplying standard measures for testing. The department shall furnish each licensee one (1) standard test bottle and one (1) standard pipette

adapted to the use of the testing machine approved for the licensee. Said bottle and pipette shall be certified to by the department as standard and shall bear the official stamp of the department. Any person not a licensee may secure test bottles and pipettes from the department at the legal price.

Sec. 54. Fees. The fee for each license shall be two dollars and fifty cents (\$2.50), and standard test bottles and pipettes shall be furnished at actual cost.

Sec. 55. Use of bottles and pipettes - inspection by vendor. The standard bottle and pipette received from the department shall be used by the licensee in verifying test tubes and pipettes used by him in making tests; and the same shall be subject to inspection by the owner or vendor of the cream or milk which is the subject of the test.

Sec. 56. Appointment of substitute tester. With the approval of the department any licensee may for valid reasons appoint a person to act for him, not to exceed a period of fourteen (14) days.

Sec. 57. False tests - evidence. No person shall falsely manipulate or misread the Babcock test or any other milk or cream testing apparatus. The writing of a check or payment of money for cream or milk at any given test shall constitute prima facie evidence that such test was made.

Sec. 58. Each test by unlicensed person a separate offense. The testing of each lot of milk or cream by an unlicensed person shall constitute a separate offense.

Sec. 59. Burden of proof in actions for purchase price. In an action by the vendor for the purchase price of cream or milk, sold on test to be made by the vendee, the burden of establishing the proper use of an approved test shall be upon the vendee.

Sec. 60. State trademark for butter. The state trademark for butter manufactured in this state shall consist of the words "Iowa Butter" printed with an outline map of Iowa. Above said map shall be printed the words "First Quality, License No." and below, the words "State Butter Control". Said map and printed matter shall be circumscribed by a double circle, the outer circle being printed with a heavier line than the inner circle.

Sec. 61. Supervision of use of trademark. The use of said trademark shall be under the supervision of an executive committee consisting of the president of the Iowa state dairy association, the president of the Iowa state butter-makers' association, the dean of the division of agriculture of the Iowa state college of agriculture and mechanic arts, the professor of dairying of the same institution, and the secretary of agriculture.

Sec. 62. Rules for use of trademark - labels and stamps. The executive committee shall make such rules concerning the manufacture, distribution, and use of said trademark as may be deemed necessary. Labels, stamps, and other devices for imprinting the trademark shall be supplied by the department at cost.

Sec. 63. Distribution of rules - compliance. The rules adopted for use of said trademark shall be published through bulletins issued by the department, and no person shall use said trademark before complying therewith.

Sec. 64. Copyright of trademark. The executive committee shall procure a

copyright of said trademark, and may modify the statutory specifications of the the same in order to comply with the copyright laws. Expenses for procuring such copyright shall be paid out of the contingent fund of the department.

Sec. 65. Sale of imitation butter. Imitation butter shall be sold only under the name of oleomargarine, and no person shall use in any way, in connection or association with the sale or exposure for sale or advertisement of any such butter, the word "butter", "creamery", or "dairy", or the name or representation of any breed of dairy cattle, or any combination of such word or words and representation, or any other words or symbols or combination thereof commonly used in the sale of butter.

Sec. 66. Definition of container. The term "container" used in the following sections of this chapter shall mean cans, bottles, casks, kegs, barrels, and other receptacles of like nature.

Sec. 67. Milk bottles to be marked. Bottles or jars used for the sale of milk shall have clearly blown or permanently marked in the side of the bottle, the capacity of the bottle, and on the bottom of the bottle the name, initials, or trademark of the manufacturer. The designing number shall be furnished by the department on request.

Sec. 68. Adoption of brand or mark. With the approval of the department any person who deals in or transports milk, cream, skimmed milk, buttermilk, or ice cream may adopt a distinctive mark or brand to be placed upon any container owned or used by him, and the same may be registered with the department.

Sec. 69. Retention of marked container. No person shall, without the consent of the owner, retain for a longer period than three (3) days a container bearing a registered mark, and any person receiving such a container shall immediately return it to the owner by a common carrier. A receipt from a common carrier shall be prima facie evidence that such container was returned.

Sec. 70. Return of milk and cream bottles. Milk and cream bottles bearing registered marks shall be returned by delivering them to the owner or his agent in person or by leaving them where they may be picked up by the owner.

Sec. 71. Stray containers. When any person comes into possession of a container bearing a registered mark which belongs to another whose name and address he does not know, he shall immediately notify the department in writing, giving the size, shape, and mark of the container. Upon receipt of shipping directions from the department he shall at once forward the container by a common carrier, collect, to the address furnished him. Milk or cream bottles need not be returned when the cost of return is greater than the market value of the bottles.

Sec. 72. Use of registered mark. No person shall for any purpose use any registered mark or any container bearing such mark, or remove or alter any such mark placed upon a container without the consent of the owner.

CHAPTER 5

PRODUCTION AND SALE OF EGGS

Sec. 73. License required. Every person engaged in the business of buying selling, or dealing in eggs shall obtain a license from the department for each establishment at which said business is conducted.

Sec. 74. Retailers exempted. Retailers who buy direct from dealers licensed

under this chapter and who do not sell in lots greater than one (1) case shall not be required to procure a license.

Sec. 75. Fee - expiration of license. The license fee shall be one dollar (\$1.00) per annum and each license shall expire on March first after the date of issue.

Sec. 76. Sale of eggs unfit for human food. No person shall sell, offer or expose for sale, or have in his possession any egg unfit for human food, unless the same is broken in shell and then denatured so that it cannot be used for human food.

Sec. 77. Eggs unfit for human food. For the purpose of this chapter, an egg shall be deemed unfit for human food:

1. If it is addled or moldy, containing black rot, white rot, or a blood ring.
2. If it has an adherent yolk, or a bloody or green white.
3. If it has been incubated beyond the blood ring stage.
4. If it consists to any extent of a filthy or decomposed substance.

Sec. 78. Equipment required of egg dealers. Every person engaged in the business of buying eggs intended for human food for resale shall maintain an adequate place for the proper candling and handling of the same.

Sec. 79. Candling defined. The term "candling" as used in this chapter shall mean the careful examination, in partially dark room or place, of the whole egg by means of a strong light, and the apparatus and method employed shall be approved by the department.

Sec. 80. Candling required. Every person buying eggs from the producer for resale shall candle all eggs offered to him and shall refuse to buy eggs unfit for human food as herein defined. Such candling shall be done in the presence of the producer if he so requests.

Sec. 81. Candling records. Each licensee shall keep such candling records as may be required by the department, which records shall be open at all reasonable times for examination by said department.

Sec. 82. Candling certificate. There shall be placed on the top layer of every case of candled eggs a certificate showing the date of candling, the name, initials, or number of the person doing the candling, the name of this state, and the license number of the person for whom the eggs were candled, which certificate shall be printed on sheets not smaller than two and three-eighths ($2 \frac{3}{8}$) by four and one-fourth ($4 \frac{1}{4}$) inches.

Sec. 83. Rules for recandling. The department shall determine the conditions under which eggs once candled shall be recandled in order to prevent the sale of eggs unfit for human food; and said department shall establish the necessary rules for carrying this section into effect.

Sec. 84. Deduction to be determined by candling. No person shall in buying or selling eggs take or give a greater or less deduction for eggs candled out as unfit for food than the actual loss which has been determined by the careful candling of the same.

CHAPTER 6

COMMERCIAL FEEDS

Sec. 85. Definitions and rules of construction. For the purpose of this chapter:

1. "Commercial feed" shall mean "food" as defined in the chapter relative to the adulteration of foods, except that it shall only include food in concentrated form, and mineral mixtures, intended for feeding to domestic animals, and it shall not include hay, straw, whole seeds, unmixed meals made from entire grains of wheat, rye, barley, oats, Indian corn, buckwheat, or broom corn; nor shall it include wheat flour or other flours fit for human consumption.

2. "Stock tonic" shall mean a class of commercial feed such as medicated stock or poultry foods, including such preparations as are composed wholly of drugs -- except liquids -- which contain any substance claimed to possess medicinal, condimental, or nutritive properties.

Sec. 86. Labeling. All commercial feed offered or exposed for sale or sold in package or wrapped form shall be labeled on each package or container as provided in section forty (40) of this title and section one hundred seventeen (117) of House File No. 261-A, special session, Fortieth General Assembly depending upon whether the preparation is a food or drug as defined in this title, and in addition thereto shall have printed on the label in the manner prescribed in said sections the chemical analysis of the contents, stating the percentages of crude protein, crude fat, nitrogen free extract, and crude fiber, allowing one per cent (1%) of nitrogen to equal six and twenty-five one-hundredths per cent (6.25%) of protein, and in case of feeding molasses the percent of total sugars--all constituents to be determined by the latest methods adopted by the association of official agricultural chemists of the United States.

Sec. 87. Stock Tonic -- Labeling. In the case of stock tonic, in addition to the requirements of the preceding section, the label shall state the English name of each drug and the total percentage of all drugs and the actual percentage of salt, charcoal, sulphur and the actual percentage and name of any other ingredient contained in such stock tonic.

Sec. 88. Written labels permitted. Labels on packages or containers of commercial feeds may be written instead of being printed; but when written, the writing must be plain and legible.

Sec. 89. Dealers to furnish samples -- affidavit. Before any commercial feed is offered or exposed for sale, or sold, the person who desires to offer or expose it for sale, or sell it, shall pay the department a registration fee of fifty cents (50c) accompanied by an affidavit containing the items required by this chapter to be printed on the label of such feed. Upon request a sealed glass jar or bottle containing not less than one pound of said feed, shall accompany the registration fee and affidavit.

Sec. 90. Inspection fee. Before any person shall solicit orders for, deliver, offer or expose for sale, or sell any commercial feed, he shall, except as otherwise provided in the following section, pay to the department an inspection fee of ten cents (10¢) per ton for each ton of said feed sold or offered or exposed for sale.

Sec. 90-a. Inspection fee for stock tonic. Before any person shall solicit orders for, deliver, offer or expose for sale, or sell any stock tonic,

he shall, in lieu of the inspection fee provided in the preceding section, pay to the department, on or before the fifteenth (15th) day of July each year, a general inspection fee of six dollars (\$6.00) per annum for each product manufactured. Inspections shall be made as provided in chapter one (1) hereof.

Sec. 91. Feeds not subject to inspection fee. Unadulterated wheat, rye, and buckwheat bran; wheat, rye, and buckwheat middlings; or wheat, rye, and buckwheat shorts manufactured in this state shall not be subject to any inspection fee required by this chapter.

Sec. 92. Retailers exempted. Payment of any inspection fee provided in this chapter by the manufacturer or importer of any commercial feed or stock tonic shall exempt all other persons from such payment upon said products.

Sec. 93. Method of paying inspection fee. The inspection fee provided in section ninety (90) shall be paid by attaching a tag to each lot shipped in bulk and to each package or container of commercial feed. Tags for such use shall be procured from the department, which shall issue them in denominations suitable for all quantities.

Sec. 94. Delivery of tags in case of large sales. Any person who sells at one time one (1) ton or more of commercial feed shall be held to have complied with the inspection fee requirement of this chapter if he delivers to the purchaser the tags required, even though they may not be attached to the various packages or containers.

Sec. 95. Ground feeds not to contain poisonous substances. No person shall sell in ground form wheat or rye screenings containing cockle or other poisonous or deleterious substances.

Sec. 97. Counterfeiting inspection fee tags - penalty. Any person who shall counterfeit or use a counterfeit of any of the inspection fee tags prescribed by this chapter shall be guilty of a misdemeanor and punished as provided in chapter one (1) of this title.

Sec. 98. Analysis of feeds for personal use -- fee. Any person purchasing any commercial feed in this state for his own use may submit fair samples of said feed to the department, accompanied by an analysis fee of one dollar (\$1.00) for each sample, and a proper analysis of the same shall be made and furnished.

CHAPTER 7

AGRICULTURAL SEEDS

Sec. 99. Definitions and rules of construction. For the purpose of this chapter:

1. "Agricultural seed" shall mean the seeds of Canada or Kentucky bluegrass, brome grass, fescues, millet, tall meadow oatgrass, orchard grass, redtop, Italian, perennial, or western rye grass, Kaffir corn, sorghum or cane, Sudan grass, timothy, alfalfa, alsike, crimson, mammoth or sapling, red, sweet, or white clover, Canada field peas, cowpeas, soy beans, vetches, and other grasses and forage plants, buckwheat, flax, rape, barley, field corn, oats, rye, wheat, and other cereals.

2. "Weed seed" shall mean the seeds of noxious weeds listed herein, and all seeds not listed above as agricultural seed.

3. "Noxious weeds" shall mean common wild mustard or charlock, Indian mustard, perennial sow thistle, sour, curled, or smooth dock, wild oats, corn cockle, sheep or horse sorrel, and such other plants as may be declared to be noxious weeds as provided in the next succeeding section.

4. "Purity" of agricultural seed shall mean freedom from inert matter, and from other agricultural or weed seed distinguishable by their appearance.

Sec. 100. Additional noxious weeds - hearing - determination. Whenever it shall appear to the department that any plant, other than those specifically enumerated in the last preceding section, has become, or threatens to become, a menace to the agricultural industry of this state, the secretary of agriculture shall call a committee of three experts in plant life, one of whom shall be the botanist of the state college of agriculture and mechanic arts. If the said committee shall find that such plant has become, or threatens to become a menace to the agricultural industry it shall so report to the department, which shall then declare the same to be a noxious weed. Notice of such declaration shall be given by posting same at the courthouse in each county of the state and the provisions of this chapter shall apply to such plant from and after thirty (30) days from the posting of said notice.

Sec. 101. Labeling agricultural seed. All agricultural seed offered or exposed for sale, or sold in package or wrapped form for seeding purposes shall be labeled on the package or container as provided in sections nine (9) and ten (10), and in addition thereto shall have printed on the label prescribed in said sections:

1. Variety of seed.

1-a. The approximate percentage by weight of the purity of the seed.

2. The approximate total percentage by weight of weed seed.

3. The name of each kind of seed or bulbet of noxious weeds which is present.

4. The approximate percentage of germination of such agricultural seed, together with the month and year said weed was tested, and year grown and, if corn, the county and state where grown and if clover of any variety or alfalfa the state or country where grown.

Sec. 102. Labeling of certain mixed seed. Mixtures of alsike and timothy, alsike and white clover, redtop and timothy, alsike and red clover, offered or exposed for sale or sold as mixtures in package or wrapped form for seeding purposes and in lots of ten (10) pounds or more shall be labeled on the package or container as to the quantity, percentage of weed seed present, and name of vendor, in the manner prescribed for pure agricultural seed and in addition the label shall contain the following specific items:

1. The statement that such seed is a mixture.

2. The name and approximate percentage by weight of each kind of agricultural seed present in such mixture in excess of five per cent (5%) by weight of the total mixture.

3. The name of each kind of seed or bulbet of noxious weeds which is present singly or collectively in excess of one (1) seed or bulbet in each fifteen (15) grams (approximately three-fifths ounce) of such mixture.

4. The approximate percentage of germination of each kind of agricultural seed present in such mixture in excess of five per cent (5%) by weight, together with the month and year said seed was tested and year grown.

Sec. 103. Labeling other mixtures of seed. Special mixtures of agricultural seed except as provided in the preceding section, offered or exposed for sale, or sold in package or wrapped form for seeding purposes and in quantities of eight (8) ounces or more shall be labeled on the package or con-

tainer as prescribed in the preceding section, except that the percentage of germination need not be stated, but the label shall contain a statement showing the approximate percentage by weight of inert matter.

Sec. 104. Written labels. The label on a package or container of agricultural seed may be written instead of being printed, but when written, the writing must be plain and legible.

Sec. 105. Sales from bulk. In case agricultural seed or mixtures of the same are offered or exposed for sale in bulk, or sold from bulk, there shall be conspicuously displayed in connection therewith a placard containing the items required on the label of such seed when offered or exposed for sale, or sold in package or wrapped form, or in lieu of this requirement the vendor may furnish the vendee with a printed or written statement containing the said items.

Sec. 106. Presumption of freedom from weed seed. In every sale of agricultural seed or mixture of the same it shall be presumed that the said seed is free from weed seed unless the label on the package or container specifies the presence of such weed seed or the purchaser is informed of the presence of the same in the manner provided in the preceding section.

Sec. 107. Analyses of seed for personal use - fee. Any person purchasing any agricultural seed in this state for his own use may submit fair samples of said seed to the department, accompanied by an analysis fee of fifty cents (50c) for each sample and a proper analysis of the same shall be made and furnished.

Sec. 108. Exemptions. Agricultural seed or mixtures of same shall be exempt from the provisions of this title:

1. When possessed, exposed or offered for sale, or sold for food purposes only.
2. When sold or in store for the purpose of recleaning.
3. When sold by one (1) farmer to another and delivered upon the vendor's premises, but if such seed is advertised for sale or is delivered through a common carrier, then the seed shall be subject to all the requirements of this title, but this exemption shall in no event be construed as permitting the sale of agricultural seed containing the seeds or bulblets of Canada thistle, quack grass, buckhorn, wild carrot, horse nettle or dodder (clover, alfalfa, or field) in violation of the next succeeding section.

Sec. 109. Certain sales prohibited. No person shall sell, offer or expose for sale, or distribute, for seeding purposes, any agricultural seed if the seeds or bulblets of Canada thistle, quack grass, buckhorn, wild carrot, horse nettle or dodder (clover, alfalfa, or field) are present, singly or collectively, as follows:

1. In excess of one (1) seed or bulblet in each five (5) grams of timothy, redbud, tall meadow oatgrass, orchard grass, crested dogstail, Canada or Kentucky bluegrass, fescues, broms grass, Italian, perennial or western rye grass, crimson, mammoth or sprig, red, white, alsike, or sweet clover, alfalfa, or any other grass or clover not otherwise classified.
2. One (1) in twenty-five (25) grams of millet, rape, flax, or other agricultural seed not specified in subsections one (1) or three (3) of this section.
3. One (1) in one hundred (100) grams of wheat, oats, rye, barley, buckwheat, vetches, or other agricultural seed as large or larger than wheat.

CHAPTER 8

COMMERCIAL FERTILIZERS

Sec. 110. License required - fee. Every person dealing in commercial fertilizers shall obtain a license from the department. The fee for said license shall be twenty dollars (\$20.00) for each brand of fertilizer offered or exposed for sale, or sold, and such license shall expire on May first after the date of issue.

Sec. 111. Retailers exempted. Payment of said license fee by the manufacturer or importer shall exempt all other person from such requirement.

Sec. 112. Affidavit of items on label. Before any commercial fertilizer is offered or exposed for sale, or sold, the person who desires to offer or expose it for sale, or sell it, shall file with the department a certificate containing the items required to be printed on the label by the following section, accompanied by an affidavit that said items are true and correct.

Sec. 113. Labeling. Any commercial fertilizer, the price of which exceeds three dollars (\$3.00) per ton, offered or exposed for sale, or sold in package or wrapped form shall be labeled on the package or container as provided in sections nine (9) to twelve (12), inclusive, and in addition thereto shall have printed on the label in the manner prescribed in said sections the chemical analysis, showing the minimum percentages of nitrogen in available form, of potassium soluble in water, of phosphorus in available form, soluble or re-verted, and of insoluble phosphorus.

Sec. 114. Bulk sales. In case of sales of commercial fertilizer from bulk or in bulk a certificate printed in the same manner as the label required by the preceding section may be delivered to the purchaser in fulfillment of the requirements of said section.

CHAPTER 11

INSECTICIDES AND FUNGICIDES

Sec. 130. Definitions and rules of construction. For the purpose of this chapter:

1. "Insecticide" shall include paris green, lead arsenate, and any other substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any insect which may infest vegetation, man, animals, households, or other environment.

2. "Paris green" shall include the product sold in commerce as paris green and chemically known as aceto-arsenite of copper.

3. "Lead arsenate" shall include the product sold in commerce as lead arsenate and consisting chemically of products derived from arsenic acid (H_3AsO_4) by replacing one (1) or more hydrogen atoms by lead.

4. "Fungicide" shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any and all fungi which may infest vegetation or be present in any environment.

Sec. 131. Labeling. All insecticides and fungicides offered or exposed for sale, or sold in package or wrapped form shall be labeled on each package or container as provided in sections nine (9) to eleven (11), inclusive.

Sec. 132. Special requirements as to labeling. In addition to the re-

requirement of the preceding section, the following regulations shall also govern in labeling insecticides and fungicides:

1. When composed of any poison enumerated in section one hundred twenty-a twenty-four (120-a24) of House File No. 261-A, special session, Fortieth General Assembly, the word "poison" and its antidote shall appear on the label in a conspicuous manner.

2. When composed of arsenic in combination or elemental form, the total amount of arsenic present and the amount of arsenic in water-soluble form - both expressed in per cent of metallic arsenic - shall also be stated on the label in the same manner prescribed for other items.

3. When composed partially or completely of an inert substance which does not effectively prevent, destroy, repel, or mitigate insects or fungi, the names and percentage amounts of each inert ingredient and the fact that they are inert, or the names and percentage amounts of each ingredient of the insecticide or fungicide having insecticidal or fungicidal properties without mention of the inert ingredients, except to state the total percentage of inert ingredients present, shall also appear upon the label in the same manner prescribed for other items.

4. Spray solution known as a lime and sulphur liquid shall also have stated on the label the strength of the solution and its gravity test, showing a guaranteed strength of lime and sulphur combined in solution as sulphates and sulphides, and the label shall contain a direction as to the proportions of water to be used to produce a mixture containing a four per cent (4%) solution by weight of lime and sulphur combined as sulphates and sulphides. The printing of said label shall be in black-faced type, in letters not less than one-half (1/2) inch in height.

Sec. 133. Adulteration. In addition to the adulterations specified in paragraphs one (1) to three (3), inclusive, of section thirty-four (34) the following products shall be deemed to be adulterated:

1. In the case of paris green

(a) If it does not contain at least fifty per cent (50%) of arsenious oxide.

(b) If it contains arsenic in water-soluble forms equivalent to more than three and one-half percent (3 1/2%) of arsenious oxide.

2. In the case of lead arsenate

(a) If it contains more than fifty per cent (50%) of water.

(b) If it contains total arsenic equivalent to less than twelve and one-half per cent (12 1/2%) of arsenic oxide (As_2O_5).

(c) If it contains arsenic in water-soluble forms equivalent to more than seventy-five one-hundredths (.75) of one per cent (1%) arsenic oxide (As_2O_5).

3. In the case of an insecticide or fungicide other than paris green and lead arsenate.

(a) If its strength or purity falls below the professed standard or quality under which it is sold.

(b) If it is intended for use on vegetation and contains any substance which, although preventing, destroying, repelling, or mitigating insects or fungi, shall be injurious to such vegetation when used as recommended by the manufacturer.

Sec. 134. Standard for lime and sulphur liquid. Spray solution known as a lime and sulphur liquid shall be not less than seventy per cent (70%) by weight of sulphur.

CHAPTER 12

PAINTS AND OILS

Sec. 135. Definitions and standards. For the purposes of this chapter:

Raw linseed oil. "Raw linseed oil" shall be obtained wholly from the seeds of the flax plant (*linum usitatissimum*) and shall comply with all the requirements of the United States Pharmacopoeia.

Boiled linseed oil. "Boiled linseed oil" or "boiled oil" shall be prepared by heating pure raw linseed oil to a temperature of at least one hundred seven degrees (107°) centigrade, and if desired incorporating not to exceed three per cent (3%) by weight of dryer, and it shall fulfill the following requirements:

1. Its specific gravity at $20/20$ degrees centigrade must be not less than nine hundred thirty-five thousandths (0.935) and not greater than nine hundred forty-five thousandths (0.945).
2. Its saponification number must not be less than one hundred eighty-six (186).
3. Its iodine absorption number must not be less than one hundred sixty (160).
4. Its acid value must not exceed ten (10).
5. The volatile matter expelled at one hundred degrees (100°) centigrade must not exceed one-half ($1/2$) of one per cent (1%).
6. No mineral oil shall be present, and the amount of unsaponifiable matter as determined by standard methods, must not exceed two per cent (2%).
7. The film left after flowing the oil over glass and allowing it to drain in a vertical position, must dry free from tackiness in not to exceed twenty (20) hours, at a temperature of about twenty degrees (20°) centigrade.

Oil of turpentine. "Oil of turpentine", "spirits of turpentine", "turpentine", or "turps" shall consist wholly of the volatile portion obtained by distillation of the oleoresinous exudation from various species of coniferous trees and shall fulfill the following requirements:

1. Its specific gravity at $20/20$ degrees centigrade must be not less than eight hundred sixty thousandths (0.860) and not greater than eight hundred seventy-five thousandths (0.875).
2. Its index of refraction at twenty degrees (20°) centigrade must not be less than one and four hundred sixty-eight thousandths (1.468) and not greater than one and four thousand seven hundred twenty-five ten thousandths (1.4725).
3. Its iodine absorption number must not be less than three hundred forty (340).
4. The undissolved (unpolymerized) residue on treatment of ten (10) cubic centimeters with forty (40) cubic centimeters of a sulphuric acid containing twenty per cent (20%) of the fuming acid must not exceed ten per cent (10%) by volume of the sample.
5. The initial boiling point must not be lower than one hundred fifty degrees (150°) centigrade under ordinary atmospheric pressure, and ninety-five per cent (95%) by volume must distill below one hundred sixty-six degrees (166°) centigrade.
6. The residue left after evaporation over a steam bath must not exceed two per cent (2%).
7. Mineral oil must not be present.

Paint. "Paint" shall include white lead in oil or any compound intended for the same use, paste or semi-paste, and liquid or mixed paint ready for use, or any compound intended for the same purpose.

Sec. 136. Labeling paints. All paint offered or exposed for sale or sold in package or wrapped form shall be labeled on each package or container as provided in sections nine (9) to twelve (12) inclusive, except that in listing the ingredients and the percentage of each in the total contents of any paint, all substances other than coloring matter may be treated as one hundred per cent (100%) in which case the description or trade name of such coloring matter, with its chemical analysis, shall appear on the label in the same manner as provided in said sections.

Sec. 137. Labeling oils. All linseed oil or oil of turpentine offered or exposed for sale or sold in package or wrapped form shall be labeled on each package or container as provided in section nine (9), except that the label shall be printed with ordinary bold-faced type in capital letters not less than five-line pica in size.

Sec. 138. Labeling substitutes for oils. Any compound or mixture consisting of linseed oil (raw or boiled) and any other product, or any compound or mixture consisting of oil of turpentine and any other product, or any product which is intended to be used as a substitute for linseed oil (raw or boiled) or for oil of turpentine, which is offered or exposed for sale or sold in package or wrapped form shall be labeled on each package or container as provided in sections nine (9) to twelve (12), inclusive, except that the label shall be printed with ordinary bold-faced type in capital letters not less than five-line pica in size and the words "substitute for linseed oil" or "substitute for oil of turpentine", as the case may be, shall also appear upon the label in the same manner prescribed for other items. Every storage receptacle containing any such product shall be labeled in the manner herein prescribed for the labeling of the package or container in which such product is offered or exposed for sale, or sold.

CHAPTER 13

PETROLEUM PRODUCTS

Sec. 139. Definitions. For the purpose of this chapter:

1. "Container" shall include can, cask, barrel, tank, vessel, and other receptacles of like nature.

2. "Illuminating oil" shall mean any product of petroleum which is used or intended to be used for illuminating purposes.

Sec. 140. Labeling gasoline, benzine, and naphtha. Gasoline, benzine, or naphtha, offered or exposed for sale, or sold in containers within this state, shall be conspicuously marked in the English language with figures showing the Baume gravity test at a temperature of sixty degrees (60°) Fahrenheit. If such products are sold from a tank wagon, the person selling or delivering the same shall indicate on each sale ticket said gravity test.

Sec. 141. Inspection of gasoline, benzine, and naphtha. The department shall, upon complaint, and may at other times when deemed advisable, cause to be inspected any gasoline, benzine, or naphtha for the purpose of determining whether the same¹⁶ up to the specifications adopted by the United States Department of Interior.

Sec. 142. Gasoline containers. No person shall keep, sell, or deliver in this state any gasoline except in a container painted bright red and plainly marked "Gasoline" in the manner prescribed by the department.

Sec. 143. Storage tanks for manufacturing purposes exempted. The require-

ments of the preceding section shall not apply to storage tanks having a capacity of not less than ten (10) gallons from which gasoline is used for manufacturing or mechanical purposes.

Sec. 144. Unlawful use of gasoline containers for kerosene. No person shall keep, sell, or deliver any kerosene in a container painted or marked as prescribed in the second preceding section.

Sec. 145. Inspection of illuminating oil. No person shall offer or expose for sale, or sell, any illuminating oil unless the same shall have been inspected and branded as provided in this chapter.

Sec. 146. Method of making inspection. All inspections of illuminating oils shall be made in accordance with the rules of the department of agriculture and said department shall prescribe the instruments and apparatus to be used, and the same shall have inscribed thereon the words "Department of Agriculture".

Sec. 147. Branding - certificate of inspection. After each inspection of an illuminating oil the container shall be branded by the inspector with the result of the inspection and the person for whom it was made shall be given a certificate of inspection. The form of brands and certificates of inspection shall be prescribed by the rules of the department.

Sec. 148. Brand on empty containers to be destroyed. No person, except as otherwise provided by the rules of the department, shall buy, use, sell, offer or expose for sale, or otherwise dispose of any empty container upon which there is a state oil inspection brand unless the same shall have been completely destroyed.

Sec. 149. Adulteration of illuminating oil. An illuminating oil shall be deemed to be adulterated if mixed with any substance in such a manner as to render it dangerous or impair its efficiency for use for illumination purposes.

Sec. 150. General standard for illuminating oil. No person shall use, offer or expose for sale, or sell any illuminating oil, except as provided in the two (2) following sections, which shall emit a combustible vapor at a temperature of less than one hundred degrees (100°) Fahrenheit, when tested by the flash test as prescribed by the rules of the department.

Sec. 151. Exceptions. The preceding section shall not apply to illuminating oil when used or sold for use under the following conditions:

1. When said oil is stored in closed reservoirs outside the building which is lighted by gas generated from the same.
2. When said oil is burned in a lamp or apparatus approved by the department for the lighter products of petroleum.
3. When said oil is burned in street lamps.

Sec. 152. Standard for use on trains and boats. No person shall use, burn, or carry for use on any railway passenger car, baggage, mail, or express car, street railway car, boat, or other means of public conveyance, any illuminating oil or other fluid composed to any extent of petroleum or its products which will ignite and burn at a temperature below three hundred one degrees (301°) Fahrenheit, when tested by the igniting and burning test as prescribed by the rules of the department.

Sec. 153. Approval of lamps for lighter petroleum products. The department

shall examine the particular design, mechanism, and workmanship of any lamp or apparatus for burning the lighter products of petroleum for illuminating purposes, which may be presented to it for approval, and after testing the same, if it finds such lamp or apparatus to be safe, it shall enter the findings in the records of said department. No person shall sell or use any such lamp or apparatus unless the same has been approved as provided in this section.

Sec. 154. Cancellation of approvals. If the department ascertains that any lamp or apparatus which it has approved as safe, because of change of design, the use of unsuitable material, poor workmanship in construction, or for any other cause, is unsafe as then manufactured, and dangerous to public safety, it shall cancel its approval of such lamp or apparatus; and no person shall sell or use the same in burning the lighter products of petroleum for illuminating purposes.

Sec. 155. Notification of inspectors. The department shall notify by registered letter each of its inspectors of any approval or disapproval of any lamp or apparatus.

Sec. 156. Notification of uninspected oils. Every person who receives illuminating oils for use or sale which have not been inspected as provided in this chapter shall, within five (5) days after the receipt thereof, notify the department or one (1) of its inspectors that the same is in his possession.

Sec. 157. Dealer to report receipts of illuminating oils. Every person receiving any illuminating oil, subject to inspection under this chapter, shall file with the department before the tenth day of each month a duly verified certificate in the form prescribed by said department showing every receipt of illuminating oil during the preceding month. Said report shall contain the following items:

1. The number of tanks or barrels received.
2. The tank number, if in tanks, of each product inspected by the state.
3. The amount of fees paid for such inspection.
4. The person to whom the fees were paid.

Sec. 158. Inspection fee. A charge of seven cents (7c) per barrel shall be collected from the person for whom any illuminating oil is inspected, fifty-five (55) gallons for this purpose constituting a barrel, and said charge shall be a lien upon the oil inspected and be collected by the inspector making the same. All fees collected under this chapter shall be turned over to the department.

Sec. 159. Reduction of inspection fee. On the first day of July of each year the department shall ascertain the total receipts and expenses for the inspection of illuminating oil during the preceding year and if the receipts exceed the total expenses of inspection by the sum of four thousand dollars (\$4,000.00), it shall reduce the inspection fee for the ensuing year to such sum per barrel as will approximately yield revenue equal to the expenses during the preceding year, plus the sum of four thousand dollars (\$4,000.00).

Sec. 160. Increase of inspection fee. If in any year such reduced inspection fee proves insufficient to meet the total expenses for the inspection of petroleum products for said year, the department shall increase said inspection fee in an amount sufficient to pay the entire expenses of such inspection, but not to exceed the sum of seven cents (7c) per barrel.

Sec. 161. Rebates on sales outside the state. The department shall adopt

rules for granting rebates upon oils sold outside the state, but no refund of charges paid for inspection shall be made except upon a duly verified certificate of the owner that the goods for which the refund is asked have been disposed of outside of the state.

Sec. 162. Determination of rebate. The amount of such rebate per barrel allowed during any fiscal year, shall be determined by the department during the month of July of each year and shall equal approximately the net proceeds per barrel from the inspection service of the state during the preceding fiscal year.

Sec. 163. Record of inspections. The department shall keep an accurate record of all illuminating oils inspected and branded, the number of gallons, the number and kind of containers, the date and number of gallons approved, the number rejected, the name of the person for whom inspection was made, the amount of money received therefor, and the necessary traveling expenses incurred, and the expense incurred in prosecutions, which record shall be open at all reasonable times to public inspection.

Sec. 167. False branding - punishment. Any person who shall knowingly alter or deface a state inspection brand upon any container of illuminating oil, before the same is emptied, or who shall falsely brand any container of illuminating oil in imitation of a state inspection brand, shall be guilty of forgery and punished accordingly.

Sec. 168. False branding and misconduct by inspectors. Any inspector who shall be guilty of any of the following acts shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00) and shall be liable in a civil action for all damages resulting from said acts:

1. Falsely branding any container of illuminating oil.
2. Practicing any fraud or deceit in the discharge of his duties.
3. Official misconduct or culpable negligence to the injury of

another.

4. Dealing in or having pecuniary interest, directly or indirectly, in the sale of any illuminating oils.

Sec. 169. Civil liability. Any person violating any of the provisions of this chapter shall be liable in a civil action for all damages resulting from such violation.

CHAPTER 13-A

MATRESSES AND COMFORTS

Sec. 169-a1. Definitions. For the purpose of this chapter:

1. A mattress shall include what is commonly known as a bed mattress, and also any other article for use as a bed pad, consisting of an outer covering of cloth, ticking, or other fabric, and stuffed or filled with hair, wool, moss, cotton, excelsior, or any other material.

2. A comfort shall include what is commonly known as a bed comfort, and also any other article for use as a bed cover, consisting of an outer covering of cloth, or any other fabric, with wool, cotton, or other material between.

Sec. 169-a2. Materials used in mattresses. No person shall knowingly manufacture, introduce into the state, solicit orders for, sell, deliver, trans-

port, have in possession with the intent to sell, or offer or expose for sale any mattress or comfort which is made from any infectious, insanitary, or unhealthful material, or any material which has been previously used, except sterilized feathers.

Sec. 169-a3. Labeling mattresses. Every mattress and comfort offered or exposed for sale shall have attached upon the outside thereof, a cloth, or cloth-lined, label not less than two by three inches in size, upon which shall be legibly written or printed, in the English language, in letters not less than one-eighth of an inch in height, a description of the materials used in the filling, with the name and address of the maker of such mattress or comfort. The sewing of one edge of said label securely to said article shall be sufficient.

Sec. 169-a4. Form of label. The label provided in the preceding section shall be in substantially the following form, but may contain thereon additional statements or information:

"OFFICIAL STATEMENT

Manufactured of New Material.

(Here describe kind and character of filling.)

This article is made in compliance with chapter ____ of title ____ of the Code of Iowa.

(Here state manufacturer's name and address.)

hsvu

Factory Number

Sec. 169-a5. Registration of manufacturers. Every manufacturer of mattresses or comforts shall register with the department of agriculture and be assigned by it a factory number, which shall show on each label as required by the preceding section.

Sec. 169-a6. Factory inspection - fees. Each factory in the state, where mattresses or comforts are made, shall be inspected at least once each year, for which inspection a fee of ten dollars (\$10.00) shall be paid to the state by the owner of the factory inspected, but no owner shall be required to pay fees in excess of twenty dollars (\$20.00) for any one calendar year.

Sec. 169-a7. Prima facie evidence. The finding of any infectious, insanitary, unhealthful, or second-hand material in that part of any factory devoted to the manufacture of mattresses or comforts, shall be prima facie evidence that such material has been and is being used in violation of this chapter.

Sec. 169-a8. Exceptions - remade mattresses. This chapter shall not apply to any mattress or comfort made by any person for his individual or family use, nor to the remaking of any mattress or comfort not thereafter to be sold or offered for sale.

A remade mattress or comfort shall have attached thereto a label of the kind hereinbefore provided, except that such label shall bear the words "Remade from Used Material" in lieu of the words "Manufactured of New Material".

CHAPTER 14

STANDARD WEIGHTS AND MEASURES

Sec. 170. Standard established. The weights and measures which have been presented by the department to the federal bureau of standards and approved.

standardized, and certified by said bureau in accordance with the laws of the congress of the United States shall be the standard weights and measures throughout the state.

Sec. 171. Length and surface measure. The unit or standard measure of length and surface from which all other measures of extension shall be derived and ascertained, whether they be lineal, superficial, or solid, shall be the standard yard secured in accordance with the provisions of the preceding section. It shall be divided into three (3) equal parts called feet, and each foot into twelve (12) equal parts called inches, and for the measure of cloth and other commodities commonly sold by the yard it may be divided into halves, quarters, eights, and sixteenths. The rod, pole, or perch shall contain five and one-half ($5 \frac{1}{2}$) such yards, and the mile, one thousand seven hundred sixty (1,760) such yards.

Sec. 172. Land measure. The acre for land measure shall be measured horizontally and contain ten (10) square chains and be equivalent in area to a rectangle sixteen (16) rods in length and ten (10) rods in breadth, six hundred and forty (640) such acres being contained in a square mile. The chain for measuring land shall be twenty-two (22) yards long, and be divided into one hundred (100) equal parts, called links.

Sec. 173. Weight. The units or standards of weight from which all other weights shall be derived and ascertained shall be the standard avoirdupois and troy weights secured in accordance with the provisions of section one hundred seventy (170). The avoirdupois pound, which bears to the troy pound the ratio of seven thousand (7,000) to five thousand seven hundred sixty (5,760), shall be divided into sixteen (16) equal parts called ounces; the hundredweight shall consist of one hundred (100) avoirdupois pounds, and twenty hundredweight shall constitute a ton. The troy ounce shall be equal to the twelfth part of of a troy pound.

Sec. 174. Liquids. The unit or standard measure of capacity for liquids from which all other measures of liquids shall be derived and ascertained shall be the standard gallon secured in accordance with the provisions of section one hundred seventy (170). The gallon shall be divided by continual division by the number two (2) so as to make half-gallons, quarts, pints, half-pints, and Gills. The barrel shall consist of thirty-one and one-half ($31 \frac{1}{2}$) gallons, and two (2) barrels shall constitute a hoghead.

Sec. 175. Dry measure. The unit or standard measure of capacity for substances not liquids from which all other measures of such substances shall be derived and ascertained shall be the standard half-bushel secured in accordance with the provisions of section one hundred seventy (170). The peck, half-peck, quarter-peck, quart, pint, and half-pint measures for measuring commodities which are not liquids, shall be derived from the half-bushel by successively dividing the cubic inch capacity of that measure by two (2).

Sec. 176. Bottomless measure. Bottomless dry measure shall not be used unless they conform in shape to the United States standard dry measures.

Sec. 177. Sales of dry commodities to be by weight. All dry commodities unless brought or sold in package or wrapped form shall be bought or sold only by the standard weight or measure herein established, or by numerical count, unless the parties otherwise agree in writing, except as provided in the four (4) following sections.

Sec. 178. Drugs and section comb honey exempted. The requirements of the

preceding section shall not apply to drugs or section comb honey.

Sec. 179. Bushel measured by avoirdupois weight. When any of the commodities enumerated in this section shall be sold by the bushel or fractional part thereof, except when sold as provided in the two (2) following sections, the measure shall be determined by avoirdupois weight and shall be computed as follows:

Commodities	Pounds
Apples	48
Apples, dried	24
Alfalfa seed	60
Barley	48
Beans, green, unshelled	56
Beans, dried	60
Beans, lima	56
Beets	56
Blue grass seed	14
Bran	20
Bromus inermis	14
Broom corn seed	50
Buckwheat	48
Carrots	50
Castor beans, shelled	50
Charcoal	20
Cherries	40
Clover seed	60
Coal	80
Coke	40
Corn on the cob (field)	70
Corn in the ear, unhusked (field)	75
Corn, shelled (field)	56
Corn meal	48
Cucumbers	48
Emmer	40
Flaxseed	56
Grapes, with stems	40
Hempseed	44
Hickory nuts, hulled	50
Hungarian grass seed	50
Kaffir corn	56
Lime	80
Millet seed	50
Oats	32
Onions	52
Onion top sets	28
Onion bottom sets	32
Orchard grass seed	14
Osage orange seed	32
Paranips	45
Peaches	48
Peaches, dried	33
Peanuts	22
Pears	45
Peas, green, unshelled	50
Peas, dried	60
Plums	48

Popcorn, on the cob	70
Popcorn, shelled	56
Potatoes	60
Quinces	48
Rape seed	50
Redtop seed	14
Rutabagas	60
Rye	56
Salt	80
Sand	130
Shorts	20
Sorghum saccharatum seed	50
Spelt	40
Sweet corn	50
Sweet potatoes	50
Timothy seed	45
Tomatoes	50
Turnips	55
Walnuts, hulled	50
Wheat	60
All root crops not specified above	50

Sec. 180. Sale of certain fruits and vegetables by dry measure. Blackberries, blueberries, cranberries, currants, gooseberries, raspberries, cherries, strawberries, and similar berries, also onion sets in quantities of one (1) peck or less, may be sold by the quart, pint, or half-pint, dry measure.

Sec. 181. Sale of fruits and vegetables in climax baskets. Grapes, other fruits, and vegetables may be sold in climax baskets; but when said commodities are sold in such manner and the containers are labeled with the net weight of the contents in accordance with the provisions of section nine (9), all the provisions of the chapter relative to labeling foods shall be deemed to have been complied with.

Sec. 182. Berry boxes and climax baskets. Berry boxes sold, used, or offered or exposed for sale shall have an interior capacity of one (1) quart, pint, or half pint dry measure. Climax baskets sold, used, or offered or exposed for sale shall be of the standard size fixed below:

1. Two-quart basket; length of bottom piece, nine and one-half (9 1/2) inches; width of bottom piece, three and one-half (3 1/2) inches; thickness of bottom piece, three-eighths (3/8) of an inch; height of basket, three and seven-eighths (3 7/8) inches, outside measurement; top of basket, length eleven (11) inches, and width five (5) inches, outside measurement; basket to have a cover five (5) by eleven (11) inches, when a cover is used.

2. Four-quart basket; length of bottom piece, twelve (12) inches; width of bottom piece, four and one-half (4 1/2) inches; thickness of bottom piece, three-eighths (3/8) of an inch; height of basket, four and eleven-sixteenths (4 11/16) inches, outside measurement; top of basket, length fourteen (14) inches, width six and one-fourth (6 1/4) inches, outside measurement; basket to have cover six and one-fourth (6 1/4) inches by fourteen (14) inches, when cover is used.

3. Twelve-quart basket; length of bottom piece, sixteen (16) inches; width of bottom piece, six and one-half (6 1/2) inches; thickness of bottom piece, seven-sixteenths (7/16) of an inch, outside measurement; top of basket, length nineteen (19) inches, height of basket, seven and one-sixteenth (7 1/16) inches, width nine (9) inches, outside measurement; basket to have cover nine

(9) inches by nineteen (19) inches, when cover is used.

Sec. 183. Hop boxes. The standard box used in packing hops shall be thirty-six (36) inches long, eighteen (18) inches wide, and twenty-three and one-fourth (23 1/4) inches deep, inside measurement.

Sec. 184. Milk bottles. The standard bottle used for the sale of milk and cream shall be of a capacity of one-half (1/2) gallon, three (3) pints, one (1) quart, one (1) pint, one-half (1/2) pint, one (1) gill, filled full to the bottom of the lip.

Sec. 185. Flour. A barrel of flour shall consist of one hundred ninety-six (196) pounds avoirdupois, and one-fourth (1/4) barrel consisting of forty-nine (49) pounds shall be a sack of flour.

No barrel or sack of flour shall be sold which contains less than the amount herein specified.

Sec. 186. Mason work or stone. The perch of mason work or stone shall consist of twenty-five (25) feet, cubic measure.

Sec. 187. Sales to be by standard weight or measure. All commodities bought or sold only by weight or measure shall be bought or sold by the standards established by this chapter, unless the vendor and vendee otherwise agree. Sales by weight shall be by avoirdupois weight unless troy weight is agreed upon by the vendor and vendee.

CHAPTER 15

SALES OF CERTAIN COMMODITIES FROM BULK

Sec. 188. Sales of coal, charcoal, and coke. No person shall sell, offer or expose for sale any coal, charcoal, or coke in any other manner than by weight, or represent any of said commodities as being the product of any county, state, or territory, except that in which mined or produced, or represent that said commodities contain more British thermal units than are present therein.

Sec. 189. Delivery tickets required. No person shall deliver any of said commodities without each such delivery being accompanied by duplicate delivery tickets, on each of which shall be written in ink or other indelible substance, distinctly expressed in pounds, the gross weight of the load, the tare of the delivering vehicle, and the net amount in weight of the commodity, with the names of the purchaser and the dealer from whom purchased.

Sec. 190. Disposition of delivery tickets. One (1) of said duplicate tickets shall be delivered to the vendee and the other one (1) shall be returned to the vendor. Upon demand of the department the person in charge of the load shall surrender one (1) of said duplicate tickets to the person making such demand. If said ticket is retained an official weight slip shall be delivered by said department to the vendee or his agent.

Sec. 191. Sales without delivery. When the vendee carries away the commodity purchased, a delivery ticket, showing the actual number of pounds received by him, shall be issued to him by the vendor.

Sec. 192. Sales of hay or straw by bale. No person shall sell, offer or expose for sale any bales of hay or straw without first attaching thereto

a plain and conspicuous statement of the minimum net weight contained in such bales; but nothing in this section shall be construed to require a statement of weight on each bale where hay or straw is sold by the ton and a ticket showing the gross, tare, and net weight accompanies the delivery.

Sec. 193. Inspection of loaded vehicles. The department may stop any wagon, auto, truck, or other vehicle loaded with any commodity being bought, offered or exposed for sale, or sold, and compel the person having charge of the same to bring the load to a scale designated by said department and weighed for the purpose of determining the true net weight of the commodity.

CHAPTER 16

STATE AND CITY SEALERS

Sec. 194. State sealer. The department shall designate one (1) of its assistants to act as state sealer of weights and measures. All weights and measures sealed by him shall be impressed with the word "Iowa".

Sec. 195. Preservation of standards. The department shall maintain the state standards in good order, shall take all necessary precautions for their safekeeping, and shall submit them once in ten (10) years to the national bureau of standards for certification.

Sec. 196. Testing weights and measures. Upon written request of any citizen, firm, or corporation, city, town, or county, or educational institution of the state made to the department, a test or calibration of any weights, measures, weighing or measuring devices, and instruments or apparatus to be used as standards shall be made.

Sec. 197. Sealing milk bottles not required. The state sealer shall not be required to seal bottles for milk or cream, but they shall be inspected from time to time in order to ascertain whether they are standard.

Sec. 198. Sealer for cities and towns. A sealer of weights and measures may be appointed in any city or town by the council, who shall hold his office during its pleasure, and may obtain from the department such standard weights and measures as the council may deem necessary.

Sec. 199. Duties of city sealer. Each sealer in cities and towns shall take charge of and provide for the safekeeping of the city or town standards, and see that the weights, measures, and all apparatus used for determining the quantity of commodities used throughout the town or city, agree with the standards in his possession.

Sec. 200. Expenses. All expenses directly incurred in furnishing the several cities and town with standards, or in comparing those that may be in their possession, shall be borne by said cities and towns.

CHAPTER 17

PUBLIC SCALES AND OIL METERS

Sec. 201. Definitions. For the purpose of this chapter:

1. "Public scale" shall mean any scale or weighing device for the use of which a charge is made or compensation is derived.

2. "Gasoline pump" shall mean any pump, meter, or similar measuring device used for measuring gasoline.

Sec. 202. License required. Every person who shall use or display for use any public scale or gasoline pump shall secure a license for said scale or pump from the department.

Sec. 203. Fee- expiration of license. The license fee shall be three dollars (\$3.00) per annum and each license for a public scale shall expire on December thirtieth and for a gasoline pump on June thirtieth of each year.

Sec. 204. Form of license. The license shall be in the form of a metal plate bearing the words "Licensed by the State of Iowa, No." Each plate shall be numbered consecutively and bear the year for which the license is granted.

Sec. 205. License to be displayed - removal - penalty. The license plate shall be displayed prominently on the front of the scale or pump, and the defacing or wrongful removal of such plate shall be punished as provided in chapter one (1) of this title. Absence of license plate shall be prima facie evidence that the weighing or measuring device is being operated contrary to law.

Sec. 206. Oath of weighmasters. All persons keeping public scales, before entering upon their duties as weighmasters, shall be sworn before some person having authority to administer oaths, to keep their scales correctly balanced, to make true weights, and to render a correct account to the person having weighing done.

Sec. 207. Weighmasters to keep registers. Weighmasters are required to make true weights and keep a correct register of all weighing done by them, giving the amount of each weight, date thereof, and the name of the person or persons for whom done, and give, upon demand, to any person having weighing done, a certificate showing the weight, date, and for whom weighed.

Sec. 208. Penalty. Any weighmaster violating any of the provisions of the two (2) preceding sections, shall be guilty of a misdemeanor, and punished as provided in chapter one (1) of this title, and be liable to the person injured for all damages sustained.

CHAPTER 18

INSPECTION OF WEIGHTS AND MEASURES

Sec. 209. Duty to inspect. The department shall make an inspection of all weights and measures wherever the same are kept for use in connection with the sale of any commodity sold by weight or measurement, or where the price to be paid for producing any commodity is based upon the weight or measurement thereof; and when complaint is made to the department that any false or incorrect weights or measures are being made under said conditions, said department shall have the same inspected.

Sec. 210. Inspection fees. An inspection fee shall be charged the person owning or operating the scale so inspected in accordance with the following schedule: Scales with a five hundred (500) pounds' capacity up to and including four thousand (4,000) pounds' capacity, one dollar (\$1.00) each; scales over

four thousand (4,000) pounds' capacity up to and including twenty-one thousand (21,000) pounds' capacity, three dollars (\$3.00) each; scales over twenty-one thousand (21,000) pounds' capacity not including railroad track scales, five dollars (\$5.00) each; railroad track scales, ten dollars (\$10.00) each; all hopper or automatic scales, two dollars (\$2.00).

Sec. 211. Payment by party complaining. When such inspection shall be made upon the complaint of any person other than the owner of the scale, and upon examination the scale is found by the department to be accurate for weighing, the inspection fee for such inspection shall be paid by the person making complaint.

Sec. 212. Limitation on number of inspections. No person shall be required to pay more than two (2) inspection fees for any one (1) scale in any one (1) year unless additional inspections are made at the request of the owner of said scale.

Sec. 213. Confiscation and condemnation of scales. The department may seize without warrant and confiscate any incorrect scales, weights or measures, or any weighing apparatus or part thereof which do not conform to the state standards or upon which the license fee has not been paid. If any weighing or measuring apparatus or part thereof be found out of order the same may be tagged by the department "Condemned until repaired", which, tag shall not be altered or removed until said apparatus is properly repaired.

Sec. 214. Possession of false weights or measures. If any person engaged in the purchase or sale of any commodity by weight or measurement, or in the employment of labor where the price thereof is to be determined by weight or measurement of the articles upon which such labor is bestowed, has in his possession any inaccurate scales, weights or measures, or other apparatus for determining the quantity of any commodity, which do not conform to the standard weights and measures, he shall be punished as provided in chapter one (1) of this title.

Sec. 215. Transaction by false weights and measures. Any person shall be deemed to have violated the provisions of this chapter and shall be punished as provided in chapter one (1) of this title:

1. If such person sell, trade, deliver, charge for or claim to have delivered to a purchaser an amount of any commodity which is less in weight or measure than that which is asked for, agreed upon, claimed to have been delivered, or noted on the delivery ticket.

2. If such person make settlement for or enter credit, based upon any false weight or measurement, for any commodity purchased.

3. If such person makes settlement for or enter credit, based upon any false weight or measurement, for any labor where the price of producing or mining is determined by weight or measure.

4. If such person record a false weight or measurement upon the weight ticket or book.

Sec. 216. Reasonable variations - small packages. In enforcing the provisions of the preceding section reasonable variations shall be permitted and exemptions as to small packages shall be established by rules of the department.

Sec. 217. Power of cities and towns limited. Commodities weighed upon

any scale bearing the inspection card, issued by the department, shall not be required to be reweighed by any ordinance of any city or town or city under special charter or under the commission form of government, nor shall their sale, at the weights so ascertained, and because thereof, be, by such ordinance, prohibited or restricted.

Approved April 26, 1924.

CHAPTER 166

DRUGS, POISONS AND NARCOTICS

H. F. 261-A

AN ACT to amend, revise, and codify sections fourteen hundred twenty-four (1424), fourteen hundred twenty-seven (1427) to fourteen hundred twenty-nine (1429), inclusive, eighty-eight hundred fifty-two (8852), eighty-eight hundred sixty-four (8864), eighty-eight hundred sixty-five (8865), and chapter fifteen (15) of title six (6) of the compiled code of Iowa; and sections fourteen hundred thirty (1430), fourteen hundred thirty-a one (1430-al), fourteen hundred thirty-one (1431), fourteen hundred thirty-two (1432), and chapter fourteen-a (14-a) of title six (6) of the supplement to the compiled code of Iowa, relating to drugs, poisons, narcotics, and abortifacients.

Be It Enacted by the General Assembly of the State of Iowa:

That sections fourteen hundred twenty-four (1424), fourteen hundred twenty-seven (1427) to fourteen hundred twenty-nine (1429) inclusive, eighty-eight hundred fifty-two (8852), eighty-eight hundred sixty-four (8864) eighty-eight hundred sixty-five (8865), and chapter fifteen (15) of title six (6) of the compiled Code of Iowa; and sections fourteen hundred thirty (1430), fourteen hundred thirty a one (1430-al), fourteen hundred thirty-one (1431), fourteen hundred thirty-two (1432), and chapter fourteen-a (14-a) of title six (6) of the supplement to the compiled Code of Iowa, are amended, revised, and codified to read as follows:

CHAPTER 9

ADULTERATION AND LABELING OF DRUGS

Section 115. Drug defined. For the purposes of this chapter "drug" shall include all substances and preparations for internal or external use recognized in the United States Pharmacopoeia or National Formulary and any substances or mixture of substances intended to be used for the cure, mitigation, or prevention of diseases of either man or animal.

Sec. 116. Adulteration defined. For the purposes of this chapter a drug shall be deemed to be adulterated:

1. If it is sold by a name recognized in the United States Pharmacopoeia or National Formulary and it differs from the standard of strength, quality, or purity as determined by the test laid down therein.

2. If its strength, quality, or purity falls below the standard under which sold.

Sec. 117. Labeling of drugs. Every drug offered or exposed for sale, or sold in package or wrapped form, shall be labeled on the package or container as prescribed in sections nine (9) and ten (10) of House File 261, special session, Fortieth General Assembly, except that the quantity of the contents

need not be stated; and in addition thereto shall have printed on the label the name and the exact quantity or proportion of any alcohol, morphine, opium, heroin, chloroform, cannabis indica, chloral hydrate, acetanilide, or any derivative or preparation of any such substances contained in said drug. In case the principal package or container is enclosed in an outside wrapper or carton, the same label prescribed by this section for the package or container shall also be printed upon said wrapper or carton.

Sec. 118. Curative or therapeutic mislabeling. In addition to the requirements of the preceding section a drug shall also be deemed to be improperly labeled if the package or container or printed matter accompanying it bears or contains any representation regarding the curative or therapeutic effect of such drug or any of the ingredients contained therein which is false and fraudulent.

Sec. 119. Certain drugs exempted. Nothing in the second preceding section shall be construed to apply:

1. To any drug specified in the United States Pharmacopoeia or National Formulary, which is in accordance therewith, and which is sold under the name given therein.
2. To the filling of prescriptions furnished by licensed physicians, dentists, or veterinarians, the originals of which are retained and filed by the pharmacist filling the same.
3. To any drug or medicine personally dispensed by any licensed physician, dentist, or veterinarian in the course of his practice.

Sec. 119-a1. Itinerant vendor of drugs defined. "Itinerant vendor of drugs" shall mean any person who, by himself, agent, or employee goes from place to place, or from house to house, and sells, offers or exposes for sale any drug as defined in this chapter.

Sec. 119-a2. License required of itinerant vendor of drugs - fee. Every itinerant vendor of drugs or medicines shall procure an annual license from the Pharmacy Examiners. The fee for such license shall be one hundred dollars (\$100.00) but such license may be transferred by the licensee upon the payment of a fee of one dollar (\$1.00) to the Pharmacy Examiners.

Sec. 120. Copy of Pharmacopoeia and National Formulary to be kept. There shall be kept in every place in which drugs or medicines are compounded, a copy of the latest revision of the United States Pharmacopoeia and the National Formulary, which books shall be subject at all times to the inspection of the Pharmacy Examiners.

CHAPTER 10

SALE AND DISTRIBUTION OF POISONS

Sec. 120-a1. Narcotic drugs defined. For the purpose of this chapter "narcotic drugs" shall mean:

1. Opium, coca (erthroxyllum coca), cocaine, alpha or beta eucaine, morphine, heroin, Indian hemp (cannabis indica or cannabis americana), or any derivative of any of said drugs.
2. Any preparation containing any of the drugs enumerated in the preceding paragraph, except:
 - (a) Medicines or remedies which do not contain more than:
 - (1) Two (2) grains of opium, one-fourth (1/4) of a grain of morphine, one eighth (1/8) of a grain of

heroin, one (1) grain of codeine, or a like amount of any salt or derivative of any of said drugs, in one (1) fluid ounce, or if a solid or semi-solid preparation, in one (1) avoirdupois ounce.

(2) One-half (1/2) grain solid extract of Indian hemp (*cannabis indica* or *cannabis americana*), or the equivalent thereof, in one (1) fluid ounce.

(b) Liniments, ointments, or other preparations which are prepared for external use only, but which do not contain cocaine, alpha or beta eucaine, or any salt or derivative of any of them, or any synthetic substitute for any of said drugs.

The exceptions provided in subdivisions "(a)" and "(b)" shall only apply when such medicines, remedies, liniments, ointments, and preparations are sold, distributed, given away, dispensed, or possessed for medicinal purposes only and not for the purpose of trafficking in or disposing of narcotic drugs as such.

Sec. 120-a3. Sale of narcotics prohibited. No person shall sell, offer or expose for sale, deliver, give away, or have in his possession with intent to sell any narcotic drugs.

Sec. 120-a3. Exception as to sales of narcotics. The preceding section shall not apply to persons registered or exempt from registration under the federal law regulating the traffic in narcotic drugs.

Sec. 120-a4. Possession of narcotic prohibited - prescriptions. No person shall have any narcotic drug in his possession or control for any purpose, unless he obtained the same upon the original written prescription of a licensed physician, dentist, or veterinarian, who has registered under the federal law regulating the traffic in narcotic drugs.

Sec. 120-a5. Exception as to possession of narcotics. The preceding section shall not apply to:

1. Any person registered under the federal law regulating the traffic in narcotic drugs who is engaged in practicing any profession, in conducting any business, or in doing any act in compliance with said law, nor to any employee or assistant under the supervision of such person, having the possession or control of any narcotic drugs by virtue of his employment and not on his own account.

2. To any United States, state, city, county, or municipal official who has possession of any of said drugs by reason of his official duties.

3. To a warehouseman holding possession for a person registered under said federal law.

4. To a common carrier engaged in transporting such drugs.

Sec. 120-a6. Indictments - burdens of proof. It shall not be necessary to negative any of the aforesaid exemptions under any complaint, information, indictment, or other writ or proceeding, brought under this chapter; and the burden of proof of any such exemption shall be on the defendant.

Sec. 120-a7. Limitation on exemptions. The exemptions of the second preceding section shall not apply to any person unless it be shown by competent evidence that such person has not purchased or received any narcotic drugs from a person unauthorized to sell the same.

Sec. 120-a8. Prima facie evidence of illegal purchase. The possession

of any narcotic drugs unaccounted for by the legal authority to purchase and have possession of the same, or having possession of any such drugs concealed or stored in any other place than that provided for the storage of a stock of such drugs which have been purchased legally, shall be prima facie evidence of the purchase of such drugs from a person unauthorized to sell or dispense the same.

Sec. 120-a9. Seizure and confiscation of narcotics. Any narcotic drugs kept, manufactured, or dispensed in violation of the laws of the United States or of this chapter, or any instrument, container, or other equipment used or intended to be used in manufacturing, keeping, or dispensing such drug may be seized, confiscated, and disposed of under a search warrant proceeding.

Sec. 120-a10. Procedure. The procedure under the preceding section shall be the same as a search warrant proceeding under the law regulating the traffic in intoxicating liquor and all the provisions of chapter _____, title _____ of the Code, shall govern such a proceeding under this chapter as far as applicable. (The code editor shall fill in the preceding blanks with the proper references when the permanent Code is prepared for publication.)

Sec. 120-a11. Seizure and confiscation of vehicles. Any animal-drawn or motor vehicle, or other conveyance of any kind, that is being used for transporting narcotic drugs which have been manufactured, sold, purchased, delivered, or received in violation of the laws of the United States or of this chapter, may be seized and confiscated by any peace officer in any county in which such shipment originates, or through which it passes, or in the county in which it is to be delivered.

Sec. 120-a12. Procedure. The procedure under the preceding section shall be the same as a proceeding for the seizure and forfeiture of a vehicle under the law regulating the traffic in intoxicating liquor and all the provisions of chapter _____, title _____, of the Code, shall govern such a proceeding under this chapter as far as applicable. (The code editor shall fill in the preceding blanks with the proper references when the permanent Code is prepared for publication.)

Sec. 120-a13. Common nuisance, injunction. Any building, erection, or place resorted to by habitual users of narcotic drugs for the purpose of using such drugs, or which is used for the illegal keeping of the same, and any building, erection, or place in which narcotic drugs are kept, sold, or dispensed, in violation of the laws of the United States or of this state, shall be deemed a common nuisance, and it may be enjoined and abated under the law provided for enjoining and abating an intoxicating liquor nuisance and all the provisions of chapter _____, title _____, of the Code, shall govern such a proceeding under this chapter as far as applicable. (The code editor shall fill in the preceding blanks with the proper references when the permanent Code is prepared for publication.)

Sec. 120-a14. Evidence - general reputation. The state, in any proceeding under the preceding section, may, for the purpose of establishing the character of the place kept by the defendant, introduce evidence of the general reputation of such place, and such evidence shall be competent for such purpose.

Sec. 120-a15. Contempt proceedings. For the violation of any such injunction, temporary or permanent, the offender may be punished for contempt of court, under the laws provided for the punishment of contempt for the violation

of an injunction against an intoxicating liquor nuisance and all the provisions of said law shall govern such a proceeding under this chapter as far as applicable.

Sec. 120-a16. Forms. All forms necessary for use under the preceding sections of this chapter shall be prepared and provided by the attorney general.

Sec. 120-a17. Rules of construction. All the preceding provisions of this chapter shall be construed as mandatory and not directory, and the same shall be construed so as to prevent evasion.

Sec. 120-a18. Penalty. Any person violating any of the preceding provisions of this chapter shall be punished by imprisonment in the penitentiary for not more than ten (10) years, or by a fine not to exceed one thousand dollars (\$1,000.00) or by both such fine and imprisonment.

Sec. 120-a19. Penalty for corporation. Any company or corporation violating any of the preceding provisions of this chapter shall be fined not more than five thousand dollars (\$5,000.00) nor less than five hundred dollars (\$500.00), and the costs of prosecution.

Sec. 120-a20. Sale of abortifacients prohibited - prescriptions. No person shall sell, offer or expose for sale, deliver, give away, or have in his possession with the intent to sell, except upon the original written prescription of a licensed physician, dentist, or veterinarian, any cotton root, ergot, oil of tansy, oil of savin, or derivatives of any of said drugs.

Sec. 120-a21. Exception as to sale of abortifacients. The requirements of the preceding section that certain drugs shall be furnished only upon written prescription, shall not apply to the sale of such drugs to persons who wholesale or retail the same, nor to any licensed physician, dentist, or veterinarian for use in the practice of his profession.

Sec. 120-a22. Conditions under which prescriptions may be filled. No person shall fill any prescription calling for any of the drugs required by this chapter to be furnished only upon written prescription unless the same be for medical, dental, or veterinary purposes only, and unless the physician, dentist, or veterinarian prescribing the same be personally known to such person, and no such prescription shall be refilled.

Sec. 120-a23. Drugs not to contain wood or denatured alcohol. No person shall have in his possession or dispose of in any manner any article intended for use of man or domestic animals, for internal or external use, for cosmetic purposes, for inhalation, or for perfumes, which contains methyl (wood) alcohol, crude or refined, or completely denatured alcohol. Nothing in this section shall be construed to apply to specially denatured alcohols the formula of which has been approved and the manufacture and use regulated by the federal government.

Sec. 120-a24. Regulations as to sale of certain poisons. No person shall sell at retail any of the following enumerated poisons unless he ascertains that the purchaser is aware of the character of the drug and represents that it is to be used for a proper purpose: Carbolic or hydrocyanic acid, chloral hydrate, oils of bitter almonds or pennyroyal, strychnine or any of its salts, arsenic, chloroform, ammoniated mercury, atropine, arsenate of copper, aconitine, benzaldehyde, bromins, cyanide of potassium, corrosive sublimate, dionin, ether, sulphuric, hyoscine, kermes mineral, cantharides, croton oil, digitalis, nuxvomica, phosphorus, or veratrum.

Sec. 120-a25. Poison register. Every sale or delivery of any poison

enumerated in the preceding section, except in insecticides and fungicides as defined in the following chapter, shall be entered in a book kept for that purpose to be known as a "poison register", and the same shall show the date of sale, and name and address of purchaser, the name of the poison, the purpose for which it was represented to be purchased, and the name of the dispenser, which book shall be open for inspection by the Pharmacy Examiners, or any magistrate or peace officer of the state, and preserved for at least five (5) years.

Sec. 120-a26. Labeling poisons. Every package or container in which any of the poisons enumerated in the second preceding section or in which any nitric, hydrochloric, sulphuric, or oxalic acid, concentrated lye, denatured or wood alcohol is sold or delivered shall be labeled with the name of the article, the name and plate of business of the manufacturer, distributor, or dealer, the most available antidote, and with the word "poison" in a conspicuous place.

Sec. 120-a27. Certain sales exempted. Nothing in the three (3) preceding sections shall apply:

1. To the sale of proprietary medicines.
2. To the filling of prescriptions from licensed physicians, dentists, or veterinarians.
3. To the sale of wood or completely denatured alcohol for mechanical purposes.

Sec. 120-a28. Obtaining poisons by false representations. Any person who obtains any poison enumerated in the fourth preceding section under a false name or statement shall be guilty of a misdemeanor and punished as provided in chapter one (1) of this title.

Sec. 120-a29. Enforcement by Pharmacy Examiners. The provisions of this and the preceding chapter shall be administered and enforced by the Pharmacy Examiners. In discharging any duty or exercising any power under said chapters, the Pharmacy Examiners shall be governed by all the provisions of chapter (1), House File 261, special session of the Fortieth General Assembly, which governs the department of agriculture when discharging a similar duty or exercising a similar power with reference to any of the articles dealt with in said House File.

Sec. 120-a29a. Chemical analysis of drugs. Any chemical analysis deemed necessary by the Pharmacy Examiners in the enforcement of this and the preceding chapter shall be made by the department of agriculture when requested by said examiners.

Sec. 120-a30. Applicability of other statutes. In so far as applicable the provisions of chapter one (1), House File 261, special session of the Fortieth General Assembly, shall apply to the articles dealt with in this and the preceding chapter. The powers vested in the department of agriculture by chapter one (1) of said House File 261 shall be deemed for the purpose of this and the preceding chapter to be vested in the Pharmacy Examiners.

Sec. 120-a31. Direction to code editor. In preparing the new Code for publication the code editor shall place this and the preceding chapter as chapters 9 and 10 of the title dealing with the "Regulation and Inspection of Foods, Drugs, and other Articles", known as House File 261, special session of the Fortieth General Assembly.

Approved April 1, 1924.

CHAPTER 167

PROFESSIONS AFFECTING PUBLIC HEALTH

H. F. 262

AN ACT to amend, revise, and codify sections thirteen hundred twenty-seven (1327) to thirteen hundred twenty-nine (1329), inclusive, thirteen hundred thirty-two (1332) to thirteen hundred thirty-four (1334), inclusive, thirteen hundred thirty-nine (1339) to thirteen hundred forty-four (1344), inclusive, fourteen hundred twelve (1412), fourteen hundred sixteen (1416) to fourteen hundred nineteen (1419), inclusive, fourteen hundred twenty-one (1421) to fourteen hundred twenty-three (1423), inclusive, fourteen hundred twenty-five (1425), and fourteen hundred twenty-six (1426) of the compiled code of Iowa, and chapters six (6), twelve (12), and thirteen (13) of title six (6) of the compiled code of Iowa and the supplement to said code, and chapters six-a (6-A), seven (7), and seven-a (7-A) of title six (6), and sections thirteen hundred thirty (1330), thirteen hundred thirty-one (1331), thirteen hundred forty-five (1345), fourteen hundred thirteen (1413) to fourteen hundred fifteen (1415), inclusive, and fourteen hundred twenty (1420) of the supplement to the compiled code of Iowa, relating to the practice of certain professions affecting the public health.

Be It Enacted by the General Assembly of the State of Iowa:

That sections thirteen hundred twenty-seven (1327) to thirteen hundred twenty-nine (1329), inclusive, thirteen hundred thirty-two (1332) to thirteen hundred thirty-four (1334), inclusive, thirteen hundred thirty-nine (1339) to thirteen hundred forty-four (1344), inclusive, fourteen hundred twelve (1412) fourteen hundred sixteen (1416) to fourteen hundred nineteen (1419), inclusive, fourteen hundred twenty-one (1421) to fourteen hundred twenty-three (1423), inclusive, fourteen hundred twenty-five (1425), and fourteen hundred twenty-six (1426) of the compiled Code of Iowa, and chapters six (6), twelve (12), and thirteen (13) of title six (6) of the compiled Code of Iowa and the supplement to said Code, and chapters six-A (6-A), seven (7), and seven-A (7-A) of title six (6), and sections thirteen hundred thirty (1330), thirteen hundred thirty-one (1331), thirteen hundred forty-five (1345), fourteen hundred thirteen (1413) to fourteen hundred fifteen (1415), inclusive, and fourteen hundred twenty (1420) of the supplement to the compiled Code of Iowa are amended, revised, and codified to read as follows:

TITLE

THE PRACTICE OF CERTAIN PROFESSIONS AFFECTING THE

PUBLIC HEALTH

CHAPTER I

GENERAL PROVISIONS

Section 1. Definitions. For the purpose of this and the following chapters of this title:

1. "Examining board" shall mean one of the boards appointed by the governor to give examinations to applicants for licenses.
2. "Licensed" when applied to a physician and surgeon, podiatrist,

"osteopath", "osteopath and surgeon", chiropractor, nurse, dentist, dental hygienist, optometrist, pharmacist, or embalmer shall mean a person licensed under this title.

3. "Profession" shall mean medicine and surgery, podiatry, "osteopathy", "osteopathy and surgery", chiropractic, nursing, dentistry, dental hygiene, optometry, pharmacy, or embalming.

4. "Department" shall mean the state department of health.

LICENSES

Sec. 2. License required to practice certain professions. No person shall engage in the practice of medicine and surgery, podiatry, "osteopathy", "osteopathy and surgery", chiropractic, nursing, dentistry, dental hygiene, optometry, pharmacy, or embalming as defined in the following chapters of this title, unless he shall have obtained from the state department of health a license for that purpose.

Sec. 3. Age and character qualifications. No person shall be licensed to practice a profession under this title until he shall have furnished satisfactory evidence to the department that he has attained the age of twenty-one (21) years and is of good moral character, except that women may be licensed as dental hygienists upon attaining the age of eighteen (18) years.

Sec. 4. Grounds for refusing license. The department may refuse to grant a license to practice a profession to any person otherwise qualified upon any of the grounds for which a license may be revoked by the district court.

Sec. 5. Form of license. Every license to practice a profession shall be in the form of a certificate under the seal of the department, signed by the commissioner of public health. Such license shall be issued in the name of the examining board which conducts examinations for that particular profession. The number of the book and page containing the entry of said license in the office of the department shall be noted on the face of the license.

Sec. 6. Certificate presumptive evidence of right to practice. Every license issued under this title shall be presumptive evidence of the right of the holder to practice in this state the profession therein specified.

Sec. 7. Display of license. Every person licensed under this title to practice a profession shall keep his license displayed in the place in which he practices.

Sec. 8. Record of licenses - open to public inspection. The name, age, nativity, location, number of years of practice of the person to whom the license is issued to practice a profession, the number of the certificate, and the date of registration thereof shall be entered in a book kept in the office of the department to be known as the registry book, and the same shall be open to public inspection.

Sec. 9. Notice of change of residence. When any person licensed to practice a profession under this title changes his residence he shall notify the department and such change shall be noted in the registry book.

Sec. 10. Renewal of licenses. Every license to practice a profession shall expire on the thirtieth day of June following the date of issuance of such license, and shall be renewed annually upon application by the licensee, without

examination. Application for such renewal shall be made in writing to the department accompanied by the legal fee at least thirty (30) days prior to the expiration of such license. Every renewal shall be displayed in connection with the original license. Every year the department shall notify each licensee by mail of the expiration of his license.

Sec. 10-a. Reinstatement of licensee. Any licensee who allows his license to lapse by failing to renew the same, as provided in the preceding section, may be reinstated without examination upon recommendation of the examining board for his profession and upon payment of the renewal fees then due.

EXAMINING BOARDS

Sec. 11. Examining boards. For the purpose of giving examinations to applicants for licenses to practice professions for which a license is required by this title, the governor shall appoint a board of examiners for each of said professions.

Sec. 12. Designation of examining boards. The examining boards provided in the preceding section shall be designated as follows: For medicine and surgery, Medical Examiners; for podiatry, Podiatry Examiners; for "osteopathy" and "osteopathy and surgery", Osteopathic Examiners; for chiropractic, Chiropractic Examiners; for nursing, Nurse Examiners; for dentistry and dental hygiene, Dental Examiners; for optometry, Optometry Examiners; for pharmacy, Pharmacy Examiners; for embalming, Embalmer Examiners.

Sec. 13. Composition of examining boards. Each examining board shall consist of three members, except the dental board which shall consist of five members.

Sec. 14. Professional qualifications of examiners. Every medical, podiatry, chiropractic, nurse, optometry, pharmacy, and embalmer examiner shall be a person licensed to practice the profession for which the board, of which he is a member, conducts examinations for licenses to practice such profession. An osteopathic examiner shall be a licensed osteopath or an osteopath and surgeon, and a dental examiner shall be a licensed dentist.

Sec. 15. Active practice requirement for examiners. Each examiner shall be actively engaged in the practice of his profession and shall have been so engaged in this state for a period of five (5) years just preceding his appointment.

Sec. 16. Special qualifications for medical examiners. In addition to the preceding requirements, each medical examiner shall be a graduate of some reputable school of medicine and not more than two (2) of such examiners shall belong to the same school of medical practice.

Sec. 17. Disqualifications. No examiner shall be an officer or member of the instructional staff of any school in which any profession regulated by this title is taught, or be connected therewith in any manner, and no embalmer or optometry examiner shall be connected in any manner with any wholesale or jobbing house dealing in optical or embalming supplies.

Sec. 18. Term of examiners. The members of each examining board shall be appointed for a term of three (3) years, except the dental examiners who shall be appointed for a term of five (5) years. The term of each examiner shall commence on July first in the year of appointment and the terms of the

members of each board shall be rotated in such a manner that one (1) examiner shall retire each year.

Sec. 19. Nomination of examiners by state associations. The regular state association or society or its managing board for each profession may submit each year to the governor a list of six persons of recognized ability in such profession, who have the qualifications prescribed for examiners for that particular profession. If such list is submitted, the governor in making an appointment to the board of examiners for such profession may select one of the persons so named.

Sec. 20. Vacancies. Any vacancy in the membership of an examining board caused by death, resignation, removal, or otherwise shall be filled for the period of the unexpired term in the same manner as original appointments.

Sec. 21. Officers. Each examining board shall organize annually and shall select a chairman and a secretary from its own membership.

Sec. 22. Transaction of business by mail. Each examining board shall, as far as practicable, provide by rule for the conducting of its business by mail, but all examinations shall be conducted in person by the board or by some representative of the board as provided in section thirty-seven (37). Any official action or vote taken by mail shall be preserved by the secretary in the same manner as the minutes of regular meetings.

Sec. 23. Compensation of examiners. Each member of an examining board shall, in addition to necessary traveling and hotel expenses, receive ten dollars (\$10.00) per day for each day actually engaged in the discharge of his duties, including compensation for the time spent in traveling to and from the place of conducting the examination and for a reasonable number of days for the preparation of examination questions and the reading of papers, in addition to the time actually spent in conducting examinations.

Sec. 24. Appropriation. There is hereby annually appropriated out of any funds in the state treasury not otherwise appropriated a sum sufficient to pay the compensation and expenses of the members of each examining board.

Sec. 25. Supplies. The department shall furnish each examining board with all articles and supplies required for the public use and necessary to enable said board to perform the duties imposed upon it by law. Such articles and supplies shall be obtained by the department in the same manner in which the regular supplies for the department are obtained and the same shall be considered and accounted for as if obtained for the use of the department. When examinations are held at the state university, the necessary articles and supplies for conducting the same shall be furnished by the university authorities.

Sec. 26. Quarters. The executive council shall furnish each examining board with suitable quarters in which to conduct the examinations held by said board at the seat of government. When examinations are held at the state university, the superintendent of buildings and grounds shall furnish such quarters.

Sec. 27. Representation at national meetings. Each examining board may select one of its members to attend either:

1. The annual meeting of the regular national association or society of the profession for which such board conducts examinations for licenses; or
2. The annual meeting of the national organization of state examining

boards for such profession.

The member so selected shall receive his necessary traveling and hotel expenses in attending such meeting.

EXAMINATIONS

Sec. 28. Applications for examination. Any person desiring to take the examination for a license to practice a profession shall make application to the state department of health at least fifteen (15) days before the examination, on a form provided by the department. Such application shall be accompanied by the examination fee and such documents and affidavits as are necessary to show the eligibility of the candidate to take such examination. All applications shall be in accordance with the rules of the department and shall be signed and verified by the oath of the applicant.

Sec. 28-a. Notice of time and place of examinations. The department shall give public notice of the time and place of all examinations to be held under this title. Such notice shall be given in such manner as the department may deem expedient and in ample time to allow all candidates to comply with the provisions of this title.

Sec. 29. List of accredited high schools. The department shall prepare and keep up to date a list of accredited high schools and other secondary schools for the purpose of passing upon the qualifications of an applicant for an examination when such applicant is required by any provision of this title to be a graduate of such school. The secretary of the state board of education and the registrars of the state university, the state college of agriculture and mechanic arts, and the state teachers college shall supply the necessary data to the department for the preparation of said list.

Sec. 30. List of accredited colleges. The state department of health shall prepare and keep up to date a list of accredited colleges in which are taught the professions which are regulated by this title. The examining board for each profession shall make recommendations relative thereto and shall approve the list for the profession for which it gives license examinations. No such school shall be accredited by the department unless it has been so recommended and approved by the proper examining board together with the commissioner of health. Such recommendations and approval shall be made at some regular session of the board held for the purpose of giving an examination.

Sec. 31. Data relative to professional schools. As a basis for such action on the part of the examining board, the registrar of the state university and the dean of the professional school of said institution which teaches the profession for which said board gives license examinations, shall supply such data relative to any such professional school as said board may request.

Sec. 32. Time of conducting examination. Each examining board shall hold regular sessions for the purpose of giving examinations at such times as the department may fix, not to exceed four (4) in any one (1) year. The medical examiners, dental examiners, and pharmacy examiners shall hold a similar session at the state university at the close of each school year to give examinations to students of the medical, dental, and pharmacy colleges of said institution and to other applicants who are qualified to take the same. In case there are other schools located in the state at which any of the professions regulated by this title are taught, two of the examinations for the profession taught at any such school may be held each year at such institution, if the examining board for that profession so desires. All other sessions of the examining boards shall

be held at the seat of government unless otherwise ordered by the department.

Sec. 33. Transmittal of names of eligible candidates. Prior to each examination the department shall transmit to each examining board a list of candidates who are eligible to take the examination given by such board. In making up such list the department may call upon any examining board, or any member thereof, for information relative to the eligibility of any applicant.

Sec. 34. Rules relative to examinations. Each examining board shall establish rules for:

1. The conducting of examinations.
2. The grading of examinations and passing upon the technical qualifications of applicants, as shown by such examinations.

Sec. 35. Examinations in theory. All examinations in theory shall be in writing, and the identity of the person taking the same shall not be disclosed upon the examination papers in such a way as to enable the members of the examining board to know by whom written until after the papers have been passed upon. In examinations in practice the identity of the candidate shall also be concealed as far as possible.

Sec. 36. Quorum and representation at examinations. Two (2) members of each board, except the dental board, shall constitute a quorum for conducting examinations but in the case of the medical examiners a quorum shall consist of one member from each school of medical practice represented on said board. Three (3) members of the dental board shall constitute a quorum for conducting examinations.

Sec. 37. Clerk of examination. Upon the request of any examining board, the department shall detail some employee to act as clerk of any examination given by said examining board. Such clerk shall have charge of the candidates during the examination and perform such other duties as the examining board may direct. If the duties of such clerk are performed away from the seat of government, he shall receive his necessary railroad and hotel expenses, which shall be paid from the appropriations to the department, in the same manner in which other similar expenses are paid.

Sec. 38. Certification of successful applicants. Every examination shall be passed upon in accordance with the established rules of the examining board and shall be satisfactory to at least a majority of the members of said board. After each examination, the examining board shall certify the names of the successful applicants to the state department of health in the manner prescribed by it. The department shall then issue the proper license and make the required entry in the registry book.

Sec. 39. Special examinations. Any examining board may give a partial examination for a license to practice a profession to any applicant who has completed a portion of his professional course. For such purpose said board shall establish by rules:

1. The portion of such course which shall be completed prior to such examination.
2. The subjects to be covered by such examination and the subjects to be covered by the final examination to be taken by such applicant after the completion of his professional course and prior to the issuance of his license, but the subjects covered in the partial and final examinations shall be the same as those specified in this title for the regular examination.

Sec. 40. Rules relative to partial examinations. In case any examining board shall provide for partial examinations under the preceding section, the department shall adopt rules establishing:

1. The portion of the license fee fixed in this chapter which shall be paid for a partial examination.
2. The credentials which shall be presented to the department by an applicant showing his qualifications to take such examination.
3. The method of certifying the list of the eligible applicants for such examination to the proper examining board.
4. The method of certifying back to the department the list of applicants who successfully pass such examination.
5. The method of keeping the records of such applicants for use at the time of completing the examination for a license.
6. The credentials which shall be presented to the department by such an applicant upon the completion of his professional course.
7. The method of certifying such applicant to the proper examining board for the remainder of his examination.
8. Such other matters of procedure as are necessary to carry into effect the preceding section.

Sec. 41. Preservation of records. All matters connected with each examination for a license shall be filed with the state department of health and preserved for five (5) years as a part of the records of the department, during which time said records shall be open to public inspection.

RECIPROCAL LICENSES

Sec. 42. Reciprocal agreements. For the purpose of recognizing licenses which have been issued in other states to practice any profession for which a license is required by this title, the department shall enter into a reciprocal agreement with every state which is certified to it by the proper examining board under the provisions of the following section and with which this state does not have an existing agreement at the time of such certification.

Sec. 43. Certification of states entitled to reciprocal relations. The department shall at least once each year lay before the proper examining board the requirements of the several states for a license to practice the profession for which such examining board conducts examinations for licenses in this state. Said examining board shall immediately examine such requirements and after making such other inquiries as it deems necessary, shall certify to the department the states having substantially equivalent requirements to those existing in this state for that particular profession and with which said examining board desires this state to enter into reciprocal relations.

Sec. 44. Rules governing reciprocal agreements. In negotiating any reciprocal agreement, the department shall be governed by the following regulations:

1. Protection to licensees of this state. When the laws of any state or the rules of the authorities of said state place any requirement or disability upon any person licensed in this state to practice any profession regulated by this title which affects the right of said person to be licensed or to practice his profession in said state, then the same requirement or disability shall be placed upon any person licensed in said state when applying for a license to practice in this state.

2. Special conditions. When any examining board has established by rule any special condition upon which reciprocal agreements shall be entered into, as provided in the following section, such condition shall be incorporated into the reciprocal agreements negotiated with reference to licenses to

practice the professions for which such examining board conducts examinations.

Sec. 45. Special conditions in re reciprocal agreements. An examining board shall have power to provide by rule that no reciprocal relation shall be entered into by the department with any state with reference to licenses to practice the profession for which such examining board conducts examinations, unless every person licensed in another state when applying for a license to practice in this state shall comply with one or both of the following conditions:

1. Furnish satisfactory proof to the department that he has been actively engaged in the practice of his profession for a certain period of years to be fixed by such examining board.

2. Pass a practical examination in the practice of his particular profession as prescribed by such examining board.

Sec. 46. Termination of reciprocal agreements. When the requirements for a license in any state with which this state has a reciprocal agreement are changed by any law or rule of the authorities therein so that such requirements are no longer substantially as high as those existing in this state, then such agreement shall be deemed terminated and licenses issued in such state shall not be recognized as a basis of granting a license in this state until a new agreement has been negotiated. The fact of such change shall be determined by the proper examining board and certified to the department for its guidance in enforcing the provisions of this section.

Sec. 47. License granted upon basis of license of another state. The department shall, upon presentation of a license to practice a profession issued by the duly constituted authority of another state, with which this state has established reciprocal relations, and subject to the rules of the examining board for such profession, license said applicant to practice in this state, unless under the rules of said examining board a practical examination is required in such cases.

Sec. 48. Application for practical examinations. If the rules of any examining board require an applicant for a license under a reciprocal agreement to pass a practical examination in the practice of his profession, then such applicant shall make application therefor to the department upon a form provided by it.

Sec. 49. Applicability of other provisions. All the provisions of this chapter relative to applications, transmittal of the names of eligible candidates, certification of successful applicants, and issuance of licenses there-to, in the case of regular examinations, shall apply as far as applicable to applicants for practical examinations.

Sec. 50. Reciprocity for graduates of state schools. When the laws of any state or the rules of the authorities of said state place any requirement or disability upon any person holding a diploma or certificate from any college in this state in which one of the professions regulated by this title is taught, which affects the right of said person to be licensed in said state, the same requirement or disability shall be placed upon any person holding a diploma from a similar college situated therein, when applying for a license to practice in this state.

Sec. 51. Power to adopt rule. The department and each examining board shall have power to establish the necessary rules, not inconsistent with law, for carrying out the reciprocal relations with other states which are authorized by this chapter.

Sec. 52. Change of residence to another state. Any licensee who is desirous of changing his residence to that of another state or territory shall upon application to the department, and payment of the legal fee, receive a certified statement that he is a duly licensed practitioner in this state.

REVOCATION OF LICENSES

Sec. 53. Grounds for revocation of license. A license to practice a profession shall be revoked or suspended when the licensee is guilty of any of the following acts or offenses:

1. Fraud in procuring his license.
2. Incompetency in the practice of his profession.
3. Immoral, unprofessional, or dishonorable conduct.
4. Habitual intoxication or addiction to the use of drugs.
5. Conviction of an offense involving turpitude.
6. Fraud in representations as to skill or ability.
7. Use of untruthful or improbable statements in advertisements.
8. Distribution of intoxicating liquors or drugs for any other than lawful purposes.
9. Wilful or repeated violations of this title, the title on "Public Health", or the rules of the state department of health.
10. Continued practice while knowingly having an infectious or contagious disease.

Sec. 54. Unprofessional conduct in practice of certain professions. For the purposes of the preceding section "unprofessional conduct" shall consist of any of the following acts:

1. Solicitation of professional patronage by agents or persons popularly known as "cappers" or "steerers", or profiting by the acts of those representing themselves to be agents of the licensee.
2. Receipt of fees on the assurance that a manifestly incurable disease can be permanently cured.
3. Acceptance of a fee for service as a witness, without the knowledge of the court, in addition to the fee allowed by the court.
4. Division of fees or agreeing to split or divide the fees received for professional services with any person for bringing or referring a patient or assisting in the care or treatment of a patient without the consent of said patient or his legal representative.
5. Advertisement of any medicine or means whereby the monthly periods of women can be regulated or the menses reestablished if suppressed.
6. Procurement or aiding or abetting in the procurement of a criminal abortion.
7. Wilful betrayal of a professional secret.
8. Wilful neglect of a patient in a critical condition.

Sec. 55. Grounds for revoking license of dental hygienist and dentist. The practice of dentistry by a dental hygienist shall also be grounds for the revocation of her license, and the permitting of such practice by the dentist under whose supervision said dental hygienist is operating shall be grounds for revoking the license of said dentist.

Sec. 56. Jurisdiction of revocation proceedings. The district court of the county in which a licensee resides shall have jurisdiction of the proceeding to revoke or suspend his license.

Sec. 57. Petition for revocation of license. The petition for the revoca-

tion or suspension of a license may be filed:

1. By the attorney general in all cases.
2. By the county attorney of the county in which the licensee resides.

Said petition shall be filed in the office of the clerk of the district court having jurisdiction.

Sec. 58. Department of health to direct filing of petition. The state department of health shall direct the attorney general to file such petition against any licensee upon its own motion or it may give such direction upon the sworn information of some person who resides in the county wherein the licensee practices.

Sec. 59. Duty of attorney general and county attorney. The attorney general shall comply with such direction of the department and prosecute such action on behalf of the state, but the county attorney, at the request of the attorney general, shall appear and prosecute such action when brought in his county.

Sec. 60. Rules governing petition. The following rules shall govern the petition in such cases:

1. The state shall be named as plaintiff and the licensee as defendant.
2. The charges against the licensee shall be stated in full.
3. Amendments may be made as in ordinary actions.
4. All allegations shall be deemed denied but the licensee may plead thereto if he desires.

Sec. 61. Time and place of trial. Upon the presentation of the petition, or a copy thereof, to the court or judge, he shall make an order fixing the time and place for the hearing, which shall be not less than ten (10) nor more than twenty (20) days thereafter.

Sec. 62. Notice to licenses. Notice of the filing of such petition and of the time and place of hearing shall be served upon the licenses at least ten (10) days before said hearing in the manner required for the service of notice of the commencement of an ordinary action.

Sec. 63. Nature of action - when triable. The proceeding shall be summary in its nature, triable as an equitable action, and may be heard either in vacation or term time.

Sec. 64. Judgment of revocation or suspension. Judgment of revocation or suspension of the license shall be entered of record and the licensee shall not engage in the practice of his profession after his license is revoked or during the time for which it is suspended. The clerk of the court shall, upon the entry of such judgment, forthwith furnish the state department of health with a certified copy thereof.

Sec. 65. Failure of licensee to appear. In case the licensee fails to appear, either in person or by counsel at the time and place designated in said notice, the court, after receiving satisfactory evidence of the truth of the charges, shall order the license revoked or suspended.

Sec. 66. Costs. If the judgment is adverse to the licensee the costs shall be taxed to him as in ordinary civil actions, but if the state is the unsuccessful party the costs shall be paid out of any money in the state treasury

not otherwise appropriated.

Sec. 67. Unpaid costs. All costs accrued at the instance of the state, when the successful party, which the attorney general certifies cannot be collected from the defendant, shall be paid out of any money in the state treasury not otherwise appropriated.

Sec. 68. Hearing on appeal. Both parties shall have the right of appeal, and in such event, the supreme court shall fix the time of hearing, and for filing abstracts and arguments. Said cause shall be advanced and take precedence over all other causes upon the court calendar, and shall be heard at the next term after the appeal is taken, provided the abstracts and arguments are filed in said court in time for said action to be heard.

Sec. 69. Effect of appeal. The taking of an appeal by the defendant and the filing of a supersedeas bond shall not operate to stay the proceedings of the district court or judge, or restore the right of said defendant to practice his profession pending such appeal.

USE OF TITLES AND DEGREES

Sec. 70. Professional titles and abbreviations. Any person licensed to practice a profession under this title may append to his name any recognized title or abbreviation, which he is entitled to use, to designate his particular profession, but no other person shall assume or use such title or abbreviation, and no licensee shall advertise himself in such a manner as to lead the public to believe that he is engaged in the practice of any other profession than the one which he is licensed to practice.

Sec. 71. Titles used by holder of degree. Nothing in the preceding section shall be construed:

1. As authorizing any person licensed to practice a profession under this title to use or assume any degree or abbreviation of the same unless such degree has been conferred upon said person by an institution of learning accredited by the appropriate board herein created, together with the commissioner of health, or by some recognized state or national accrediting agency.

2. As prohibiting any holder of a degree conferred by an institution of learning accredited by the appropriate board herein created, together with the commissioner of health, or by some recognized state or national accrediting agency from using the title which such degree authorizes him to use, but he shall not use such degree or abbreviation in any manner which might mislead the public as to his qualifications to treat human ailments.

ITINERANTS

Sec. 72. Itinerant physician and osteopath defined. "Itinerant physician", "itinerant osteopath", "itinerant chiropractor", or "itinerant optometrist" as used in the following sections of this title shall mean any person engaged in the practice of medicine and surgery, "osteopathy", "osteopathy and surgery", chiropractic, or optometry, as defined in the chapter relative to the practice of said professions who, by himself, agent, or employee goes from place to place, or from house to house, or by circulars, letters, or advertisements solicits persons to meet him for professional treatment at places other than his office maintained at the place of his residence.

Sec. 73. License required of itinerants. Every itinerant physician, itinerant osteopath, itinerant chiropractor, or itinerant optometrist shall, in addition to his regular license to practice his profession, procure from the state department of health a license to practice as an itinerant.

Sec. 74. Issuance of license. Upon receipt of an application from a licensed physician and surgeon, licensed "osteopath", licensed "osteopath and surgeon", licensed chiropractor, or licensed optometrist, for an itinerant's license, accompanied by the legal fee, the department shall issue to the applicant, when the provisions of this title have been complied with, a license to practice as an itinerant physician and surgeon, itinerant "osteopath", itinerant "osteopath and surgeon", itinerant chiropractor, or itinerant optometrist, as the case may be, for a period of one (1) year.

Sec. 75. Exception - rule of construction. The three (3) preceding sections shall not be construed to prevent any physician and surgeon, "osteopath", "osteopath and surgeon", chiropractor, or optometrist, otherwise legally qualified, from attending patients in any part of the state to which he may be called in the regular course of business, or in consultation with other practitioners.

Sec. 76. Refusal and revocation of itinerant's license. The department may, for satisfactory reasons, refuse to issue an itinerant's license or may revoke such license upon satisfactory evidence of incompetency or gross immorality.

Fees

Sec. 79. License, examination, and renewal fees. The following fees shall be collected by the state department of health:

1. For a license to practice medicine and surgery, osteopathy and surgery, and dentistry, issued upon the basis of an examination given by an examining board twenty-five dollars (\$25.00).

2. For a license to practice any of the professions enumerated in the preceding paragraph issued under a reciprocal agreement, fifty dollars (\$50.00).

4. For a license to practice podiatry, osteopathy, chiropractic, and optometry, issued upon the basis of an examination given by an examining board, twenty dollars (\$20.00).

5. For a license to practice any of the professions enumerated in the preceding paragraph issued under a reciprocal agreement, forty dollars (\$40.00).

7. For a license to practice nursing, dental hygiene, pharmacy, and embalming, issued upon the basis of an examination given by an examining board, ten dollars (\$10.00).

8. For a license to practice any of the professions enumerated in the preceding paragraph issued under a reciprocal agreement, twenty dollars (\$20.00).

9. For the renewal of a license to practice any of the professions enumerated in the preceding paragraphs, one dollar (\$1.00).

10. For a license to practice as an itinerant physician and surgeon, itinerant "osteopath", itinerant "osteopath and surgeon", itinerant chiropractor, or itinerant optometrist, two hundred fifty dollars (\$250.00).

11. For a certified statement that a licensee is licensed in this state, five dollars (\$5.00).

12. For an examination to determine whether an applicant has the educational attainments of a high school graduate, five dollars (\$5.00).

Sec. 81. Second examination. Any applicant for a license who fails in his examinations shall be entitled to a second examination without further fee at any time within a period of fourteen (14) months after the first examination.

Sec. 82. Fees paid into state treasury. All fees collected under this chapter shall be paid into the state treasury.

VIOLETIONS-CRIMES-PUNISHMENT

Sec. 83. Injunction against illegal practice. Any person engaging in any business or in the practice of any profession for which a license is required by this title without such license may be restrained by permanent injunction.

Sec. 84. Forgeries in procuring licenses. Any person who shall file or attempt to file with the state department of health any false or forged diploma, or certificate or affidavit of identification or qualification, shall be guilty of forgery and punished accordingly.

Sec. 85. Fraud in procuring license - penalty. Any person who shall present to the department a diploma or certificate of which he is not the rightful owner, for the purpose of procuring a license, or who shall falsely personate anyone to whom a license has been issued by said department shall be punished as provided in the following section.

Sec. 86. Penalties. Any person violating any provision of this or the following chapters of this title shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.

ENFORCEMENT PROVISIONS.

Sec. 87. Enforcement. The state department of health shall enforce the provisions of this and the following chapters of this title and for that purpose shall make necessary investigations relative thereto. Every licensee and member of an examining board shall furnish the department such evidence as he may have relative to any alleged violation which is being investigated.

Sec. 88. Report of violators by licensee. Each licensee and member of an examining board shall report, also, to the department the name of every person, without a license, that he has reason to believe is engaged in:

1. Practicing any profession for which a license is required.
2. Operating as an itinerant practitioner of such profession.

Sec. 89. Rules and forms. The state department of health shall establish the necessary rules and forms for carrying out the duties imposed upon it by the provisions of this and the following chapters of this title.

Sec. 90. Publication of laws and rules in re each profession. The department shall have printed in pamphlet form for each profession the following matter which is pertinent to the particular profession for which such pamphlet is published:

1. The law regulating the practice of the profession.
2. The rules of the department relative to licenses.
3. The rules of the examining board relative to examinations.

Such pamphlet shall be supplied to any person applying for the same.

Sec. 91. Duty of attorney general and county attorney. Upon request of the state department of health the attorney general shall institute in the name of the state the proper proceedings against any person charged by the department with violating any provision of this or the following chapters of this title and the county attorney, at the request of the attorney general, shall

appear and prosecute such action when brought in his county.

Sec. 92. Prima facie evidence of engaging in practice. The opening of an office or place of business for the practice of any profession for which a license is required by this title, the announcing to the public in any way the intention to practice any such profession, the use of any professional degree or designation, or of any sign, card, circular, device, or advertisement, as a practitioner of any such profession, or as a person skilled in the same, shall be prima facie evidence of engaging in the practice of such profession.

Sec. 92-a1. Licensing of pharmacists. The provisions of this chapter relative to the making of application for a license, the issuance of a license, the negotiation of reciprocal agreements for recognition of foreign licenses, the collection of license and renewal fees, and the preservation of records shall not apply to the licensing of persons to practice pharmacy, but such licensing shall be governed by the following regulations:

1. Every application for a license to practice pharmacy shall be made direct to the secretary of the Pharmacy Examiners.
2. Such license and all renewals thereof shall be issued by said examiners.
3. Every reciprocal agreement for the recognition of any such license issued in another state shall be negotiated by said examiners.
4. All license and renewal fees exacted from persons licensed to practice pharmacy shall be paid to and collected by the secretary of the Pharmacy Examiners.
5. All records in connection with the licensing of pharmacists shall be kept by said secretary.

Sec. 92-a2. Enforcement of title as to pharmacy. The provisions of this title in so far as they effect the practice of pharmacy shall be enforced by the Pharmacy Examiners and the provisions of section eighty-seven (87) and eighty-eight (88) shall not apply to said profession.

Sec. 92-a3. Regulations governing Pharmacy Examiners. In discharging the duties and exercising the powers provided for in the two preceding sections the Pharmacy Examiners and their secretary shall be governed by all the provisions of this chapter which govern the department of health when discharging a similar duty or exercising a similar power with reference to any of the professions regulated by this title.

Sec. 92-a4. Secretary of Pharmacy Examiners. The Pharmacy Examiners shall have the right to employ a full time secretary, who shall not be a member of the examining board, at such compensation as may be fixed from time to time in the biennial salary act and the provisions of section twenty-one (21) providing for a secretary for each examining board shall not apply to the Pharmacy Examiners.

Sec. 92-a5. Duties of secretary of Pharmacy Examiners. The secretary of the Pharmacy Examiners shall, upon the direction of said examiners, make inspections of alleged violations of the provisions of this title relative to the practice of pharmacy and of chapters nine (9) and ten (10) of House File two hundred sixty-one-A (261-A), special session, fortieth general assembly. Said secretary shall be allowed his necessary traveling and hotel expenses in making such inspections, which shall be paid out of the appropriation provided for in section twenty-four (24).

Sec. 92-a6. Licensing of chiropractors, osteopaths, and osteopathic surgeons. Notwithstanding the provisions of this title, every application for

a license to practice chiropractic, osteopathy, or osteopathy and surgery, shall be made direct to the secretary of the examining board of such profession, and every reciprocal agreement for the recognition of any such license issued in another state shall be negotiated by the examining board for such profession, and all examination, license, and renewal fees received from such persons licensed to practice any of such professions shall be paid to and collected by the secretary of the examining board of such profession, which secretary shall turn the same over to the department of health on the first day of January, nineteen hundred twenty-five (1925) and quarterly thereafter.

Sec. 92-a7. Clerical help and supplies. Subject to the approval of the executive council, the examining boards for chiropractic, osteopathy, and osteopathy and surgery, may employ such clerical assistance as may be necessary to enable said board to perform the duties imposed upon them by law. Payment for such assistance shall be made out of the appropriation provided for in section twenty-four (24). The executive council shall also furnish said boards with the necessary quarters and all articles and supplies required for the public use, and the provisions of section twenty-five (25) shall not apply to said boards.

Sec. 92-a8. Records. The secretary of each of said boards shall keep a correct record of the proceedings of said board, and upon the granting of any license to practice any of said professions the board shall, at the time of granting said license, certify to the department of health the application upon which such license was issued, together with the questions submitted in the examination of such applicant and the answers thereto, and such secretary shall deposit with the department of health all records not needed for the current use of his examining board.

Sec. 92-a9. Additional renewal fee for pharmacy association. The secretary of the pharmacy examiners shall annually add one dollar (\$1.00) to the renewal fee provided in this chapter for a person licensed to practice pharmacy. Such additional amount shall be considered as a part of the regular renewal fee and payment of the same shall be a prerequisite to the renewal of his license. The funds derived from the additional renewal fee collected under this section shall be paid to the state pharmacy association upon the order of its treasurer and secretary. Said funds shall be used by such association in the advancement of the art and science of pharmacy.

CHAPTER 2 PRACTICE OF MEDICINE AND SURGERY

Sec. 93. Persons engaged in practice of medicine and surgery. For the purpose of this title the following classes of persons shall be deemed to be engaged in the practice of medicine and surgery:

1. Persons who publicly profess to be physicians or surgeons or who publicly profess to assume the duties incident to the practice of medicine or surgery.
2. Persons who prescribe and furnish medicine for human ailments, or treat the same by surgery.

Sec. 94. Persons not engaged in practice of medicine. The preceding section shall not be construed to include the following classes of persons:

1. Persons who advertise or sell patent or proprietary medicines.
2. Persons who advertise, sell, or prescribe natural mineral waters flowing from wells or springs.
3. Students of medicine or surgery who have completed at least two (2) years' study in a medical school, approved by the medical examiners, and who

prescribe medicine under the supervision of a licensed physician and surgeon, or who render gratuitous service to persons in case of emergency.

4. Licensed podiatrists, "osteopaths", "osteopaths and surgeons", chiropractors, nurses, dentists, optometrists, and pharmacists who are exclusively engaged in the practice of their respective professions.

5. Physicians and surgeons of the United States army, navy, or public health service when acting in the line of duty in this state, or to physicians and surgeons licensed in another state, when incidentally called into this state in consultation with a physician and surgeon licensed in this state.

Sec. 95. Requirements for license. Each applicant for a license to practice medicine shall:

1. Present a diploma issued by a medical college approved by the Medical Examiners.

2. Pass an examination prescribed by the Medical Examiners in the subjects of anatomy, chemistry, physiology, materia medica and therapeutics, obstetrics, pathology, theory and practice, and surgery; but in the subjects of materia medica and therapeutics, and theory and practice, each applicant shall be examined in accordance with the teachings of the school of medicine which he desires to practice.

Sec. 96. Recognition of certificates of national board. The state department of health may, with the approval of the Medical Examiners, accept in lieu of the examination prescribed in the preceding section a certificate of examination issued by the national board of medical examiners of the United States of America, but every applicant for a license upon the basis of such certificate shall be required to pay the fee prescribed for licenses issued under reciprocal agreements.

CHAPTER 3

PRACTICE OF PODIATRY

Sec. 97. Persons engaged in practice of podiatry. For the purpose of this title the following classes of persons shall be deemed to be engaged in the practice of podiatry:

1. Persons who publicly profess to be podiatrists or who publicly profess to assume the duties incident to the practice of podiatry.

2. Persons who diagnose and give medical or surgical treatment to ailments of the human foot.

Sec. 98. Persons not engaged in practice of podiatry. The preceding section shall not be construed to include:

1. Licensed "physicians and surgeons" nor licensed "osteopaths and surgeons".

2. Physicians and surgeons of the United States army, navy, or public health service when acting in the line of duty in this state.

Sec. 99. Requirements for license. Every applicant for a license to practice podiatry shall:

1. Present a diploma issued by a school of podiatry approved by the Podiatry Examiners.

2. Pass an examination prescribed by the Podiatry Examiners in the subjects of anatomy, chemistry, dermatology, diagnosis, materia medica, pathology, physiology, and therapeutic, clinical, and orthopedic podiatry, but said subjects shall be limited in scope to the treatment of the foot.

Sec. 100. Requirements for approved school. No school of podiatry shall

be approved by the Podiatry Examiners as a school of recognized standing unless said school:

1. Requires for graduation or for the receipt of any podiatric degree the completion of a course of study covering a period of at least two (2) years.
2. Gives an adequate course of study in the subjects enumerated in paragraph two (2) of the preceding section.
3. Publishes in a regularly issued catalogue the requirements for graduation and degrees as herein specified.

Sec. 101. Amputations and use of general anesthetic prohibited. A license to practice podiatry shall not authorize the licensee to amputate the human foot or toe, or use any anesthetic other than local.

Sec. 102. Use of title or abbreviation. Every licensee shall be designated as a registered podiatrist and he shall not use any title or abbreviation without the designation "licensed podiatrist", "practice limited to the foot", nor mislead the public in any way as to his limited qualifications to treat human ailments.

CHAPTER 4

PRACTICE OF OSTEOPATHY AND SURGERY

Sec. 103. Persons engaged in practice of osteopathy or surgery. For the purpose of this title:

1. The following classes of persons shall be deemed to be engaged in the practice of osteopathy:

- a. Persons publicly professing to be osteopaths or publicly professing to assume the duties incident to the practice of osteopathy.
- b. Persons who treat human ailments by that system of the healing art which places the chief emphasis on the structural integrity of the body mechanism as being the most important factor for maintaining the organism in health.

2. The following classes of persons shall be deemed to be engaged in the practice of osteopathy and surgery:

- a. Persons publicly professing to be osteopaths and surgeons or publicly professing to assume the duties incident to the practice of osteopathy and surgery.
- b. Persons who treat human ailments by osteopathy and surgery.

Sec. 104. Persons not engaged in practice of osteopathy or surgery. The preceding section shall not be construed to include the following classes of persons:

1. Licensed physicians and surgeons, podiatrists, nurses, and dentists who are exclusively engaged in the practice of their respective professions.

2. Physicians and surgeons of the United States army, navy, or public health service when acting in the line of duty in this state, or to "osteopaths" or "osteopaths and surgeons", licensed in another state, when incidentally called into this state in consultation with an "osteopath" or "osteopath and surgeon", licensed in this state.

Sec. 105. Requirements for license to practice osteopathy. Every applicant for a license to practice osteopathy shall:

1. Present a diploma issued by a college of osteopathy approved by the Osteopathic Examiners.
2. Pass an examination in the science of osteopathy and the practice of the same as prescribed by the Osteopathic Examiners, including minor surgery.

Sec. 106. Requirements for license to practice osteopathy and surgery. In addition to the requirements of the preceding section, every applicant for a license to practice osteopathy and surgery shall:

1. Present satisfactory evidence that he has completed either:

a. A two (2) year post-graduate course of nine (9) months each, in an accredited college of osteopathy, involving a thorough and intensive study in the subject of surgery as prescribed by the Osteopathic Examiners, or

b. A one (1) year post-graduate course of nine (9) months, as prescribed in the preceding paragraph, and in addition thereto, has completed a one (1) year course of training as a surgical assistant in a hospital having at least twenty-five (25) beds for patients and equipped for doing major surgical work.

2. Pass an examination as prescribed by the Osteopathic Examiners in the subject of surgery, which shall be of such character as to thoroughly test the qualifications of the applicant as a practitioner of surgery.

Sec. 107. Preliminary education - examination. The Osteopathic Examiners may, notwithstanding the presentation of a diploma from an osteopathic college in good standing, subject the applicant to an examination to ascertain whether he has the educational attainments usually possessed by one who has completed the regular course of study in an accredited high school.

Sec. 108. Requirements for approved college. No college of osteopathy shall be approved by the Osteopathic Examiners as a college of recognized standing unless said college:

1. Requires for admission to its course of study a preliminary education equal to the requirements for graduation from an accredited high school or other secondary school.

2. Requires for graduation or for the receipt of any osteopathic degree the completion of a course of study covering a period of not less than four (4) school years of nine (9) months each year in actual continuous attendance, of which not more than one school year is completed in any period of twelve (12) months and during which time the following subjects are taught for at least the number of hours specified:

Subject	hours
Anatomy (descriptive, regional, applied surgical, and dissection)	600
Embryology	70
Chemistry (advanced to include organic and physiological chemistry and toxicology)	300
Histology	180
Physiology	300
Pathology	240
Bacteriology	150
Hygiene	60
X-Radiance and electrical diagnosis	36
Hydrotherapy	16
Dietetics	32
Osteopathy:	
(a) Principles of osteopathy	
(b) Osteopathic technique	
(c) Practice of osteopathy, to include diseases of the nervous system, alimentary tract, heart and vascular system, genito urinary diseases, ductless glands, metabolism, respiratory tract, bone and joint diseases, corrective gymnastics, acute and infectious diseases, pediatrics, dermatology, syphilis, psychiatry, diagnosis (physical, laboratory, and differential).	

clinical practice and case recording	1,466
Minor surgery with emphasis on fractures, dislocations, principles of surgery, surgical diagnosis, orthopedics, orificial and chemical	400
Eye, ear, nose, and throat	180
Gynecology	160
Obstetrics	200
Professional ethics and efficiency	16
Jurisprudence	16
Total	4,422

The number of hours herein prescribed for the study of any subject may be reduced not more than thirty per cent, but the total number of hours prescribed shall not be reduced.

3. Publishes in a regularly issued catalogue the requirements for admission, graduation, and degrees as herein specified.

Sec. 109. Use of drugs and operative surgery prohibited. A license to practice "osteopathy" or "osteopathy and surgery" shall not authorize the licensee to prescribe or give internal curative medicines and a license to practice "osteopathy" shall not authorize the licensee to engage in major operative surgery.

CHAPTER 5 PRACTICE OF CHIROPRACTIC

Sec. 110. Chiropractic defined. For the purpose of this title the following classes of persons shall be deemed to be engaged in the practice of chiropractic:

1. Persons publicly professing to be chiropractors or publicly professing to assume the duties incident to the practice of chiropractic.
2. Persons who treat human ailments by the adjustment by hand of the articulations of the spine or by other incidental adjustments.

Sec. 111. Persons not engaged in practice of chiropractic. The preceding section shall not be construed to include the following classes of persons:

1. Licensed physicians and surgeons, licensed "osteopaths", and licensed "osteopaths and surgeons" who are exclusively engaged in the practice of their respective professions.
2. Physicians and surgeons of the United States army, navy, or public health service when acting in the line of duty in this state, or to chiropractors licensed in another state, when incidentally called into this state in consultation with a chiropractor licensed in this state.
3. Students of chiropractic who have entered upon a regular course of study in a chiropractic college approved by the Chiropractic Examiners, who practice chiropractic under the direction of a licensed chiropractor and in accordance with the rules of said examiners.

Sec. 112. Requirements for license. Every applicant for a license to practice chiropractic shall:

1. Present satisfactory evidence that he possesses a preliminary education equal to the requirements for graduation from an accredited high school or other secondary school.
2. Present a diploma issued by a college of chiropractic approved by the Chiropractic Examiners.
3. Pass an examination prescribed by the Chiropractic Examiners in the subjects of anatomy, physiology, symptomatology and diagnosis, hygiene and sanitation, chemistry, histology, pathology, and principles and practice of chiropractic, including a clinical demonstration of vertebral palpation, nerve

tracing and adjusting.

Sec. 113. Requirements for approved college. No college of chiropractic shall be approved by the Chiropractic Examiners as a college of recognized standing unless said college:

1. Requires for graduation or for the receipt of any chiropractic degree the completion of a course of study covering a period of not less than three (3) school years of six (6) months each year in actual continuous attendance.

2. Gives an adequate course of study in the subjects enumerated in paragraph three (3) of the preceding section, and including practical clinical instruction.

3. Publishes in a regularly issued catalogue the requirements for graduation and degrees as herein specified.

Sec. 114. Use of operative surgery, drugs, and osteopathy prohibited. A license to practice chiropractic shall not authorize the licensee to practice operative surgery, osteopathy, nor administer or prescribe any drug or medicine included in materia medica.

Sec. 115. Signs - display of word "chiropractor". Every licensee shall place upon all signs used by him, and display prominently in his office the word "chiropractor".

CHAPTER 6

PRACTICE OF NURSING

Sec. 116. Nursing defined. For the purpose of this title any person shall be deemed to be engaged in the practice of nursing who practices nursing as a graduate or registered nurse or publicly professes to be a graduate or registered nurse and to assume the duties incident to such profession.

Sec. 117. Certain nurses exempted. The preceding section shall not apply to any person nursing the sick with or without pay who does not in any way assume to be a registered or graduate nurse, but such person shall not use the abbreviations "R.N." or "G.N."

Sec. 118. Requirements for license. Every applicant for a license to practice nursing shall:

1. Present a diploma issued by a nurses' training school approved by the Nurse Examiners.

3. Pass an examination prescribed by the Nurse Examiners in the subjects of elementary hygiene, anatomy, physiology, materia medica, dietetics, practical nursing, medical and surgical nursing, obstetrics, nursing of children, the rules of the state department of health relating to communicable diseases and quarantine, and other proper subjects.

Sec. 119. Requirements for schools of good standing. No training school shall be approved by the Nurse Examiners as a school of recognized standing unless said school is attached to a general hospital and:

1. Requires for graduation or any degree the completion of a course of study covering a period of at least three (3) years of actual attendance.

2. Gives an adequate course of study in the subjects enumerated in paragraph three (3) of the preceding section.

3. Publishes in a regularly issued catalogue the requirements for graduation and degrees as herein specified.

CHAPTER 7

PRACTICE OF DENTISTRY

Sec. 120. Practice of dentistry defined. For the purpose of this title the following classes of persons shall be deemed to be engaged in the practice of dentistry:

1. Persons publicly professing to be dentists, dental surgeons, or skilled in the science of dentistry, or publicly professing to assume the duties incident to the practice of dentistry.

2. Persons who treat, or attempt to correct by any medicine, appliance, or method any disorder, lesion, injury, deformity, or defect of the oral cavity, teeth, gums, or maxillary bones of the human being, or give prophylactic treatment to any of said organs.

Sec. 121. Persons not engaged in practice of dentistry. The preceding section shall not be construed to include the following classes:

1. Students of dentistry who practice dentistry upon patients at clinics in connection with their regular course of instruction at the state dental college.

2. Licensed "physicians and surgeons" or licensed "osteopaths and surgeons" who extract teeth or treat diseases of the oral cavity, gums, teeth, or maxillary bones as an incident to the general practice of their professions.

3. Persons who are members of an incorporated society and practice dentistry solely for and among the members of such incorporated society without charge.

4. Persons licensed to practice dental hygiene who are exclusively engaged in the practice of said profession.

Sec. 122. Requirements for license. Every applicant for a license to practice dentistry shall:

1. Present a diploma issued by a dental college approved by the Dental Examiners.

2. Pass an examination prescribed by the Dental Examiners in the science of dentistry and the practice of dental surgery.

Sec. 123. Names of employed dentists to be posted. Every person who owns, operates, or controls a dental office in which anyone other than himself is practicing dentistry shall display the name of such person in a conspicuous manner at the public entrance to said office.

Sec. 124. Employment of unlicensed dentist - laboratory work. No person owning or conducting any place where dental work of any kind is done or contracted for, shall employ or permit any unlicensed dentist to practice dentistry in said place, but persons who are not licensed dentists may perform laboratory work.

Sec. 125. Dentists to practice under their own names. No person shall operate any place in which dentistry is practiced under any other name than his own, or display, in connection with his practice, on any advertising matter any other than his own name; but two (2) or more licensed dentists who are associated in the practice may use all of their names, and a widow, heir, or any legal representative of a deceased dentist, may operate such office for a reasonable time for the purpose of disposing of the same.

Sec. 126. Practice of dental hygienists defined. Any woman may be licensed as a dental hygienist and such license shall authorize her to remove lime deposits accretions, and stains upon the exposed surfaces of the teeth and directly beneath the free margins of the gums, but such practice must be carried on in a dental office, a public or private school, or in a public institution, and under the supervision of a licensed dentist. Dental hygienists shall not otherwise engage in the practice of dentistry.

Sec. 127. Requirements for dental hygienists. Every applicant for a license to practice dental hygiene shall:

1. Present satisfactory evidence of a preliminary education equivalent to two (2) years in an accredited high school or other secondary school.
2. Present a diploma from a training school for dental hygiene approved by the Dental Examiners.
3. Pass an examination prescribed by the Dental Examiners in the subjects taught in the curriculum of an accredited training school for dental hygiene.

Sec. 128. Requirements for approved hygiene school. No training school for dental hygiene shall be approved by the Dental Examiners as a school of recognized standing unless said school:

1. Requires for graduation or any degree the completion of a course of study covering a period of not less than one (1) year of at least nine (9) months in actual continuous attendance.
2. Gives a suitable course covering the subject of dental hygiene.
3. Publishes in a regularly issued catalogue the requirements for graduation and degrees as specified herein.

CHAPTER 8

PRACTICE OF OPTOMETRY

Sec. 129. Optometry defined. For the purpose of this title the following classes of persons shall be deemed to be engaged in the practice of optometry:

- (1) Persons who employ any means other than drugs for the measurement of the powers of vision of the human eyes, and adapt lenses for aiding the same.
- (2) Persons who allow the public to use any mechanical device for such purpose.
- (3) Persons who publicly profess to be optometrists and to assume the duties incident to said profession.

Sec. 130. Persons not engaged in the practice of optometry. This chapter shall not be construed to include the following classes:

1. Merchants or dealers who sell glasses as merchandise in an established place of business and who do not profess to be optometrists or practice optometry as herein defined.
2. Licensed practitioners of medicine.

Sec. 131. Requirements for license. Every applicant for a license to practice optometry shall:

1. Present satisfactory evidence of a preliminary education equivalent to at least four (4) years' study in an accredited high school or other secondary school.
2. Present a diploma from an accredited school of optometry.

3. Pass an examination prescribed by the Optometry Examiners in the subjects of physiology of the eye, optical physics, anatomy of the eye, ophthalmology, and practical optometry.

Sec. 132. Requirements for approved school. No school of optometry shall be approved by the Optometry Examiners as a school of recognized standing unless said school.

1. Requires for graduation or any degree the completion of a course of study covering a period of at least two (2) school years of nine (9) months each year of actual continuous attendance.

2. Gives an adequate course of study in which at least one hundred fifty (150) hours of the instruction are devoted to each of the subjects enumerated in paragraph three (3) of the preceding section.

3. Publishes in a regularly issued catalogue the requirements for graduation and degrees as herein specified.

CHAPTER 9

PRACTICE OF PHARMACY

Sec. 133. Person engaged in practice of pharmacy. For the purpose of this title the following classes of persons shall be deemed to be engaged in the practice of pharmacy:

1. Persons who engage in the business of selling, or offering or exposing for sale, drugs and medicines at retail.

2. Persons who compound or dispense drugs and medicines to fill the prescriptions of licensed physicians and surgeons, dentists, or veterinarians.

Sec. 134. Persons not engaged in practice of pharmacy. The preceding section shall not be construed to include the following classes:

1. Persons who assist in the selling or dispensing of drugs and medicines under the supervision of a licensed pharmacist.

2. Persons who sell, offer or expose for sale, completely denatured alcohol or concentrated lye, insecticides or fungicides in original packages.

3. Persons licensed to practice medicine, dentistry, or veterinary medicine who dispense drugs and medicines as an incident to the practice of their professions.

4. Persons who sell, offer or expose for sale proprietary medicines or domestic remedies which are not in themselves poisonous or in violation of the law relative to intoxicating liquors.

Sec. 135. Definitions. For the purposes of this chapter:

1. "Drugs and medicines" shall include all substances and preparations for internal or external use recognized in the United States Pharmacopoeia or National Formulary, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or animals.

2. "Pharmacy" shall mean a drug store in which the prescriptions of licensed physicians and surgeons, dentists, or veterinarians are compounded.

Sec. 136. Requirements for license. Every applicant for a license to practice pharmacy shall:

1. Present satisfactory evidence of possessing the qualifications enumerated in one (1) of the following paragraphs:

a. The completion of two (2) years' work in an accredited college of pharmacy and at least two (2) years of practical experience as a clerk under the supervision of a licensed pharmacist in a pharmacy.

b. The completion of three (3) years' work in an accredited college of pharmacy and at least one (1) year of practical experience as specified in the preceding paragraph.

2. Pass an examination prescribed by the Pharmacy Examiners in the science and practice of pharmacy.

Sec. 137. Permitting person not registered to dispense drugs. No licensed pharmacist shall allow anyone who is not a licensed pharmacist to sell, or offer or expose for sale, or dispense drugs and medicines, or fill the prescriptions of licensed physicians, dentists, and veterinarians, unless the same be done under the supervision of a licensed pharmacist.

Sec. 128. Requirements for approved colleges. After July first, nineteen hundred twenty-five (1925), no college of pharmacy shall be approved by the Pharmacy Examiners as a college of recognized standing unless the entrance and graduation requirements are equivalent to those prescribed from time to time by the American conference of pharmaceutical faculties.

CHAPTER 10

PRACTICE OF EMBALMING

Sec. 139. Embalming defined. For the purpose of this title any person shall be deemed to be engaged in the practice of embalming who makes a practice of preparing the dead bodies of human beings for burial or other final disposition or who publicly professes to be an embalmer and to assume the duties incident to said profession.

Sec. 140. Requirements for license. Every applicant for a license to practice embalming shall:

1. Present satisfactory evidence of two (2) years of practical experience under a licensed embalmer in this state, or one (1) year of such practical experience, and the completion of the regular course of instruction in an accredited school of embalming.

2. Present satisfactory evidence of having actually embalmed ten (10) bodies, under the supervision of a licensed embalmer.

3. Pass an examination prescribed by the Embalmer Examiners in the subjects of anatomy, sanitary science, the care, disinfection, preservation, transportation, and burial or other final disposition of dead bodies, and the rules of the state department of health relating to communicable diseases and quarantine.

4. At the request of the Embalmer Examiners, demonstrate his proficiency as an embalmer by operations on a cadaver.

CHAPTER 11

TEMPORARY AND SPECIAL PROVISIONS

Sec. 141. Present members of board of health to be medical examiners. The physician members of the state board of health as constituted on July first, nineteen hundred twenty-four (1924), whose terms expire on June thirtieth, nineteen hundred twenty-five (1925), nineteen hundred twenty-six (1926), and nineteen hundred twenty-seven (1927), respectively, shall, at the time this title takes effect, become members of the board of medical examiners provided for in chapter one (1) of this title and shall serve in such capacity until the expiration of

their present terms of office upon the above specified dates.

Sec. 142. New examiners for podiatrists, nurses, optometrists, and embalmers. The governor shall appoint, immediately upon the taking effect of this title, and subject to the provisions of chapter one (1) of this title, in so far as applicable, three (3) members of each of the following boards.

1. Podiatry Examiners.
2. Nurse Examiners.
3. Optometry Examiners.
4. Embalmer Examiners.

Sec. 143. Term of office. The term of one (1) of the members of each of the above boards shall expire on June thirtieth, nineteen hundred twenty-five (1925), one (1) on June thirtieth, nineteen hundred twenty-six (1926), and one (1) on June thirtieth, nineteen hundred twenty-seven (1927), as designated by the governor.

Sec. 144. Continuation of present dental examiners. The members of the state board of dental examiners as constituted on August first, nineteen hundred twenty-four (1924) whose terms expire on July thirty-first, nineteen hundred twenty-five (1925), nineteen hundred twenty-six (1926), nineteen hundred twenty-seven (1927), nineteen hundred twenty-eight (1928), and nineteen hundred twenty-nine (1929), respectively, shall, immediately upon the taking effect of this title, become members of the board of dental examiners, provided for in chapter one (1) of this title, and shall serve in such capacity until July first, nineteen hundred twenty-five (1925), nineteen hundred twenty-six (1926), nineteen hundred twenty-seven (1927), nineteen hundred twenty-eight (1928), and nineteen hundred twenty-nine (1929), respectively.

Sec. 146. Continuation of terms of present osteopathic examiners. The members of the state board of osteopathy as constituted on April fifteenth, nineteen hundred twenty-four (1924), whose terms expire on April fourteenth, nineteen hundred twenty-five (1925), nineteen hundred twenty-six (1926), and nineteen hundred twenty-seven (1927), respectively, shall, immediately upon the taking effect of this title, become members of the board of Osteopathic Examiners, provided for in chapter one (1) of this title, and shall serve in such capacity until July first, nineteen hundred twenty-five (1925), nineteen hundred twenty-six (1926), and nineteen hundred twenty-seven (1927), respectively.

Sec. 147. Continuation of terms of present chiropractic examiners. The members of the state board of chiropractic as constituted on March twenty-eight, nineteen hundred twenty-four (1924), whose terms expire on March twenty-seventh, nineteen hundred twenty-five (1925), nineteen hundred twenty-six (1926), and nineteen hundred twenty-seven (1927), respectively, shall, immediately upon the taking effect of this title, become members of the board of Chiropractic Examiners, provided for in chapter one (1) of this title, and shall serve in such capacity until July first, nineteen hundred twenty-five (1925), nineteen hundred twenty-six (1926), and nineteen hundred twenty-seven (1927), respectively.

Sec. 148. Continuation of terms of members of pharmacy commission. The members of the state pharmacy commission as constituted on April twenty-fourth, nineteen hundred twenty-four (1924), whose terms expire on April twenty-third, nineteen hundred twenty-five (1925), nineteen hundred twenty-six (1926), and nineteen hundred twenty-seven (1927), respectively, shall immediately upon the taking effect of this title, become members of the board of Pharmacy Examiners, pro-

vided for in chapter one (1) of this title, and shall serve in such capacity until July first, nineteen hundred twenty-five (1925), nineteen hundred twenty-six (1926), and nineteen hundred twenty-seven (1927), respectively.

Sec. 148-a1. Secretary of pharmacy commission. The secretary of the state pharmacy commission in office at the time this title takes effect shall become the secretary of the board of Pharmacy Examiners, provided for in chapter one (1) of this title, and shall serve in such capacity until July first, nineteen hundred twenty-five (1925) when he shall be superseded by such person as may be appointed by the Pharmacy Examiners under the provisions of section ninety-two-a five (92-a5).

Sec. 149. Appointment of successors. Upon the expiration of the respective terms of the members of the various examining boards provided by this chapter their successors shall be appointed as provided in chapter one (1) of this title, in so far as possible.

Sec. 150. Surrender of public records. Immediately upon the taking effect of this title, the state department of health shall take possession of all public records, documents, correspondence, papers, property, and equipment heretofore belonging to the state board of medical examiners, the podiatry examiners, board of osteopathy, board of chiropractic examiners, nurses' examining committee, board of dental examiners, board of optometry examiners, and the embalmers' examining committee.

The persons in possession of such records and property shall deliver the same to the state department of health upon demand of the commissioner of public health.

Sec. 151. Certification of records. From and after the taking effect of this title, the commissioner of public health shall have authority to make certified copies of any of the public records, documents, and papers delivered under the preceding section.

Sec. 152. Existing licenses. Every license to practice "medicine and surgery", podiatry, "osteopathy", "osteopathy and surgery", chiropractic, nursing, dentistry, dental hygiene, optometry, pharmacy, or embalming in force at the time of the taking effect of this title shall authorize the holder thereof to practice his profession until the thirtieth day of June following the taking effect of this title when the same shall be renewed as provided in this title.

Sec. 153. Continuation of existing reciprocal agreements. Every reciprocal agreement existing at the time this title takes effect for the purpose of recognizing licenses which have been issued in other states to practice any of the professions for which a license is required by this title shall continue in force until such time as new agreements are negotiated under the provisions of chapter one (1) of this title.

Sec. 154. Continuation of present rules and regulations. All the rules and regulations of the "state board of health", "state board of medical examiners", the "podiatry examiners" of said board, the state "board of osteopathy", the state "board of chiropractic examiners", the nurses' "examining committee" of the state board of health, the state "board of dental examiners", the state "board of optometry examiners", the state "commission of pharmacy", and the embalmers' "examining committee" of the state board of health, relative to the practice of any profession regulated by this title, which have been promulgated

under any law of this state and are in force at the time this title takes effect, shall continue in force until superseded by the rules and regulations of the proper authority, adopted under the provisions of this title.

Sec. 155. This title takes effect. Immediately upon the taking effect of this title, the "state board of health", "state board of medical examiners", the "podiatry examiners" of said board, the state "board of osteopathy", the state "board of chiropractic examiners", the nurses' "examining committee" of the state board of health, the state "board of dental examiners", the state "board of optometry examiners", the state "commission of pharmacy", and the embalmers' "examining committee" of the state board of health, as constituted at such time shall cease to exist and shall be superseded by the examining boards provided in this title.

Sec. 156. Omission from permanent Code. The provisions of this chapter are temporary or special in character and the code editor shall omit the same from the permanent Code when prepared for final publication.

Approved April 26, 1924.

CHAPTER 168

STATE PRINTING

S. F. 263

AN ACT to amend, revise, and codify sections one hundred one-a1 (100-a1), two hundred forty-one-a four (241-a4), two hundred forty-one-a sixty-four-b (241-a64b), two hundred forty-one-a sixty-four-c (241-a64c), two hundred forty-one-a sixty-five (241-a65), and two hundred forty-one-a seventy-four (241-a74) of the supplement to the compiled code of Iowa, relating to the state printing board and to the public reports of various public offices.

Be It Enacted by the General Assembly of the state of Iowa:

That section two hundred forty-one-a four (241-a4) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Appointment and tenure. The governor shall, on or before July first, each year, appoint one member of said board which appointee, after qualifying, shall serve for two years from said date. Appointees to fill vacancies shall serve from the date of appointment and qualification and for the unexpired term.

Sec. 2. Present members of board. Nothing in the preceding section shall affect the term of office of the present appointive members of the board.

That section two hundred forty-one-a sixty-four-b (241-a64b) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 3. Biennial reports - time covered and date of filing. Reports of the following officials and departments shall cover the biennial period ending June thirtieth in each even-numbered year, and shall be filed as soon as practicable after the end of the reporting period:

1. Secretary of state relative to corporations.
2. Auditor of state on fiscal condition of state.
3. Auditor of state on biennial expenditures.
4. Treasurer of state as to the condition of the treasury.
5. Secretary of agriculture.
6. Superintendent of public instruction.
7. Board of control.
8. Board of education.
9. Board of parole.
10. Printing board.
11. Industrial commissioner.
12. Commissioner of public health.
13. Commissioner of labor.
14. Board of curators of state historical society.
15. Curator of historical, memorial, and art department.
16. State librarian.
17. Library commission.
18. Custodian of public buildings and grounds.
19. Fish and game warden.
20. Adjutant general.

That section two hundred forty-one-a sixty-four-c (241-a64c) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 4. Annual reports - time covered and date of filing. Reports of the following officials and departments shall cover the year ending December thirty-first of each year, and shall be filed as soon as practicable after said date:

1. Commissioner of insurance.
2. Apiarist.
3. State geologist.
4. Fire marshal.
5. Board of accountancy.
6. Board of examining engineers.
7. Inspector of passenger boats.

That section two hundred forty-one-a sixty-five (241-a65) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 5. Governor may grant extension. The governor shall have authority to grant an extension of time for the completion of any report or any portion thereof, but in the case of any delay deemed by him to be unnecessary or unreasonable he shall take whatever steps may be necessary to have the delayed report prepared for filing.

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:

Sec. 6. Miscellaneous documents. There shall be published, printed, and bound uniform with the official reports, unless otherwise provided and for the periods indicated, the following miscellaneous documents, each of which shall be compiled by the head or secretary of the department or association having charge thereof:

1. Iowa year book of agriculture, annually.

2. Iowa official register, biennially.
3. Assessments by executive council relative to public utilities, annually.
4. Census, when taken and compiled.
5. Proceedings of state teachers' association, annually.
6. Proceedings of Iowa academy of science, annually.
7. Proceedings of pioneer law makers' association, biennially.

That section one hundred one-a one (101-a1) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 7. Iowa Official Register. The superintendent of printing shall, in odd-numbered years, compile for publication the Iowa official register which shall contain historical, political and other statistics of general value, but nothing of a partisan character.

Approved March 12, 1924.

CHAPTER 169

COMMON CARRIER -- EXPULSION OF PASSENGER.

S. F. 265

AN ACT to amend, revise, and codify sections ten hundred twenty-one (1021) and ten hundred twenty-two (1022) of the compiled code of Iowa, relating to railways and to offenses thereon, and to the right to remove intoxicated persons therefrom.

Be It Enacted by the General Assembly of the State of Iowa:

That sections ten hundred twenty-one (1021) and ten hundred twenty-two (1022) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Profane language on trains. Any person who shall use profane or indecent language on any passenger railway car, or on any street car, or interurban car, in service, shall be guilty of a misdemeanor.

Sec. 2. Power to eject passenger. Any conductor of a railway train, or street car, or interurban car carrying passengers shall have the right to refuse to permit any person, not in the custody of an officer, to enter any passenger car on his train, or street car, or interurban car in his charge, who shall be in a state of intoxication; and shall have the further right to eject from his train at any station, or from his street car, or interurban car at any regular stop, any person found in a state of intoxication or drinking intoxicating liquors as a beverage, or using profane or indecent language, and for that purpose may call to his aid any employes of the railway or street car or interurban company.

Approved February 27, 1924.

CHAPTER 170

JURORS

H. F. 266

AN ACT to amend, revise, and codify chapters six (6) and seven (7) of title

twenty-eight (28) of the compiled code of Iowa, and of the supplement to said code, and sections seventy-four hundred eighty-three (7483), ninety-three hundred (9300), and ninety-four hundred twenty-one (9421) of the compiled code of Iowa, relating to jurors.

Be It Enacted by the General Assembly of the State of Iowa:

That chapters six (6) and seven (7) of title twenty-eight (28) of the compiled Code of Iowa and of the supplement to said Code, are amended, revised, and codified to read as follows:

CHAPTER 1

JURORS IN GENERAL

Section 1. Competency. All qualified electors of the state, of good moral character, sound judgment, and in full possession of the senses of hearing and seeing, and who can speak, write, and read the English language, are competent jurors in their respective counties.

Sec. 2. Exemption. The following persons are exempt from liability to act as jurors:

1. Persons holding office under the laws of the United States or of this state.
2. Practicing attorneys, physicians, licensed embalmers, registered nurses, chiropractors, osteopaths, veterinarians, registered pharmacists, dentists, and clergymen.
3. Acting professors or teachers of any college, school, or other institution of learning.
4. Persons disabled by bodily infirmity.
5. Persons over sixty-five (65) years of age.
6. Active members of any fire company.
7. Persons conscientiously opposed to acting as a juror because of religious faith.

Sec. 3. Jurors excused. Any person may also be excused from serving on a jury when his own interests or those of the public will be materially injured by his attendance, or when the state of his own health, or the death or sickness of a member of his family, requires his absence from court.

Sec. 4. False excuse - prohibited requests. Any person who knowingly makes any false affidavit, statement, or claim, for the purpose of relieving himself or another from serving as a juror, or any person who requests the judges of election to return his name as such juror, shall be punished by fine not exceeding one hundred dollars (\$100.00), or by imprisonment in the county jail not more than thirty days, or the court may punish such person as for contempt.

Sec. 5. Fees of jurors. Jurors shall receive the following fees:

1. For each day's service or attendance in courts of record, including jurors summoned on special venire, three dollars (\$3.00), and for each mile traveled from his residence to the place of trial, ten cents (10c).
2. For each day's service before a justice of the peace, one dollar (\$1.00).
3. No mileage shall be allowed talesmen or jurors before justices.

Sec. 5. Clerk to certify attendance. Immediately after the adjournment of each term of a court of record, the clerk thereof shall certify to the

county auditor a list of the jurors, with the number of days' attendance to which each one is entitled.

CHAPTER _____

JURY COMMISSION

Sec. 7. Appointment. In all counties the clerk of the district court, the county auditor, and the county recorder shall ex officio constitute the jury commission to draw jurors, but shall receive no extra compensation as such. In each county having situated therein a city with a population of fourteen thousand (14,000) or more, the judge or judges of the district court of the judicial district in which said county is located shall, on or before October first of each year in which the general election is held, appoint three (3) competent electors as a jury commission to select and make lists of the names of persons to serve as grand and petit jurors and talesmen for the two (2) years beginning January first after such election.

Sec. 8. Limitation on appointment. Not more than two (2) members of the appointive commission shall be residents of the city in which the courthouse of the county in which they are appointed, is located, and no person shall be appointed who has solicited such appointment; nor shall any county officer or attorney at law be appointed a member of such commission.

Sec. 9. Manner of appointment. The appointment shall be in writing, signed by the judge, or a majority of the judges if more than one, and shall be filed and made a matter of record, in the office of the clerk of the district court. If, for any reason, any judge is unable to act, the appointment shall be signed by the judge, or a majority of the judges of such district, who are able to act.

Sec. 10. Clerk to notify. The clerk of the district court shall, at once, notify each appointive commissioner of his appointment.

Sec. 11. Vacancy. If a vacancy occurs in such appointive commission through death, removal, or inability of a member thereof to act, the judge, or judges of the judicial district shall appoint some person to act during the remainder of such unexpired term.

Sec. 12. Qualification - tenure. The appointive commissioners shall qualify on or before the tenth day of October, following their appointment, by taking the oath of office required of civil officers. Said oath shall be subscribed by them and filed in the office of the district court. They shall hold office for the term of two (2) years and until their successors are duly appointed and qualified.

Sec. 13. Instructions. It shall be the duty of the judges of the district court to give instructions to appointive jury commissioners at the time of their appointment as to their duties, and to call their especial attention to the provisions of section seventeen (17) hereof. When the county auditor transmits the certificate of apportionment of jurors to the judges of the several election precincts, he shall call the attention of such judges to their duties, especially as set forth in section seventeen (17) hereof.

Sec. 14. Compensation and expenses. Each appointive commissioner shall, in addition to his actual expenses, receive a compensation of four dollars

(\$4.00) for each day employed by him in the discharge of his official duties.

Sec. 15. Assistants. The commissioners may employ such assistants in preparing the jury lists as they may deem necessary, and the board of supervisors shall allow reasonable compensation to such assistants.

CHAPTER _____

SELECTION OF JURORS.

Sec. 16. Jury lists. The appointive jury commission shall, on the second Monday after the general election is held in each even-numbered year, meet at the courthouse in rooms provided by the county, and, in accordance with the certificate of appointment furnished by the county auditor, prepare, select, and return on blanks furnished by the county, the following lists, to-wit:

1. Grand jurors. A list of names and addresses of one hundred and fifty (150) electors from which to select grand jurors.

2. Petit jurors. A list of names and addresses of electors equal to one-eighth ($1/8$) of the whole number of qualified electors in said county who voted in the last preceding general state election as shown by the poll books, from which to select petit jurors.

3. Talesmen. A list of the names and addresses of electors equal to fifteen (15) percent of the whole number of qualified electors who voted at the last preceding general election, as shown by the poll books, in the city or town in which the district court is held and in the township or townships in which such city or town is located (but in no case exceeding five hundred (500) names) from which to select talesmen.

Sec. 17. Names rejected. The appointive commission, in the preparation of said lists, shall not place thereon the name of any person:

1. Who is not an elector of the state.
2. Who is not of good moral character.
3. Who is not of sound judgment.
4. Who is not in full possession of the senses of hearing and seeing.
5. Who cannot speak, write, and read the English language.
6. Who has served in said county and in the district court as a grand or petit juror since the first day of January preceding the last general election.
7. Who by reason of the condition of his or her health, business, domestic duties, or other circumstances will probably be unable to serve as a juror.
8. Who has, directly or indirectly, requested that his or her name be placed on said lists, or on any of them.
9. Who has been exempted by law from jury service.

Sec. 18. Judicial division of county. In counties which are divided for judicial purposes, and in which courts are held at more than one place, each division shall be treated as a separate county, and the grand and petit jurors and talesmen, selected to serve in the respective courts, shall be drawn from the division of the county in which the court is held, at which they are required to serve.

Sec. 19. Auditor to apportion and certify. On or before the date of said meeting of the appointive commission, the county auditor shall apportion the number of grand and petit jurors to be selected among the several election precincts, and the talesmen among the precincts from which the same are to be drawn, in each case as nearly as practicable in proportion to the numbers of votes polled in such precincts at the last general election, and certify said apportionment to such commission.

Sec. 20. Additional information by auditor. For the purpose of aiding the appointive commission, in making the lists aforesaid, the county auditor shall furnish said commission with the poll books of the last preceding general election, together with the names of all persons who have served as grand or petit jurors, after the first day of January, preceding the last general election.

Sec. 21. Clerk to furnish data. The clerk of the district court shall furnish the auditor with the names of the jurors called for by the preceding section.

Sec. 21-a1. Apportionment among precincts. The county auditor, in counties having no appointive jury commission, shall, prior to furnishing the election judges the poll books, apportion the number of grand and petit jurors to be selected from among the several election precincts, and the talesmen among the precincts from which the same are to be selected, in each case as nearly as practicable in proportion to the number of votes polled in each precinct at the last preceding general election. Such apportionment shall be computed on the same basis as provided in section sixteen (16) hereof.

Sec. 21-a2. Certification of apportionment to election judges. In all counties having no appointive jury commission the county auditor shall at the time of the furnishing of the poll books to the judges of election furnish them also a certified statement of the number of persons apportioned to the respective precincts to be returned for each grand and petit jury list. He shall also furnish the judges of election in the city or town in which the district court is held and in the township or townships in which the said city or town is located, with a certified statement of the number of persons to be returned as talesmen. He shall also furnish the judges of each election precinct in the county with the names of all persons who have served as grand or petit jurors since January first preceding.

Sec. 21-a3. Duties of judges of election. The judges of election of the several precincts shall make selection of the requisite number of persons to serve as grand and petit jurors, and of talesmen, if any, and return separate lists of the names so selected to the county auditor with the return of the election, but shall not place on said lists the name of any person described in section seventeen (17) hereof, or judges or clerks of the election.

Sec. 21-a4. Lists by board of supervisors. If the judges of election in any precinct fail to return any list as provided in the preceding section, the board of supervisors shall, at the meeting held to canvass the votes cast at such election, make and certify such list or lists for the delinquent precincts, and the auditor shall file such certified lists in his office and cause copies thereof to be recorded in the proper election books.

Sec. 22. Certification. When the jury lists are completed, they shall be separately certified by the appointive commissioners, or by the judges of election for each precinct, as the case may be, in substantially the following form:

We,, and
constituting the appointive jury commission for county,

Or

We, and
the judges of election for the precinct of
..... county, do hereby certify that the foregoing

(Grand jury, or
..... list does not, to our
petit jury, or talesmen, as the case may be)

knowledge and belief, contain the name of any persons:

1. Who is not an elector of the state, or
2. Who is not of good moral character, or
3. Who is not of good sound judgment, or
4. Who is not in full possession of the senses of hearing and seeing, or
5. Who cannot speak, write, and read the English language, or
6. Who has served in said county and in the district court as a grand or petit juror since the first of January preceding, or
7. Who, by reason of the condition of his or her health, business, domestic duties, or other circumstances will probably be unable to serve as a juror, or
8. Who has, directly or indirectly, requested that his or her name be placed on said list, or
9. Who has been exempted by law from jury service.
10. (In counties not having an appointive jury system). Who is a judge or clerk at this election.

Dated atthisday of.....A.D. 19.....

 Jury commissioner for county, Iowa.
 Or

 Judges of election for
 precinct,county, Iowa.

Sec. 23. Filing commissioners' lists. The appointive commissioners shall, after so certifying said lists, place the same in envelopes and on or before the first Monday of December of the year in which such lists are made, deposit the same with the county auditor, who shall file and record the same in the proper record.

Sec. 23-a1. Filing election judges' lists. The jury lists returned by the judges of election together with the lists prepared by the board of supervisors, if any, shall, on or before the day stated in the preceding section, be filed with and recorded by the county auditor.

Sec. 24. Lists made official. The names entered upon said lists and returned as herein provided shall constitute the grand and petit jury lists, and the list of talesmen from which grand and petit jurors, and talesmen shall be selected, for the biennial period commencing with the first day of January next after the general election.

Sec. 25. Preparation of ballots. Within five (5) days after such lists are deposited with the county auditor, the auditor and clerk of the court shall prepare therefrom separate ballots, which shall be uniform in size, shape, and appearance, and upon which the names and places of residence of all persons selected for grand and petit jurors and talesmen, shall be written. The names of the classes of jurors shall be kept separate, and each ballot shall be folded, so as to conceal the name written thereon.

Sec. 26. Names rejected. In preparing the said ballots the county auditor and clerk shall omit the names of all persons who have served as grand or petit jurors since January first preceding.

Sec. 27. Ballot boxes - sealing and custody. The ballots containing the names of the grand and petit jurors and talesmen, shall be deposited in separate boxes which shall be plainly marked so as to show the class of jurors whose names are contained therein, and shall have but one aperture through which a hand may be inserted. The boxes shall then be sealed by the auditor, in the presence of the clerk, and deposited with the clerk of the district court.

Sec. 28. Petit jury panel. Petit jurors, in no case less than twenty-four (24) and always in such number as the court or judge may order, shall be drawn for each term at which such jurors are required.

Sec. 29. Maximum service required. No person shall be required to attend as a petit juror more than one (1) term in the same biennial period. But this exemption shall not apply to talesmen.

Sec. 30. Time for drawing. Petit and grand jurors shall be drawn by the ex officio commission at the office of the clerk of the district court and at a time to be fixed by said clerk. Said time shall not be less than twenty (20) days nor more than thirty (30) days before the first day of each term at which a petit or grand jury is required to be drawn.

Sec. 31. Notice of drawing. The said clerk shall, at least five (5) days prior to the day of such drawing, notify in writing the other members of the ex officio commission of the time and place of such drawing.

Sec. 32. Meeting of commissioners. The members of the ex officio jury commission or a majority thereof shall meet at the time and place fixed and shall draw from the petit jury box the required number of names of persons to serve as petit jurors, and the persons whose names are so drawn shall constitute the petit jurors for the next ensuing term of the court. In the absence or inability to act of any one of the ex officio jury commissioners, his deputy shall act as such commissioner in his stead.

Sec. 34. Details of drawing. The appropriate box shall, at the time of the drawing, be first thoroughly shaken in the presence of the commissioners attending the drawing, and thereupon the seal on the opening shall be broken, likewise in the presence of the commissioners. One of said commissioners shall, then, without looking at the ballots, successively draw the required number of names from the box, and, successively pass said ballots to one of the other commissioners, who shall open said ballots as they are drawn, and read aloud the names thereon, and enter said names in writing on an appropriate list.

Sec. 35. Grand jury panel. A grand jury panel of twelve (12) persons shall be drawn by the said commissioners from the grand jury box at the time of the drawing of the petit jury panel for the January term, and shall be drawn in the same manner and under the same conditions, except as otherwise provided, as are specified for the drawing of said petit jury panel. Such grand jury panel shall constitute the panel from which to select the grand jurors for one year.

Sec. 36. Maximum service permitted. No person on the list of grand jurors shall be eligible to serve as a grand juror except for one calendar year of the biennial period for which the list is made.

Sec. 37. Number from township limited. In drawing grand jurors, not more than one person shall be drawn as grand juror from any civil township,

except when there are less than twelve civil townships in the county, in which case not more than two persons shall be drawn from any one township.

Sec. 38. Rejecting names. - If more persons shall be drawn from any civil township than is hereby authorized, or any person is drawn who has served during the preceding jury year as grand juror, it is the duty of the commissioners to reject all such names so drawn, and to proceed with the drawing until the required number of jurors shall be secured.

Sec. 39. Resealing of box. After the required number of grand or petit jurors shall have been drawn in the manner provided, and their names entered upon the list, the box or boxes shall again be sealed by the commission, and returned to the custody of the clerk.

Sec. 40. Filing list - precept. The clerk shall file said list or lists, in his office, and immediately issue his precept or precepts to the sheriff, commanding him to summon the persons so drawn to appear at the court house at ten o'clock a.m. of the second day of the term, or at such other time as the court or judge may order, to serve as petit or grand jurors, as the case may be.

Sec. 41. Sheriff to summon. The sheriff shall immediately obey such precepts, and on or before the day for the appearance of said jurors must make return thereof, and, on a failure to do so without sufficient cause, may be punished for contempt.

Sec. 42. Grand jurors summoned but once. Except when required at a special term, the twelve persons from which the grand jury is to be impaneled need not be summoned after the first term, but must appear at each succeeding term during the year without summons, under the same penalty as though they had been summoned.

Sec. 43. Contempt. If any person summoned fail to appear without sending a sufficient excuse, the court may issue an order requiring him to appear and show cause why he should not be punished for contempt, and unless he render a sufficient excuse for such failure he may be punished for contempt.

Sec. 44. Cancellation for illegality. If the court shall, for any reason, determine that the petit jurors have been illegally drawn, selected, or summoned, it may set aside the precept, under which they were summoned, and direct a sufficient number to be drawn and summoned. In such case, the jury commission shall meet at the office of the clerk of the court, at such time as the court may direct, and in the manner provided for the drawing of an original panel, draw the number of petit jurors required, under the order of the court. The jurors so drawn and summoned, shall be required to appear immediately, or at such time as the court may fix.

Sec. 45. Resummons of discharged jurors. Jurors who have been discharged for any reason may, during the term, be resummoned if the business before the court necessitates such action.

Sec. 46. Additional petit jurors. The court, during any term of court, may order as many additional jurors drawn for the term, or for the trial of any particular case, as may be deemed necessary.

Sec. 47. Discharge of panel. The court may at any time, discharge the panel of jurors, or any part of it, and order a new panel, or such number of

jurors as may be deemed necessary to be drawn.

Sec. 48. Method of drawing. The names of the jurors contemplated in the last two preceding sections shall be drawn by the commissioners in the manner provided for the drawing of an original panel.

Sec. 49. Talesmen - drawing of. If the court shall determine that it is probable talesmen will be needed to complete a jury, or if the regular panel has been exhausted, the clerk shall, in the presence of the court, draw such number of names as the court may order from the talesmen box to complete the jury.

Sec. 50. Rejection of names. The clerk, when the court directs shall reject the names of those known to be unable to serve or absent from the territory from which drawn.

Sec. 51. Talesmen summoned. The talesmen whose names have been so drawn shall, so far as possible, be immediately summoned by the sheriff to appear forthwith.

Sec. 52. Disposition of ballots. The names of talesmen so drawn, and who serve, shall be placed in a safe receptacle from time to time, until all the ballots are drawn from the talesmen's box, when such ballots shall be returned to the said box, to be drawn in like manner as before.

Sec. 53. Talesmen at large. When the parties to the cause, by agreement entered of record, waive the drawing of talesmen as above provided, the court may direct the sheriff to summon such talesmen from the body of the county.

Sec. 54. Disposition of ballots drawn. All ballots drawn, when the persons do not appear or do not serve (except when permanent ineligibility or disability is shown), shall be returned to the respective boxes from which drawn. The ballots of the petit jurors, except talesmen, so drawn, who appear and serve for any term, shall be destroyed.

Sec. 55. Special venire of talesmen. When a city or town is a party to a suit, the talesmen shall not be drawn therefrom, but in such cases the court shall order a special venire, or may order the talesmen drawn from the petit jury box.

Sec. 56. Official delinquency. Any officer whose duty it is to perform any of the services in this chapter mentioned, who shall intentionally fail to perform them as required by law, or who shall act corruptly in the discharge of such duties or any of them, shall be imprisoned in the county jail not less than six months, nor more than one year.

Sec. 57. Correcting illegality in original lists. Should the court for any reason determine that there has been such substantial failure to comply with the law relative to the selection, preparation, or return of grand, petit, or talesmen lists that lawful grand or petit jurors or talesmen cannot be drawn, said court shall order the appointive jury commissioners or ex officio jury commissioners as the case may be, to convene at the court house at a named time and to prepare lists in lieu of those lists which have been found to be illegal. If the ex officio commissioners are called upon to act they shall make up the lists in the same manner as such lists are required to be made by appointive commissioners.

Sec. 59. Notice to commissioners. Whenever the commission shall be re-

quired to meet for the purpose of drawing jurors under the order of the court, the clerk of the court shall at once notify each commissioner of such order, and the time fixed for the meeting of the commission; and, if deemed necessary, the court may order the notice to be served by the sheriff.

That section seventy-four hundred eighty-three (7483) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 60. Challenges for cause. A challenge for cause is an objection to a juror, and may be for any of the following causes:

1. A conviction of felony.
2. A want of any of the qualifications prescribed by statute to render a person a competent juror.
3. Such defects in the faculties of mind or organs of the body as render him incapable of performing the duties of a juror.
4. Consanguinity or affinity within the ninth degree to the adverse party.
5. Standing in the relation of guardian and ward, or the client of any attorney engaged in the cause, master and servant, landlord and tenant, or being a member of the family or in the employment of the adverse party.
6. Being a party adverse to the challenging party in a civil action, or having complained against or been accused by him in a criminal prosecution.
7. Having already sat upon the trial of the same issues.
8. Having served as a grand or trial juror in a criminal case based on the same transaction.
9. When it appears the juror has formed or expressed an unqualified opinion on the merits of the controversy, or shows such a state of mind as will preclude him from rendering a just verdict.
10. Being interested in a like question with the issue to be tried.
11. Having requested, directly or indirectly, that his name be returned as a juror for the regular biennial period.
12. Having served in the district court as a grand or petit juror during the last preceding calendar year.

That section ninety-three hundred (9300) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 61. Additional drawings. If, for any reason, the number of grand jurors required is not secured from the twelve persons so constituting such panel, the clerk shall draw from the jury grand box, such number of names as the court may direct, and from the persons whose names are so drawn the panel of the grand jury for the term shall be filled, and the court shall issue a venire to secure their attendance.

That section ninety-four hundred twenty-one (9421) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 62. Challenges for cause. A challenge for cause may be made by the state or defendant, and must distinctly specify the facts constituting the causes thereof. It may be made for any of the following causes:

1. A previous conviction of the juror of a felony.
2. A want of any of the qualifications prescribed by statute to render a person a competent juror.
3. Unsoundness of mind, or such defects in the faculties of the mind or the organs of the body as render him incapable of performing the duties of a juror.

4. Affinity or consanguinity, within the ninth degree, to the person alleged to be injured by the offense charged, or on whose preliminary information, or at whose instance, the prosecution was instituted, or to the defendant, to be computed according to the rule of the civil law.

5. Standing in the relation of guardian and ward, attorney and client, master and servant, or landlord and tenant, or being a member of the family of the defendant, or of the person alleged to be injured by the offense charged, or on whose preliminary information, or at whose instance, the prosecution was instituted, or in his employ on wages.

6. Being a party adverse to the defendant in a civil action, or having been the prosecutor against or accused by him in a criminal prosecution.

7. Having served on the grand jury which found the indictment, or on a coroner's jury which inquired into the death of a person whose death is the subject of the indictment.

8. Having served on a trial jury which has tried another defendant for the offense charged in the indictment.

9. Having been on a jury formerly sworn to try the same indictment and whose verdict was set aside, or which was discharged without a verdict after the cause was submitted to it.

10. Having served as a juror, in a civil action brought against the defendant, for the act charged as an offense.

11. Having formed or expressed such an opinion as to the guilt or innocence of the prisoner as would prevent him from rendering a true verdict upon the evidence submitted on the trial.

12. Because of his being bail for any defendant in the indictment.

13. Because he is defendant in a similar indictment, or complainant or private prosecutor against the defendant or any other person indicted for a similar offense.

14. Because he is, or within a year preceding has been, engaged or interested in carrying on any business, calling or employment, the carrying on of which is a violation of law, where the defendant is indicted for a like offense.

15. Because he has been a witness, either for or against the defendant, on the preliminary trial or before the grand jury.

16. Having requested, directly or indirectly, that his name be returned as a juror for the regular biennial period.

17. Having served in the district court as a grand or petit juror during the last preceding calendar year.

Approved April 1, 1924.

CHAPTER 171

CLERK OF THE DISTRICT COURT

S. F. 267

AN ACT to repeal paragraphs twenty-three (23) and twenty-four (24) of section sixty-nine hundred eighty-two (6982) of the supplement to the compiled code of Iowa, relating to the fees chargeable by the clerk of the district court, and to enact a substitute in lieu thereof.

Be It Enacted by the General Assembly of the State of Iowa:

That paragraphs twenty-three (23) and twenty-four (24) of section sixty-nine hundred eighty-two (6982) of the supplement to the compiled Code of Iowa are hereby repealed and the following enacted in lieu thereof.

"23. For receiving and filing a declaration of intention and issuing a duplicate thereof, one dollar (\$1.00). For making, filing, and docketing the petition of an alien for admission as a citizen of the United States and for the final hearing thereon, two dollars (\$2.00); and for entering the final order and the issuance of the certificate of citizenship thereunder, if granted, two dollars (\$2.00).

"24. In addition to the fees required in the last preceding paragraph the petitioner shall upon the filing of his petition to become a citizen of the United States, deposit with the clerk money sufficient to cover the expenses of subpoenaing and paying the legal fees of witnesses for whom he may request a subpoena, and upon the final discharge of such witnesses they shall receive, if they demand the same from the clerk, the customary and usual witness fees from the moneys aforesaid, and the residue, if any, except such as may be necessary to pay the cost of serving subpoenas, shall be returned by the clerk to the petitioner."

Approved January 22, 1924.

CHAPTER 172

STATUTE OF FRAUDS

H. F. 268

AN ACT to amend, revise, and codify sections seventy-three hundred thirty-two (7332) and seventy-three hundred thirty-three (7333) of the compiled code of Iowa, relating to the statute of frauds.

Enacted by the General Assembly of the State of Iowa:

That sections seventy-three hundred thirty-two (7332) and seventy-three hundred thirty-three (7333) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Statute of frauds. Except when otherwise specially provided, no evidence of the following enumerated contracts is competent, unless it be in writing and signed by the party charged or by his authorized agent:

1. Those made in consideration of marriage.
2. Those wherein one person promises to answer for the debt, default, or miscarriage of another, including promises by executors to pay the debt of the decedent from their own estate.
3. Those for the creation or transfer of any interest in lands, except leases for a term not exceeding one (1) year.
4. Those that are not to be performed within one (1) year from the making thereof.

Sec. 2. Exception. The provisions of the third subdivision of the preceding section do not apply where the purchase money, or any portion thereof, has been received by the vendor, or when the vendee, with the actual or implied consent of the vendor, has taken and held possession of the premises under and by virtue of the contract, or when there is any other circumstance which, by the law heretofore in force, would have taken the case out of the statute of frauds.

Approved January 26, 1924.

FORFEITURE OF CONTRACTS TO SELL

H. P. 270

AN ACT TO AMEND, revise, and codify sections eighty-one hundred eighty-two (8182), eighty-one hundred eighty-three (8183), and eighty-one hundred eighty-four (8184) of the compiled code of Iowa, relating to the forfeiture of contracts to sell or to agree to sell an interest in real estate.

Be It Enacted by the General Assembly of the State of Iowa:

That sections eighty-one hundred eighty-two (8182), eighty-one hundred eighty-three (8183), and eighty-one hundred eighty-four (8184) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Forfeiture of real estate contracts. A contract which provided for the sale of real estate located in this state, and for the forfeiture of vendee's rights in such contract in case vendee fails, in specified ways, to comply with said contract, shall, nevertheless, not be forfeited or cancelled except as provided in this chapter.

Sec. 2. Notice. Such forfeiture and cancellation shall be initiated by the vendor or by his successor in interest, by serving or causing to be served on the vendee or his successor in interest, if known, to the vendor or his successor in interest, and on the party in possession of said real estate, a written notice which shall:

1. Reasonably identify said contract, and accurately describe the real estate covered thereby.
2. Specify the terms and conditions of said contract which have not been complied with.
3. Notify said party that said contract will stand forfeited and cancelled unless said party within thirty (30) days after the completed service of said notice performs the terms and conditions in default, and, in addition, pays the reasonable costs of serving the notice.
4. Provided, however, that if the property affected by the contract, if within a city or town, does not exceed one-half acre in extent, and otherwise does not contain in the aggregate more than forty (40) acres, has assumed a homestead character, then the vendor or his successor in interest shall notify said vendee or his successor in interest, that said contract will stand forfeited and canceled, unless said party, within ninety (90) days after the completed service of said notice, performs the terms and conditions in default, and in addition, pays the reasonable cost of serving the notice.

Sec. 3. Service. Said notice may be served personally or by publication, on the same conditions, and in the same manner as is provided for the service of original notices, except that when the notice is served by publication no affidavit therefor shall be required before publication. Service by publication shall be deemed complete on the day of the last publication.

Sec. 4. Forfeiture. The right to forfeit for breach occurring before said notice was served shall terminate if, prior to the expiration of the day for performance as specified in the notice, the party in default performs the terms and conditions as to which he is in default, and pays to the party not in default the reasonable cost of serving said notice.

Sec. 5. Proof and record of service. If the terms and conditions as to which there is default are not performed within said thirty (30) days, or ninety (90) days as the case may be, the party serving said notice or causing the same to be served, may file for record in the office of the county recorder a copy of the notice aforesaid with proofs of service attached or indorsed thereon (and, in case of service by publication, his personal affidavit that personal service could not be made within this state) and when so filed and recorded, the said record shall be constructive notice to all parties of the due forfeiture and cancellation of said contract.

Sec. 6. Scope of act. This act shall be operative in all cases where the intention of the parties, as gathered from the contract and surrounding circumstances, is to sell or to agree to sell an interest in real estate, any contract or agreement of the parties to the contrary notwithstanding.

Approved February 1, 1924.

CHAPTER 174

PARTITIONS

S. F. 271

AN ACT to amend, revise, and codify section eighty-one hundred twenty-three (8123) of the compiled code of Iowa, relating to abstracts of title in partition proceedings.

Be It Enacted by the General Assembly of the State of Iowa:

That section eighty-one hundred twenty-three (8123) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Abstracts of title. Section eight thousand sixty-two (8062) of the compiled Code of Iowa shall be applicable to proceedings under this chapter.

Approved January 11, 1924.

CHAPTER 175

CORRUPTION IN ELECTIONS

H. F. 272

AN ACT to amend, revise, and codify section eighty-nine hundred two (8902) of the compiled code of Iowa, relating to corruption in elections.

Be It Enacted by the General Assembly of the State of Iowa:

That section eighty-nine hundred two (8902) of the compiled Code of Iowa, is amended, revised, and codified to read as follows:

Section 1. Accepting bribe - punishment. Any person who shall, in consideration of any sum of money or other valuable thing, agree to refrain from voting at any public election, or to induce or attempt to induce others to do so, or agree to perform on election day any service in the interest of any

candidate, party or measure in consideration of any money or other valuable thing, or who shall accept money or other valuable thing for such services performed in the interest of any candidate, political party or measure, shall be punished as provided in the preceding section.

Approved January 4, 1924.

CHAPTER 176

RELEASE OF LIENS

S. F. 273

AN ACT to amend, revise, and codify section eighty-one hundred sixty-eight (8168) of the compiled code of Iowa, relating to the release of common law or statutory liens on personal property.

Be It Enacted by the General Assembly of the State of Iowa

That section eighty-one hundred sixty-eight (8168) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Bond to release lien. An owner of personal property in this state who disputes, either the existence, on such property, of a common law or statutory lien, or the amount of any such lien, may release such lien, if any, and become entitled to the immediate possession of said property by filing a bond as hereinafter provided.

Sec. 2. Requirements of bond. Said bond shall be in an amount equal to twice the amount of the lien claimed, shall have one (1) or more sureties, shall be approved by and filed with the clerk of the district court of the county where the property is being held under the claimed lien, and shall be conditioned to pay claimant any sum found to be due and also found to have been a lien on said property at the time the bond is filed.

Sec. 3. Effect of bond. When said bond is filed and claimant is given written notice of such filing, the said lien, if any, shall stand released, and the owner shall be entitled to the immediate possession of said property.

Sec. 4. Action on bond. An action upon said bond shall be brought in the county where the owner of the property resides; when the said owner is a nonresident of this state, the action shall be brought in the county where the bond is filed.

Approved January 31, 1924.

CHAPTER 177

INDICTMENTS AND TRIAL INFORMATION

H. F. 274

AN ACT to amend, revise, and codify sections ninety-two hundred eighty-seven (9287), ninety-three hundred fifty-two (9352) and ninety-three hundred eighty-nine (9389) of the compiled code of Iowa, relating to indictments,

trial information, and demurrers thereto.

Be It Enacted by the General Assembly of the State of Iowa:

That section ninety-three hundred fifty-two (9352) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Rule of sufficiency. The indictment is sufficient if it can be understood therefrom:

1. That it was found by a grand jury of the county impaneled in the court having authority to receive it, though the name of the court is not actually stated.

2. That the defendant is named, or if his true name is unknown to the grand jury, such fact is stated, and that he is described by a fictitious name.

3. That the offense is triable within the jurisdiction of the court.

4. That the offense was committed prior to the time of the finding of the indictment.

5. That the act or omission charged as the offense is stated in ordinary and concise language, with such certainty and in such manner as to enable a person of common understanding to know what is intended, and the court to pronounce judgment according to law upon a conviction.

6. That, when material, the name of the person injured or attempted to be injured be set forth when known to the grand jury, or, if not known, that it be so stated in the indictment.

Sec. 2. Amendment. The court may, on motion of the state, and before or during the trial, order the indictment so amended as to correct errors or omissions:

1. In matters of form, or

2. In the name of any person, or

3. In the description of any person or thing, or

4. In the ownership of property.

Sec. 3. Application for amendment and notice. If the application for an amendment be made before the commencement of the trial, the application and a copy of the proposed amendment shall be served upon the defendant, or upon his attorney of record, and an opportunity given the defendant to resist the same. If the application be made during the trial, the application and the amendment may be dictated into the record in the presence of the defendant or of his counsel, and such record shall constitute sufficient notice to the defendant.

Sec. 4. Unallowable amendment. Such amendment shall not prejudice the substantial rights of the defendant, or charge him with a different crime or different degree of crime from that charged in the original indictment returned by the grand jury.

Sec. 5. Continuance. No continuance or delay in trial shall be granted because of such amendment unless it is made to appear that defendant should have additional time to prepare for trial because of such amendment.

That section ninety-three hundred eighty-nine (9389) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 6. Grounds of demurrer. The defendant may demur to the indictment when it appears upon its face, either:

1. That it does not substantially conform to the requirements of this Code, or

2. That the indictment contains matter which, if true, would constitute a legal defense or bar to the prosecution.

Sec. 7. Failure to demur - waiver. All objections to the indictment relating to matters of substance and form which might be raised by demurrer shall be deemed waived if not so raised by the defendant before the jury is sworn on the trial of the case.

That section ninety-two hundred eighty-seven (9287) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 8. Amendments. An information may be amended in the same manner and to the same extent that an indictment may be amended.

Approved January 23, 1924.

CHAPTER 178

BONDS

S. F. 275

AN ACT TO amend, revise, and codify chapter twenty-five-A (25-A) of title four (4) of the supplement to the compiled code of Iowa, relating to the sale of public bonds.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter twenty-five-A (25-A) of title four (4) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Notice of sale. When public bonds are offered for sale, the official or officials in charge of such bond issue shall, by advertisement published for two (2) or more successive weeks in at least one (1) official newspaper of the county, give notice of the time and place of sale of said bonds, the amount to be offered for sale, and any further information which may be deemed pertinent.

Sec. 2. Sealed and open bids. Sealed bids may be received at any time prior to the calling for open bids. After the sealed bids are all filed, the official or officials shall call for open bids. After all of the open bids have been received the substance of the best open bid shall be noted in the minutes. The official or officials shall then open any sealed bids that may have been filed and they shall note in the minutes the substance of the best sealed bids.

Sec. 3. Rejection of bids. Any or all bids may be rejected, and the sale may be advertised anew, in the same manner, or the bonds or any portion thereof may thereafter be sold at private sale to any one or more of such bidders, or other persons, by popular subscription or otherwise. In case of private sales, the said bonds shall be sold upon terms not less favorable to the public than the most favorable bid made by a bona fide and responsible bidder at the last advertised sale.

Sec. 4. Selling price. No public bond shall be sold for less than par plus accrued interest.

Sec. 5. Commission and expense. No commission shall be paid, directly

or indirectly, in connection with the sale of a public bond. No expense shall be contracted or paid in connection with such sale other than the expenses incurred in advertising such bonds for sale.

Sec. 6. Penalty. Any public officer who fails to perform any duty required by this chapter or who does any act prohibited by this chapter, shall be guilty of a misdemeanor.

Sec. 7. Sale of state bonds. All contracts for the sale of bonds issued by the state of Iowa shall be subject to the approval of the executive council.

Sec. 8. Nothing in this act shall be deemed to prevent the exchange of bonds for legal indebtedness evidenced by bonds, warrants or judgments as otherwise provided by law.

Approved March 17, 1924.

CHAPTER 179

TOWNSHIP LICENSES

H. F. 276

AN ACT to amend, revise, and codify chapter twenty-four-A (24-A) of title twelve (12) of the supplement to the compiled code of Iowa, relating to theaters, moving picture shows, pool and billiard rooms or tables, dance halls, skating rinks, club houses, road houses, amusement parks or bowling alleys.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter twenty-four-A (24-A) of title twelve (12) of the supplement to the compiled Code of Iowa, is amended, revised, and codified to read as follows:

Section 1. Operation outside cities and towns. No person shall, for himself or for any other person, firm or corporation, keep or operate for hire or for profit any theater, moving picture show, pool or billiard room or table, dance hall, skating rink, club house, road house, amusement park or bowling alley, outside the limits of cities and towns without first procuring a license therefor from the township trustees. This section shall not apply to baseball games or county fairs.

Sec. 2. License. The granting of a license shall be discretionary with the trustees; provided, however, that a license to operate a theater or moving picture show shall not be denied in any unincorporated village having a population of one thousand or more except for good cause. Licenses shall not be granted for a less period than six (6) months nor for a longer period than one (1) year, shall specify the place where the business may be carried on, the date of expiration of the license, and be signed by the chairman of the board and its clerk.

Sec. 3. Terms and conditions. When a license is granted, the terms and conditions on which the place shall be operated shall be entered of record in the minutes of the board and the licensee shall stand charged with notice thereof and shall, on demand, be furnished with a copy of such terms and conditions on payment of the sum of fifty cents (50c). Said terms and conditions shall be reasonably uniform for different licensees under like circumstances and conditions.

Sec. 4. Revocation. The trustees may at any time, in their discretion, revoke any license issued. In case a license is revoked the licensee shall be repaid a pro rata part of the license fee. All license fees received under provisions of this act shall be paid into the township road fund.

Sec. 5. Appeal. Any person aggrieved by the action of the trustees in revoking a license may appeal therefrom to the district court of the county by serving a notice on the chairman of the board of trustees within twenty days after the final decision of said board. Such appeal shall be tried de novo and in equity.

Sec. 6. Penalty. Any person who violates any of the foregoing provisions of this chapter, or who violates any of the terms or conditions under which he is permitted to operate under a license, shall be fined any sum not exceeding twenty-five dollars (\$25.00).

Approved January 30, 1924.

CHAPTER 180

MOTOR VEHICLES AND LAW OF ROAD

H. F. 277

AN ACT to amend, revise, and codify chapter seventeen (17) of title eleven(11) of the compiled code of Iowa and of the supplement to said code, sections thirty hundred forty-one (3041), thirty hundred forty-two (3042) and thirty hundred forty-four (3044), eighty-eight hundred sixty-two (8862) and eighty-eight hundred sixty-three (8863) of the compiled code of Iowa, and sections eighty-six hundred forty-five-a five (8645-a5) to eighty-six hundred forty-five-a seven (8645-a7), inclusive, of the supplement to the compiled code of Iowa, relating to motor vehicles, travel upon the public highways, and criminal offenses relative to said subject matters.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter seventeen (17) of title eleven (11) of the compiled Code of Iowa and of the supplement to said Code, sections thirty hundred forty-one (3041), thirty hundred forty-two (3042) and thirty hundred forty-four (3044), and eighty-eight hundred sixty-two (8862) and eighty-eight hundred sixty-three (8863) of the compiled Code of Iowa, and sections eighty-six hundred forty-five-a five (8645-a5) to eighty-six hundred forty-five-a seven (8645-a7), inclusive, of the supplement to said Code, are amended, revised, and codified to read as follows:

CHAPTER _____

MOTOR VEHICLES AND LAW OF ROAD

GENERAL PROVISIONS

Section 1. Definitions. In all laws of this state regulating motor vehicles, except where otherwise expressly provided:

1. The term "motor vehicle" except where otherwise expressly provided shall include all vehicles propelled by any power other than muscular

power, except traction engines, road rollers, fire wagons and engines, police patrols, city and town ambulances, city and government vehicles, clearly marked as such, and such vehicles as are run only upon tracks and rails.

2. "Local authorities" shall include all councils and commissions of incorporated cities or towns, board of supervisors and township trustees.

3. "Motorcycle" shall include all motor vehicles designed to travel on not more than three wheels in contact with the ground, and of not exceeding ten horsepower, and of not exceeding the weight of five hundred pounds unladen.

4. A "trailer" shall be deemed to be any vehicle, which is at any time drawn upon the public highway by a motor vehicle excepting any implements of husbandry temporarily drawn, propelled, or moved upon such highway.

5. "Highway" shall include any public highway, county road, state highway or state road, public street, avenue, alley, park, parkway, driveway, square or place, bridge, viaduct, trestle, or any other territory or structure, whether public or private, designed, intended or used by or for the general public for the passage of vehicles, in any county, or incorporated city or town within the state of Iowa.

6. "Chauffeur" shall mean any person who operates an automobile in the transportation of persons or freight and who receives any compensation for such service in wages, commission or otherwise, paid directly or indirectly, or who as owner or employee operates an automobile carrying passengers or freight for hire, including drivers of hearses, ambulances, passenger cars, trucks, light delivery and similar conveyances; provided, however, that this definition shall not include manufacturers' agents, proprietors of garages and dealers, salesmen, mechanics, or demonstrators of automobiles in the ordinary course of their business, nor to employees operating motor trucks for parties engaged in agricultural enterprises, nor to any individual owner actually driving and operating his own motor vehicle in the business of transferring and drayage of baggage, trucking, and cartage for hire.

7. "Nonresidents" shall mean residents of states other than the state of Iowa and of countries other than the United States whose sojourn in this state, or whose occupation or their regular place of abode or business in this state, if any, covers a total period of less than three (3) months in the calendar year.

8. "Owner" shall include any person having the lawful ownership, use or control, or the right to the use or control of a motor vehicle, under a lease or otherwise, for a period of ten (10) or more successive days.

9. "Where a vehicle is kept" shall refer to the county of residence of the owner or to the county where the vehicle is mainly kept if it be different from that of the residence of the owner.

10. "License fee" shall have the same meaning as "registration fee" and when a motor vehicle is "licensed" it is also "registered" and vice versa.

11. A "dealer" shall include dealers and manufacturers.

12. "Manufacturer" or "dealer" shall signify a person regularly in the business of having in his possession motor vehicles for sale or trade and for use and operation pursuant thereto, and shall be considered owners of motor vehicles manufactured or dealt in by them for the purposes of this chapter, prior to sale and delivery thereof, and of all motor vehicles in their possession and operated or driven by them or by their agents or employees; but the determination of the department shall be final and conclusive upon the question whether or not an applicant for registration shall be a manufacturer or dealer within the meaning and intent of this chapter.

13. "Used car dealer" shall include a person regularly engaged in the business of having in his possession, second-hand motor vehicles for sale or trade and operation pursuant thereto, and shall be considered owners of motor vehicles dealt in by them, for the purpose of this chapter, prior to sale and delivery thereof, and all motor vehicles in their possession and

operated or driven by them, or by their agents and employees, but the determination of the department shall be final and conclusive upon the question as to whether or not an applicant for registration shall be a "used car dealer" within the meaning of this chapter.

14. "Garage" shall mean every place of business where motor vehicles are received for housing, storage, or repair, for compensation.

15. "Intersecting highway" shall mean any highway which joins another at any angle, whether or not it crosses the other.

16. "Person" shall include any corporation, association, copartnership, company, firm, or other aggregation of individuals. Where the term "person" is used in connection with the registration of a motor vehicle, it shall include any corporation, association, copartnership, company, firm or other aggregation of individuals which owns or controls such motor vehicle as actual owner, or for the purpose of sale or for renting, whether as agent, salesman, or otherwise.

17. "Department" shall mean the secretary of state.

18. "Specially constructed" motor vehicle shall mean a motor vehicle which shall not have been originally constructed under a distinctive name, make, model, or type of a generally recognized manufacturer of motor vehicles; but in case of dispute the determination of the department as to the character of construction of any such motor vehicle shall be conclusive.

19. "Reconstructed motor vehicle" shall mean a motor vehicle which shall have been assembled or constructed largely by means of essential parts, new or used, derived from other motor vehicles or makes of motor vehicles of various names, models or types, or which, if originally otherwise constructed, shall have been materially altered by the removal of essential parts, or by addition or substitution of essential parts, new or used, derived from motor vehicles or makes of motor vehicles.

20. "Essential parts" shall include, not only integral parts but also body parts such as fenders, hood, cowl, and other parts, the removal, alteration, or substitution of which will tend to conceal the identity or substantially alter the appearance of the motor vehicle; but in case of dispute the determination of the department as to the character of such assembly, reconstruction, or alteration shall be conclusive.

21. "Imported motor vehicle" shall mean any motor vehicle which shall be brought into this state from another country or state otherwise than in the ordinary course of business by or through a manufacturer, dealer, or used car dealer and which has not been registered in this state.

Sec. 2. When license required. A motor vehicle shall not, in the following cases, be operated by its own power upon any public highway of this state unless, at the time of such operation, it is registered and licensed, as hereinafter provided, to wit:

1. When such vehicle is kept in this state and the owner is a resident of this state.

2. When such vehicle is kept and used in this state a majority of the time, by a nonresident.

3. When such vehicle is used in this state and not properly licensed under the laws of another state or country.

Sec. 3. Nonresident owners of vehicles. The provisions herein relative to registration and display of registration numbers shall not apply to a motor vehicle owned by a nonresident of this state, other than a foreign corporation, manufacturer or dealer doing business in this state, provided that the owner shall have complied with the provisions of the law of the foreign country, state, territory or federal district of his residence relative to registration of motor vehicles and the display of registration numbers thereon and shall conspicuously display his registration numbers as required thereby.

Sec. 4. Scope of nonresident exemption. The provisions of the last preceding section shall be operative as to a motor vehicle owned by a nonresident of this state to the extent that under the laws of the foreign country, state, territory or federal district of his residence like exemptions and privileges are granted to motor vehicles duly registered under the laws, and owned by the residents of this state.

Sec. 4-a1. Government-owned vehicles. All motor vehicles owned by the government and used in the transaction of official business by the representatives of foreign powers or by officers, boards or departments of the government of the United States, and by the state of Iowa, counties, municipalities and other subdivisions of government, and such self-propelling vehicles as are used neither for the conveyance of persons for hire, pleasure or business nor for the transportation of freight, and small trailers, under one thousand pounds capacity, equipped with rubber tires, used with pleasure motor vehicles and used for carrying personal baggage and effects, are hereby exempted from the payment of the fees in this chapter prescribed, but shall not be exempt from the penalties herein provided. The department shall furnish, on application, free of charge, distinguishing plates for motor vehicles thus exempted and keep a separate record thereof.

Sec. 5. Expiration of certificate. All certificates of registration issued under provisions of this chapter shall expire on the last day of the calendar year for which they were issued.

INDIVIDUAL REGISTRATION

Sec. 6. Application for registration. Every owner of a motor vehicle which shall be operated or driven upon the public highways shall, except as herein otherwise expressly provided, file in the office of the county treasurer of the county in which such owner resides, a verified application for registration or reregistration on a blank to be furnished by the department for that purpose. Said application shall contain such information as the department may require for the efficient administration of this chapter.

Sec. 7. Refusal to register. The county treasurer shall withhold the registration of any motor vehicle the owner of which shall have failed to register the same under the provisions of this chapter, for any previous period or periods for which it appears that registration should have been made, until the fee for such previous period or periods shall be paid.

Sec. 8. Registration by treasurer. Upon receipt of the application and license fee for a motor vehicle or trailer, as provided in this chapter, the county treasurer shall file such application in his office and register such motor vehicle or trailer with the name, postoffice address and business address of the owner, together with the facts stated in such application, in a book or index to be kept for the purpose, under the distinctive number assigned to such motor vehicle or trailer.

Sec. 8-a1. Public inspection of record. Said book or index shall be open to public inspection during reasonable business hours.

Sec. 9. Triplicate receipts. Upon receipt of a license fee for a motor vehicle or trailer, the county treasurer shall issue triplicate receipts therefor, one of which he shall forward to the department on the day the license is issued, one of which he shall deliver to the licensee, and one of which he shall retain in the records of his office.

Sec. 10. Number, certificate, container, and plates. The treasurer, when the application and license fee is received, shall forthwith assign to such motor vehicle or trailer a distinctive number, and shall deliver or forward to the owner a certificate of registration.

He shall deliver or forward to the motor vehicle owner a container for the certificate and duplicate number plates corresponding to the number assigned to such vehicle.

He shall deliver or forward to the owner of the trailer a single number plate corresponding to the number assigned to the trailer. Certificates, containers, and plates shall be furnished free.

Sec. 11. Renewals. Registration shall be renewed annually to take effect on the first day of January of each year.

Sec. 12. Renewal not permitted. Any motor vehicle once licensed in the state and by removal no longer subject to license in this state, shall upon being returned to this state and subject to license be again originally licensed.

Sec. 13. Display of plates. Every motor vehicle required to be licensed shall have conspicuously displayed the number plates furnished, one on the front end and one on the rear end of such vehicle, each securely fastened, so as to prevent the same from swinging and each so placed that the same shall not become habitually obscured.

Sec. 14. Wrongful use of plates. The number plates of a junked or dismembered vehicle shall not thereafter be used, and no number plate shall be detached from the vehicle for which it is issued and to which it belongs for the purpose of using the same upon any other vehicle.

Sec. 15. Display of registration certificate. The certificate of registration issued by the county treasurer shall also be displayed in the container furnished by the department.

Such certificate container shall be attached to the vehicle in the front of the driver's compartment so that same may be seen by anyone passing on the right of the vehicle.

Sec. 16. Operation under "license-applied-for" cards. Upon the sale of a motor vehicle by a manufacturer or dealer, the vendee shall at once make application by mail or otherwise, for registration thereof, after which he may operate the same upon the public highway without its individual number plate thereon for a period of not more than fifteen days, provided that during such period the motor vehicle shall have attached thereto, in accordance with the provisions hereof, both on the front and rear of such vehicle, pasteboard cards bearing the words, "license applied for", and the registration number of the dealer from whom the car was purchased together with the date of purchase plainly stamped or stenciled thereon.

Sec. 17. Card issued conditionally. No manufacturer or dealer shall permit the use of such card until an application for a license has been made, as herein provided, by the person to whom it is issued.

Sec. 18. Operation under "car-in-transit" cards. A motor vehicle that is being brought into this state from another state either for use or for sale herein, or a motor vehicle manufactured or assembled within the state, or a motor vehicle brought into the state by a manufacturer or dealer and sold to another manufacturer or dealer, may be driven upon the public highway for a period of not to exceed ten days provided it shall carry, both on

the front and rear a pasteboard card bearing the words, "car in transit", and the date of purchase.

Sec. 19. Operation by nonresidents. Nothing in the three preceding sections shall be construed so as to interfere with the use of motor vehicles upon the highways of this state that are owned by persons living in another state, regulation of which is provided for elsewhere in this chapter.

Sec. 20. Cards - form and style. The letters and figures upon such cards shall not be less than one inch in height except that the letters in the words "license applied for", or "car in transit", shall not be less than two inches in height.

Sec. 21. Cards furnished. The department shall, upon the application of any manufacturer or dealer furnish "license applied for" and "car in transit" cards free of charge. No cards shall be used except those furnished by the department.

Sec. 22. Loss of plates or certificates. In the event of the loss, mutilation, or destruction of any number plate, the owner of the registered motor vehicle, or manufacturer, or dealer, as the case may be, may obtain from the department a duplicate thereof upon filing in the office of the department an affidavit showing such facts and the payment of a fee of fifty cents for each plate. Duplicate certificates of registration may be issued by the county treasurer in like cases, without the payment of any fee therefor.

Sec. 23. Surrender of plates. When a motor vehicle is permanently dismantled and can no longer be used on the public highway or when same is sold outside the state, the owner thereof shall detach the license plates and certificate of registration and surrender them to the county treasurer, who shall cancel the registration of record and report such cancellation forthwith to the department upon blanks provided for that purpose. Such license plates shall be destroyed by the county treasurer who shall so advise the department.

MULTIPLE REGISTRATION

Sec. 24. Dealers and manufacturers - fee. Every person manufacturing or dealing in motor vehicles, including used motor vehicles, may instead of registering each motor vehicle, make an application for a general distinctive number for the motor vehicles owned or controlled by such manufacturer, dealer, or used car dealer. On the payment of a registration fee of twenty-five dollars, such application shall be registered in the office of the department.

Sec. 25. Different places of business. If a manufacturer, dealer, or used car dealer has an established place of business in more than one city or town, he shall secure a separate and distinct certificate of registration and number plates for each such place of business.

Sec. 26. Certificate and plates. The department shall thereupon assign and issue to such manufacturer, dealer, or used car dealer a general distinctive number, and without expense to the applicant, issue and promptly deliver to him a certificate of registration and two number plates with a number corresponding to the number of such certificate.

Sec. 27. Display of plates. Such number plates shall be displayed by each motor vehicle of such manufacturer, dealer, or used car dealer when

the same is operated or driven on the public highways.

Sec. 27-a1. Duplicate plates. Such manufacturer, dealer, or used car dealer may obtain as many duplicates of such number plates as may be desired upon the payment to the department of three dollars for each duplicate set.

Sec. 28. Scope of general registration. The foregoing provision relative to the right of a manufacturer, dealer, or used car dealer to have a general registration of all motor vehicles owned or controlled by him shall not apply to a motor vehicle operated by him for private use or hire, but said vehicle shall be individually registered as provided in this chapter.

Sec. 29. Use of plates. Motor vehicles owned by a manufacturer, dealer, or used car dealer, when such motor vehicles are equipped with "D" or "U.D." plates, as herein provided, may be operated only in the conduct of the business of such manufacturer, dealer, or used car dealer.

Sec. 30. Limitation on use. No "D" or "U.D." plates shall be used upon motor vehicles for any purpose other than the transaction of business incident to the automotive industry of such licensed manufacturer, dealer, or used car dealer, nor shall said "D" or "U.D." plates be used upon so called service cars or service trucks of such licensed manufacturer, dealer, or used car dealer, nor upon the sales cars of a manufacturer or wholesale dealer in accessories.

Sec. 31. Display of used car dealer's plates. In case of the use of "U.D." plates by used car dealers, such plates shall be displayed in the same manner as prescribed herein for dealers' plates, except that the "U.D." plate shall be of such length and so attached that that portion of the number plate of the last registration, showing the initials of the state where registered, and the year shall be visible.

"U.D." plates shall not be used upon a motor vehicle upon which the current year's license fee in this state has been paid. Any violation of this section shall constitute a misdemeanor, and upon conviction, shall be punished accordingly.

Sec. 32. When "D" and "U.D." plates carry same number. Where any manufacturer, dealer, and used car dealer are one and the same person, firm or corporation, and apply for both "D" and "U.D." number plates, there shall be assigned to such person, firm or corporation the same number for both his "D" and "U.D." number plates.

USED MOTOR VEHICLES

Sec. 33. Purchase or sale - relative duties. It shall be unlawful for any person or agent except as provided in the next succeeding section, to buy any secondhand or used automobile, or motor vehicle without requiring and receiving from the vendor thereof, a certificate of registration and transfer from the officer whose duty it is to register or license motor vehicles in the state in which said motor vehicle is registered or licensed, showing the factory number, license number, description, and ownership of said motor vehicle or to sell or offer for sale any secondhand or used motor vehicle without furnishing to the vendee of said motor vehicle, a certificate of registration and transfer from the officer whose duty it is to register or license motor vehicles in the state in which said motor vehicle is registered or licensed, showing the factory number, description, license number and ownership of said motor vehicle.

Sec. 33-al. It shall be unlawful for any dealer or used car dealer in this state to sell and transfer his stock of used motor vehicles in bulk unless he complies with the following requirements:

1. The vendor shall:

(a) File with the county treasurer and the department, duplicate inventories of all used motor vehicles proposed to be transferred, giving the factory number, last license number, if any, and description of each such used motor vehicle and the name and address of proposed vendee.

(b) File with the county treasurer or department duplicate bills of sale setting forth the fact that such sale has been completed.

2. The vendee shall:

(a) If he has not already secured a used car dealer's license, immediately secure such license from the department.

3. Vendor and vendee: The vendor and vendee shall join in the transfer of each used motor vehicle in said stock and shall file with the county treasurer a transfer and shall pay a transfer fee of one dollar (\$1.00) for each such used motor vehicle. Upon the completion of such requirements the department shall certify to the county treasurer that such used motor vehicles are, from and after a date to be set by the department, the property of the vendee.

Sec. 34. Right to operate. Licensed used car dealers having on hand January first of any year for sale or trade, used motor vehicles upon which license in Iowa for the previous year has been paid, as hereinafter provided, may operate such motor vehicles as provided by section twenty-four (24) hereof.

Sec. 35. Used-car dealer to list vehicles. Used car dealers licensed under the provisions of this chapter must, on or before January fifth of each year, furnish the county treasurer with a list of all used motor vehicles held by them for sale or trade, and upon which the license fee for the current year is not paid, giving license number, initials of state issuing license plates, the year, together with the factory number, description, and previous ownership at the time such motor vehicle was transferred to the used car dealer.

Sec. 36. Listing of foreign cars. All motor vehicles owned or controlled by licensed manufacturer, dealer, or used car dealer, and acquired from other states must be listed with the county treasurer as provided in the last preceding section; such listing to be made within forty-eight hours after said motor vehicle comes within the border of the state.

Sec. 37. Penalty. Any person found guilty, personally or by agent, of violating any of the provisions of the last two preceding sections, shall be guilty of a misdemeanor and punished accordingly.

LICENSE FEES

Sec. 38. Annual fee required. An annual license fee shall be paid for each motor vehicle or trailer operated upon the public highways of this state unless said vehicle is specifically exempted under the provisions of this chapter.

Said license fee shall be paid to the county treasurer at the same time the application is made for the registration or reregistration of said motor vehicle or trailer.

Sec. 39. Fractional part of year. Where there is no delinquency, and the registration is made during April, May or June, the fee shall be three-

fourths of the annual license fee herein required; where made during July, August or September the fee shall be one-half such annual fee; where made during October or November the fee shall be one-fourth of such annual license fee.

No fee shall be required for the month of December for a new car in good faith delivered during that month.

Sec. 40. Sworn statement required. Such reduction in the license fee shall not be allowed until the applicant first file with the county treasurer an affidavit stating the date on which the motor vehicle first came into his possession or control in connection with his purchase or prospective purchase thereof, and the name and address of the party from whom purchased.

Sec. 41. Perjury. Any person who shall wilfully make false statement in such affidavit shall be deemed guilty of perjury and punished accordingly.

Sec. 42. Motor vehicle fee. The annual fee for all motor vehicles except motor trucks, motorcycles, and motor bicycles, shall be equal to one per cent of the value as fixed by the executive council, plus forty cents for each one hundred pounds or fraction thereof of weight of vehicle, as fixed by the executive council.

Sec. 43. Minimum motor vehicle fee. No motor vehicle regardless of age shall be licensed for a full year for less than ten dollars.

Sec. 44. Automatic reduction. After said motor vehicle has been registered five times, that part of the license fee which is based on the value of said vehicle shall be one-half the rate as fixed when new, except as provided in section forty-three (43) hereof.

Sec. 45. Proof of fivefold registration. The sworn statement of the registrant as to the number of times such motor vehicle has been registered shall be conclusive evidence of that fact.

Sec. 46. Motorcycle fee. For all motorcycles the annual fee shall be five dollars. When said motorcycle has been registered five times, the annual license fee shall be one-half the rate when new.

Sec. 47. Motor trucks with pneumatic tires. For motor trucks equipped with all pneumatic tires, the annual license fee shall be:

For 1	ton or less capacity	\$	15.00	per annum
"	1 1/2 ton capacity		22.50	" "
"	2 " "		30.00	" "
"	2 1/2 " "		45.00	" "
"	3 " "		65.00	" "
"	3 1/2 " "		90.00	" "
"	4 " "		105.00	" "
"	4 1/2 " "		120.00	" "
"	5 " "		135.00	" "
"	6 " "		165.00	" "

Sec. 48. Motor trucks with solid rubber tires. For motor trucks equipped with two or more solid rubber tires, the annual license fee shall be:

For 1	ton or less capacity	\$	15.00	per annum
"	1 1/2 ton capacity		22.50	" "
"	2 " "		30.00	" "
"	2 1/2 " "		55.00	" "

"	3	"	"	75.00	"	"
"	3 1/2	"	"	100.00	"	"
"	4	"	"	115.00	"	"
"	4 1/2	"	"	130.00	"	"
"	5	"	"	145.00	"	"
"	6	"	"	175.00	"	"

Sec. 49. Special rate in cities and towns. For all trucks having a load capacity above two tons and operated exclusively within the limits of cities and towns, the annual license fee shall be two-thirds the rates fixed in the last two preceding sections.

Sec. 50. Motor trucks exceeding six ton capacity. The license fee for trucks for each ton of load capacity above six tons shall be fifty dollars in addition to the six ton rate.

Sec. 51. Trucks exceeding six tons. No license shall be issued for any motor truck of the classes heretofore named, having a greater load capacity than six tons without a specific permit from the municipal authorities for operation entirely within the limits of municipalities, and without a specific permit from the state highway department and board of supervisors for operation without the limits of municipalities.

Said permit may define and limit the streets and highways over which said heavy trucks may be licensed to operate.

Sec. 52. Motor trucks with iron, steel, or hard tires. For motor trucks equipped with iron, steel, or hard tires, the annual license fee shall be:

- For 1 ton or less capacity\$40.00
- For 1 1/2 ton capacity 50.00

No license shall be issued for motor trucks so equipped and having a loading capacity in excess of one and one-half tons.

Sec. 53. Motor trucks prohibited. Motor trucks having a loading capacity in excess of one and one-half tons and equipped with iron, steel, or hard tires shall not be operated upon the public highways.

Sec. 54. Trailers - fees. Trailers weighing less than one thousand pounds, or with a loading capacity of less than one thousand pounds, shall not be subject to a license fee.

All other trailers shall be subject to a license fee to be fixed in accordance with the following schedule:

When equipped with pneumatic tires:

Trailers with capacity of 1/2 ton, but not exceeding 1 ton capacity	\$10.00
Trailers with capacity of 1 ton, but not exceeding 2 ton capacity	15.00
Trailers with capacity of 2 tons but not exceeding 3 ton capacity	20.00
Trailers with capacity of 3 tons, but not exceeding 4 ton capacity	25.00
Trailers with capacity of 4 tons, but not exceeding 5 ton capacity	40.00
Trailers with capacity of 5 tons, but not exceeding 6 ton capacity	50.00
Trailers with capacity of 6 tons, but not exceeding 7 ton capacity	60.00

When equipped with two or more solid rubber tires:	
Trailers with 1/2 ton, but not exceeding 1 ton capacity	\$15.00
Trailers with capacity of 1 ton, but not exceeding 2 ton capacity	20.00
Trailers with capacity of 2 tons, but not exceeding 3 ton capacity	25.00
Trailers with capacity of 3 tons, but not exceeding 4 ton capacity	35.00
Trailers with capacity of 4 tons, but not exceeding 5 ton capacity	50.00
Trailers with capacity of 5 tons, but not exceeding 6 ton capacity	60.00
Trailers with capacity of 6 tons, but not exceeding 7 ton capacity	70.00

When equipped with iron, steel or hard tires:	
Trailers with capacity of 1 ton, but not exceeding 2 ton capacity	\$15.00
Trailers with capacity of 2 tons, but not exceeding 3 ton capacity	30.00

Sec. 55. Designation of weight and loading capacity. All motor trucks, trailers, and motor vehicles used for other than the conveyance of passengers and the personal effects of said passengers shall have attached thereto a conspicuous metal plate giving the actual weight of the vehicle equipped and weight of loading capacity as specified by the manufacturer or maker and no license shall be issued until the vehicle is so equipped.

Sec. 56. Exemption from license fee. No license fee shall be collected on motor vehicles owned by a foreign government, or by the government of the United States, or by the state of Iowa, or by the counties, municipalities, and subdivisions thereof.

Sec. 57. Effect of exemption. The exemption of a motor vehicle from a license fee shall not exempt the operator of such vehicle from the performance of any other duty imposed on him by this chapter.

Sec. 58. Refund on license fee. If during the first half of the year for which a motor vehicle was registered and the required registration fee paid therefor, such car is destroyed by fire or accident, or stolen and not recovered by the owner before the expiration of the registration period for which such fee was paid, or sold and continuously used beyond the boundaries of the state of Iowa, said owner shall upon the first day of January following such theft or destruction by accident or sale be paid a refund to the amount of one-half the motor vehicle license fee paid for such year.

This provision shall apply to such losses as occur on or after January first, nineteen hundred twenty-three.

Sec. 59. Payment authorized. The department is hereby authorized to make such payments according to the above provisions, when sufficient proof of such destruction by accident, theft, or sale for continuous use beyond the boundaries of the state, is properly certified, approved by the county treasurer, and filed with the motor vehicle department.

The decision of the department shall be final.

Sec. 60. Reimbursement fund. The county treasurer shall remit to the

department one-half of one per cent of all fees and penalties collected, each year, to be used as a fund to cover refunds of motor vehicle fees as provided in the two last preceding sections.

Sec. 61. Fees in lieu of taxes. The registration fees imposed by this chapter upon motor vehicles, other than those of manufacturers and dealers and used car dealers, shall be in lieu of all taxes, general or local, to which motor vehicles may be subject.

Sec. 62. Lien of license fee. All registration or other fees provided for in this chapter shall be and continue a lien against the motor vehicle for which said fees are payable until such time as they are paid as provided by law, with any accrued penalties.

Sec. 63. When lien attaches. The lien of the original registration fee shall attach, at the time the same is first payable, as provided by law, and the lien of all renewals of registration shall attach on January first of each year thereafter.

PENALTIES, COSTS, AND COLLECTIONS

Sec. 64. Optional methods of collection. The collection of all fees and penalties may be enforced against any motor vehicle or they may be collected by suit against the owner who shall remain personally liable therefor until such time as the transfer thereof shall be reported to the county treasurer or until such time as said vehicle ceases to be in use and all fees and penalties to such date shall be paid.

Sec. 65. Monthly penalty. On January first of each year, a penalty of one dollar shall be added to all fees not paid by that date, and one dollar shall be added to such fees on the first of each month thereafter that the same remains unpaid, until paid.

Sec. 66. When fees delinquent. Such delinquencies shall begin and penalty accrue the first of the month following the purchase of a new vehicle, and the first of the month following the date cars are brought into the state, except as herein otherwise provided.

Sec. 67. Publication of delinquents. In the first week of May of each year the county treasurer shall cause to be published in each of the official newspapers in his county, a list of all motor vehicles owned within his county upon which the license fee has not been paid for that year, except such motor vehicles held by used car dealers and listed by them with the county treasurer, as herein elsewhere provided. Such list shall show the factory number, make and model of the vehicle together with the name and postoffice address of the owner thereof as shown by the records of his office and the amount of the license fee and penalty due upon the vehicle.

Immediately after the publication of the list as herein provided, it shall be the duty of the county treasurer to collect the license and penalty.

Sec. 68. Cost of publication. The cost of publication provided for in the preceding section shall be paid as other bills for the maintenance of the department, but shall first be certified by the county treasurer of the county in which the publication was made, and approved by the department.

Sec. 69. Delinquent chargeable with costs. The county treasurer shall collect from each delinquent, two dollars on each vehicle on which the fee is delinquent to cover cost of publication.

Sec. 70. Sheriff furnished list of delinquents. The county treasurer shall deliver to the sheriff of the county, fifteen days from the date of publication of the delinquent motor list, a certified list of the motor vehicles on which the fees are delinquent, as shown by the record of his office, which list shall show name and address of owner, make of car, license number, factory and engine number, amount of fees and penalty due.

Sec. 71. Collection by sheriff. The sheriff shall forthwith proceed to the collection of the unpaid fees and penalties as certified to him by county treasurer by taking possession of the motor vehicle described in said certified list and proceed to advertise and sell same for the purpose of collecting fees, penalties and costs. Said certified list shall for all purposes be a sufficient warrant therefor.

Sec. 72. Notice. The sheriff shall give ten (10) days' notice of the time, place, and hour of said sale by posting written notice thereof, in three (3) places in the county. One of said places shall be at a main entrance door of the courthouse, one at some other public place in the county, and one at or as near as practicable to the place where said vehicle was seized.

Sec. 73. Warrant to foreign county. Should a motor vehicle on which the fee is delinquent be removed from the county in which it was originally registered, either by transfer or removal by owner to another county, without having notified the county treasurer or department of such removal, the sheriff may forward the warrant to the sheriff of the county where such motor vehicle is at that time and said latter sheriff shall proceed to collect the same as though the vehicle had been originally registered in his county, and make return to the county treasurer of the county from which he received the warrant.

Sec. 74. Sheriff's fees and mileage. The sheriff shall be entitled to receive as costs, the sum of two dollars for serving the writ or warrant of seizure and ten cents for each mile actually traveled by him in collecting the fee and penalties, and one dollar per day for care of the motor vehicle while in his possession, which shall be collected from the owner of such delinquent motor vehicle; such costs and mileage, and costs of care while in his possession, shall be retained by him in full for his services.

Sec. 75. Remittance to county treasurer - issuance of plates. When the fee and penalties have been collected the same shall forthwith be returned to the county treasurer, together with a report showing the name and address of the owner and description of car upon which such fee was collected. Thereupon the county treasurer shall issue to the owner number plates and a receipt showing payment of fees and penalties.

Sec. 76. Balance of proceeds of sale. The sheriff, after deducting from the total receipts of the sale all fees, penalties, and costs, shall pay any balance to the owner of the vehicle.

CHAUFFEUR'S LICENSE

Sec. 77. License required. It shall be unlawful for any person

known as a chauffeur, and employed for hire therefor, to operate or drive a motor vehicle upon the public highways unless licensed by the department as herein provided.

Sec. 78. Duty of parent and employer. It shall be unlawful for any person to cause or knowingly to permit his or her child, ward, or employee to operate a motor vehicle upon the public highway as a chauffeur without first having obtained such license as hereinafter specified.

Sec. 79. Application for license. Any person desiring a chauffeur's license shall file with the department an application under oath stating his name, residence, business address, if any, age, color, single or married, whether he has ever been convicted of a violation of the motor vehicle laws of this state or any other state, or has been convicted within one year of intoxication, and such other information as the department may require.

Sec. 80. Registration of application. Upon the receipt of an application, the department shall register the applicant in a book or on index cards which shall be kept in the same manner as the books or index cards for the registration of motor vehicles.

Sec. 81. Age limit - fee - tenure. Such license shall not be issued until the department is satisfied that the applicant is over eighteen years of age and is a fit and proper person to receive such license. The fee for chauffeur's license shall be two dollars payable annually and shall expire on the last day of the year for which it is issued.

Sec. 82. License to minor. The application to the department of a minor to operate a motor vehicle, as chauffeur, shall not be granted by the department unless the parent or parents having custody of such applicant or the guardian of such applicant shall have joined in said application by signing the same.

Sec. 83. Assignment of number - issuance of license. To each person shall be assigned a distinguishing number and the department shall issue to the licensee a certificate containing the distinguishing number assigned to the licensee, his name, age, place of residence, business address, if any, and a brief description of the licensee for purpose of identification, and such other information as the department shall deem necessary.

Sec. 84. Indorsement required. Each person licensed as a chauffeur, shall indorse his usual signature on the license certificate and his license shall not be valid until the certificate is so indorsed.

Sec. 85. Badges. The department shall also furnish, without extra charge therefor to each chauffeur licensed a suitable metal badge with the number assigned to him stamped thereon, such badge to have stamped thereon the words "Registered Chauffeur No. _____, Iowa," and year of issue.

Sec. 86. Wearing of badge. This badge shall thereafter be worn by such chauffeur, affixed to his clothing in a conspicuous place, at all times when he is operating a motor vehicle upon the public highway.

Sec. 87. Production of license. The license certificate shall be carried at all times when the licensee is operating a motor vehicle upon the public highway and shall be produced for inspection upon request by any peace officer.

Sec. 88. Loss of certificate or badge. In case of the loss of such badge or certificate a duplicate will be issued by the department on the filing of an affidavit showing the fact of loss, and on payment of a fee of one dollar to the department in the case of a badge, and fifty cents in case of a certificate.

Sec. 89. Fictitious names - wrongful use. No person shall use a fictitious name in applying for such chauffeur's license, nor shall any chauffeur voluntarily permit any other person to possess or use his license certificate or badge; nor shall any person, while operating a motor vehicle, use or possess any certificate or badge belonging to another person.

Sec. 90. Void license. Any certificate or license issued to any chauffeur to operate motor vehicles upon an application or statement which is untrue as to any material fact, shall be void from the date of issue.

Sec. 91. Revocation of license. The official head of the department may, after due hearing, upon not less than five days' notice to be sent by registered letter to the address given by the person seeking a chauffeur's license, which shall constitute a sufficient service of notice, suspend or revoke the chauffeur's license issued to any person under this chapter, for any cause which he may deem sufficient, or he may, when a chauffeur has been convicted a third time of a violation of any of the provisions of this chapter, revoke or suspend the license of the chauffeur so convicted and no new license shall be issued to such person for at least one year after the date of revocation of such license nor thereafter except in the discretion of the said officer.

Sec. 92. Surrender of license and badge. Any chauffeur whose license shall be revoked by the department, or shall be found to be void, shall forthwith return his license certificate and badge to the department.

Sec. 93. Renewals. Applications for the annual renewal of license by chauffeurs shall be accompanied by the annual fee.

Sec. 94. Negligence of minor licensees. Any negligence of a minor, so licensed, in operating a motor vehicle upon the public highway, as chauffeur, shall be imputed to the person who shall employ said chauffeur; which person shall be jointly and severally liable with such minor for any damage caused by such negligence.

TRANSFER OF OWNERSHIP

Sec. 95. Notice to county treasurer. Upon the transfer of ownership of any registered motor vehicle, the owner shall immediately give notice to the county treasurer, upon the form on the reverse side of the certificate of registration, stating the date of such transfer, the name and postoffice address, with street number if in a city, of the person to whom transferred, the license number, and such other information as the department may require.

Sec. 96. Duty of purchaser. The purchaser of the motor vehicle shall join in the notice of transfer to the county treasurer and shall at the same time make application for the transfer of the motor vehicle and for a new certificate of registration.

Sec. 97. Registration and fee. Upon filing the application for transfer, the applicant shall pay a fee of one dollar for the transfer, thereupon the county treasurer, if satisfied of the genuineness and regularity of such transfer, shall register said motor vehicle in the name of the transferee and issue a new certificate of registration as provided in this chapter.

Sec. 98. When title passes. Until said transferee has received said certificate of registration and has written his name upon the face thereof for the purpose of this chapter, delivery and title to said motor vehicle shall be deemed not to have been made and passed.

Sec. 99. Treasurer to notify department - record. The county treasurer shall forthwith notify the department of the transfer and upon receipt of the notification, the department shall file such statement and note upon the registration book or index, said change of ownership.

Sec. 100. Scope of statute. The provisions provided for herein for the transfer of motor vehicles shall apply to the sale and transfer of all motor vehicles to manufacturers or dealers or used car dealers.

Sec. 101. Penalty. If a transfer of ownership of a motor vehicle is not completed as herein provided within ten (10) days of the actual change of possession, a penalty of five dollars (\$5.00) shall accrue against said vehicle, and no certificate of registration therefor shall thereafter issue until said penalty is paid.

VALUE AND WEIGHT OF VEHICLES

Sec. 102. Manufacturer's schedule of prices and weights. Every manufacturer of a motor vehicle sold or offered for sale within this state, either by the manufacturer, distributor, dealer, or any other person, shall, on or before the first day of September, annually, file in the office of the department a sworn statement showing the various models manufactured by him, and the retail list price and weight of each model as of September first of that year.

Sec. 103. Additional schedules. When the retail list price of the car is reduced below the price on file, the manufacturer shall immediately notify the department, which shall issue at once to county treasurers a supplementary list of classifications and on all subsequent registrations this list shall be the basis of fixing the registration fee.

Sec. 104. Registration dependent on schedule. No motor vehicle shall be registered in this state unless the manufacturer thereof has furnished to the department the sworn statement herein provided, giving the list price and weight of the model of the motor vehicle that is offered for registration, except as provided in the following section.

Sec. 105. License fee in exceptional cases. The department shall have the power to fix the license fee on all makes and models of cars which are not now being furnished or upon which the statement from the factory cannot be obtained.

The county treasurer shall have authority to fix the value and weight of any reconstructed car on which the list price and weight is not available, but the department shall have authority to review the action of the county treasurer, establish the correct value and weight and revoke the findings of the county treasurer, if found incorrect.

Sec. 106. Department to prepare statement. The department shall prepare, annually, a statement showing all the different makes and models of motor vehicles previously registered in his department, and all the different makes and models of motor vehicles, statements of which have been filed in his office by the manufacturers as heretofore provided, together with the

retail list price and weight of the same.

The statement prepared by the department shall also include the load capacities of the various makes and models of motor trucks and trailers and the proper license fee to be paid for the registration of each.

Sec. 107. Executive council to fix values and weight. The executive council shall, on or before the first day of September of each year, and at such other times as it may deem necessary, fix the value and weight of each of the different makes and models of motor vehicle so reported to it by the department, or which are sold or offered for sale within the state.

Sec. 108. Method of fixing value and weight. The value shall be fixed at the next even one hundred dollars above the retail list price f.o.b. the factory, and the weight shall be fixed at the next even one hundred pounds above the manufacturers' shipping weight or the actual weight of the vehicle fully equipped.

PLATES AND CONTAINERS

Sec. 109. Contracts for plates. The executive council shall purchase all number plates, containers and other supplies required by this chapter after receiving competitive bids under open specifications. The bidders shall be required to furnish samples of such supplies and in awarding the contract the council may consider the quality and suitability of the samples submitted as well as the price quoted. A record of all bids submitted shall be kept and the samples submitted shall be preserved until the next subsequent letting.

Sec. 110. Bond. The successful bidder shall be required to execute to the state a good and sufficient bond in such amount as the executive council shall require, conditioned upon the plates furnished being in accordance with the samples and specifications, and providing for liquidated damages for failure to deliver plates at the time specified in the contract.

Sec. 111. Manufacture by state. In lieu of purchasing under competitive bids the council shall have authority to arrange with the board of control to furnish such supplies as may be made at the state institutions.

Sec. 112. Specifications for plates. Such number plates shall be of metal, at least six inches wide, and not less than fifteen inches in length, on which there shall be the initials "Ia" and numerals indicating the year for which it is issued; and shall be of a distinctively different color each year, and there shall be at all times a marked contrast between the colors of the number plates and that of the numerals or letters thereon; said colors to be designated by the department.

The distinctive number assigned to the vehicle shall be set forth in numerals four inches long, each stroke of which shall be at least five-eighths of an inch in width.

In the case of a motor vehicle registered by a manufacturer or dealer, there shall be on such plate, in addition to the foregoing, the letter "D" and, in case of a motor vehicle registered by a used car dealer, the letters "U.D.", each stroke of each such letter to be at least four inches long and five-eighths of an inch in width.

The number plates for use on a motor bicycle or a motorcycle shall be one-half the size above stated.

Sec. 113. Delivery of plates. On or before the first day of December

of each year, the department shall deliver, or cause to be delivered to the county treasurer of each county, approximately as many duplicate number plates and certificate containers as there are motor vehicles registered in such county during the preceding year, the plates so delivered to each county treasurer to be in numerical sequence.

Sec. 114. Additional deliveries. Thereafter, during the year, the department, upon requisition of the county treasurer, shall deliver additional number plates and certificate containers.

Sec. 115. Account of plates. The department shall keep an accurate record of all number plates issued to each county, and shall also keep a record showing the assignment thereof by the county treasurer to motor vehicles.

Sec. 116. Plates for exempt vehicles. The department shall furnish, on application, free of charge, distinguishing plates for motor vehicles exempted from a license fee and shall keep a separate record thereof.

Sec. 117. Title to plates. All number plates issued shall be and remain the property of the state of Iowa.

Sec. 118. Certificate containers. The executive council shall approve devices for holding and displaying the certificate of registration, and may require such devices so to receive and hold such certificate that when the certificate is removed from the holder the certificate will be destroyed or mutilated so it cannot be used on other vehicles.

HEADLIGHT LENSES

Sec. 119. Examination and approval. It shall be the duty of the state highway commission to examine all headlight lenses or devices submitted to it by manufacturers and dealers. The fee for each such examination shall be twenty-five dollars, which shall be remitted to the treasurer of state and credited to the primary road fund.

Sec. 120. Approved list. Lenses or devices submitted to and approved by said highway commission shall be placed upon the approved list of the department when such lenses or devices in operation with an electric bulb or other lighting device of a capacity not in excess of that provided by this chapter, and when installed, casts a light which complies with the provisions of this chapter.

Sec. 121. Department to furnish list - use of lens. The department shall furnish county treasurers with a list of such lenses and devices as are upon the approved list of the department, and such lenses and devices used on any motor vehicle operated in this state equipped with a lighting device of a candle power not exceeding that specified on the approved list for the lens in question when installed in such way that the bulbs are focused as specified in the approved list, and the directly reflected beam of light does not rise or diverge contrary to the provisions of this chapter, shall be conclusively presumed to be lawful.

GARAGE RECORD

Sec. 122. Garage owner to keep. Every person operating a public garage

shall keep for public inspection a record of the license number and engine or factory serial number of all motor vehicles taken in or held in charge by said garage for the purpose of selling, rental, livery, storage, or repair.

Sec. 123. Time and form of record. Said record shall be filled out and signed personally by the owner or driver of the motor vehicle when such vehicle is taken to the garage and if signed by other than the owner, then the owner's name must be signed first followed by the name of the driver, and shall contain the name and address of the owner of the motor vehicle, the name and address of the person delivering or taking the motor vehicle to the garage, and the license number and the engine number thereof. The records shall be verified by the operator of the garage.

Sec. 124. When record not required. Such record need not be made when a motor vehicle is taken in or held in charge a second time, and the owner or driver is personally known to the proprietor of such garage, his agent, or employee.

Sec. 125. Duty to hold certain vehicles. The proprietor of a garage and his employees upon discovering that the engine number of a motor vehicle has been altered or obliterated shall immediately notify some peace officer of the county in which the garage is located, and hold said vehicle for a period of twenty-four (24) hours or until investigation shall have been made by such peace officer.

POWERS OF LOCAL AUTHORITIES

Sec. 126. General prohibition - exceptions. Local authorities shall have no power to enact, enforce or maintain any ordinance, rule or regulation in any way in conflict with, contrary to or inconsistent with the provisions of this chapter, or of any section or other subdivision thereof, and no such ordinance, rule or regulation of said local authorities heretofore, or hereafter enacted shall have any force or effect, except that such authorities shall possess:

1. Such powers as are now or may hereafter be vested in local authorities to enact ordinances and regulations, applicable equally and generally to all vehicles and other users of the highways, and providing for traffic or crossing officers or devices, to bring about the orderly passage of vehicles and other users of the public highway on certain portions thereof, where the traffic is heavy and continuous.

2. Such powers as are now or may hereafter be vested in local authorities to license and to regulate the operation of vehicles offered to the public for hire, and to regulate the use of the highways for processions or assemblages.

Sec. 126-a1. The road patrolmen appointed by the Board of Supervisors of any county may in addition to their other duties, enforce the provisions of the law relating to travel, on the primary roads of the county outside of cities and towns. Each such patrolman shall while on duty wear an official badge, such that he may be clearly distinguished as an officer of the law by all persons using the public highways, said badge to be furnished by the Board of Supervisors of the county. Each such patrolman shall take the same oath as any peace officer and shall have the authority of a peace officer.

Sec. 127. Present and future ordinances. All ordinances, rules and regulations which may have been or which may be hereafter enacted in pursuance of the above enumerated powers, shall remain in full force and effect.

Sec. 128. Exclusion from parks and cemeteries. Local authorities may by general rule, ordinance or regulation, exclude vehicles from any cemetery or ground used for the burial of the dead, or exclude vehicles used solely or principally for commercial purposes, from any park or part of a park system where such general rule, ordinance, or regulation is applicable equally and generally to all other vehicles used for the same purpose; if, that at the entrance, or at each entrance if there be more than one, to such cemetery or park from which vehicles are so excluded, there shall have been posted a sign plainly legible from the middle of the public highway on which such cemetery or park opens, plainly indicating such exclusion and prohibition.

Sec. 129. Power as to "freighters", "one-way streets", and "trailers". Local authorities of any city or town may also:

1. Impose additional restrictions to those contained in this chapter applicable to vehicles exclusively used in the carrying of merchandise or articles of freight and of a capacity in excess of one ton in weight.

2. Designate certain streets whereon heavily laden vehicles may be excluded.

3. Declare certain streets to be "one-way streets".

4. Further restrict, or prohibit, the use of trailers.

5. Designate certain streets as boulevards or arterial highways and to provide that vehicles entering such street from intersecting streets shall come to a full stop before such entrance. The city or town shall keep placed conspicuously at each point where a street or highway intersects such designated boulevard or arterial highway, a sign bearing the words "STOP BOULEVARD" of sufficient size to be easily readable at a distance of one hundred feet by a person using such street or highway.

Sec. 129-a1. The board of supervisors of any county may designate certain public highways whereon vehicles, machines and loads of greater weight than the maximum prescribed in section one hundred ninety-five (195) of this act may be excluded and make such other reasonable regulations in relation to the use thereof as may be necessary to prevent the destruction of a permanent improvement thereon.

Sec. 130. Ordinances as to parking. Cities and towns shall have the power to designate by ordinance suitable areas within which automobiles may be parked, or left standing without being parallel to the curb, and to prescribe rules governing the use of such areas for such purpose, and to designate by ordinance the conditions under which vehicles may be parked in public streets or alleys during the hours of darkness.

Sec. 131. Foreign discriminations. When the local authorities of other states shall, by the adoption of rules and regulations or otherwise, prohibit motor vehicles licensed under the laws of this state from operating upon highways in any subdivision of such other state, the local authorities of this state may, by ordinance or otherwise, require the motor vehicles of the subdivisions of such other state while operating by their own power in this state to be licensed under the laws of this state.

FUNDS

Sec. 132. Disposition of funds. The money collected pursuant to the provisions of this chapter shall be credited by the treasurer of state to the following funds:

1. Two and one-half per cent ($2\frac{1}{2}\%$) of the gross fees and penalties thereon, to a maintenance fund for the state highway commission.
2. Three and one-half per cent ($3\frac{1}{2}\%$) of the gross fees and penalties thereon, to a maintenance fund for the motor vehicle department.
3. The balance of said money, less the collection fee of fifty cents (50c) retained by the county treasurer on each registration, and less the one-half ($\frac{1}{2}$) of one per cent (1%) received by the department, as a reimbursement fund from which to pay refunds, to the primary road fund.

Sec. 132-al. Expenditure of department fund. The maintenance fund for the motor vehicle department shall constitute a fund for the payment of salaries as provided by law for the department, the expense of plates, certificate containers, blanks, printing, and any other expense necessary to enable the department to carry out the provisions of this chapter.

Sec. 133. Apportionment of primary road fund. The primary road fund shall be apportioned among the several counties in the same ratio that the area of each county bears to the total area of the state. Said apportionment shall be made by the state highway commission.

Sec. 134. Apportionment of unexpended balances. At the close of each calendar year, any unexpended balance remaining in the maintenance fund for the state highway commission, in the maintenance fund for the motor vehicle department, and in the reimbursement fund for the payment of refunds, which have accrued from the motor license fees paid in for that period, shall be credited to the primary road fund and apportioned to the several counties as provided in the last preceding section.

Sec. 135. Cash balance. The treasurer of state shall maintain in the state treasury, of the money collected as in this chapter provided, a cash balance not to exceed five hundred thousand dollars. When such cash balance becomes less than one hundred thousand dollars he shall draw upon the treasurer of each county of the state in proportion to the amounts in their possession, respectively, a sum sufficient in the aggregate to restore said cash balance to a sum not exceeding said maximum. Such drafts shall be honored by the treasurer of each county upon presentation.

GENERAL ADMINISTRATIVE DUTIES

Sec. 136. Rules and regulations. The department shall have full authority to make such rules and issue such instructions as may be necessary to insure and obtain uniformity in the administration and full enforcement of the provisions of this chapter.

Sec. 137. Duty to obey rules. All local officials charged with the administration and enforcement of this chapter shall be governed in their official acts by the rules promulgated by the department.

Sec. 138. Blanks. The department shall not later than November 15th of each year prepare and furnish the treasurer of each county all blank books, blank forms, and all supplies required for the administration of this chapter, including applications for registration and transfer of vehicles, triplicate receipts, and original remittance sheets to be used in remitting fees to the department, in such form as the department may prescribe.

Sec. 139. Time limit. Blanks or forms for listing used motor vehicles shall be placed in the hands of county treasurers not later than December fifteenth of any year.

Sec. 140. Certificates of registration. The certificate of registration shall be of a distinctively different color each year, and shall contain on its face the name of the owner of the motor vehicle, his postoffice address, date of issue, fee paid, license number, make of car, style of car, model, engine number, factory number, and signature of owner.

The reverse side of the certificate of registration shall contain notice of sale and transfer of the motor vehicle by the owner to the purchaser with a description of the car as set out in the certificate of registration which shall have blank spaces for the signature of both the owner and purchaser.

Sec. 141. Contents of filled-in blanks. All receipts for fees paid, certificates of registration, notices of transfer, and other blanks required for the administration of this chapter shall contain the license number, and manufacturer's number, factory number, name of owner, and such other matters as the department may deem necessary for the efficient administration of this chapter.

Sec. 142. Index required. The department shall install and maintain a numerical and a county index, using for such numerical index the duplicate registration receipt and compiling therefrom the county or alphabetical index, both of which shall contain the following information; viz., name and address of owner, license number, make, factory number, model, style, engine number, date of purchase, registration certificate number, number of cylinders, rated load carrying capacity, weight, list price or value of car fixed by the executive council, fees paid and date of payment.

Sec. 143. Duty and liability of treasurer. The county treasurer shall collect the license fee and penalties on each motor vehicle registered by him and shall be responsible on his bond for such amount. He shall remit such amount to the treasurer of state as herein provided.

Sec. 144. Retention of fee for county. Each county treasurer shall be allowed to retain, for the use and benefit of the county general fund, fifty cents (50c) for each motor vehicle license issued by him out of money collected in each year for the registration of such motor vehicles, the same to be deducted, and reported to the department, when the county treasurer transfers the money collected under the provisions of this chapter.

Sec. 145. Reports to department. The county treasurer shall on the fifteenth day of each month report under oath to the department, on forms furnished by it, giving a full and complete statement of all fees and penalties so received by him during the preceding calendar month.

Sec. 146. Reports by department. The department, immediately upon receiving said report, shall also report to the treasurer of state the amount so collected by such county treasurer.

Sec. 147. Duty of treasurer of state. The treasurer of state shall keep proper books of account for the purposes specified herein and shall report to the department each remittance from the county treasurer, when said remittance is received.

Sec. 148. Audit by department. The department shall check and audit all fees and penalties collected, and shall effect a settlement with the county treasurer annually.

Sec. 149. Enforcement. It shall be the duty of the mayor of cities and

towns, and all peace officers to enforce the provisions of this chapter.

Sec. 150. Publication of law. The department shall issue this chapter in pamphlet form, together with such rules, instructions and explanatory matter as may seem advisable. Copies of such pamphlet shall be given as wide distribution as the department shall determine and a supply shall be furnished each county treasurer.

LAW OF THE ROAD

Sec. 151. Traveling on right-hand side. The operator of a motor vehicle, in cities and towns, shall at all times travel on the right-hand side of the center of the street.

Sec. 152. Meeting and turning to right. Persons on horseback, or in vehicles, including motor vehicles meeting each other on the public highway, shall give one-half of the traveled way thereof by turning to the right.

Sec. 153. Turning to right when overtaken. The driver of any vehicle driven or propelled upon the public highway shall, when overtaken by a faster moving vehicle proceeding in the same direction, upon a signal, either by the sounding of a bell, horn or other signalling device, given by the driver of the overtaking vehicle, cause his vehicle to be driven to the right of the center of the traveled way if he can do so with safety and remain to the right of the center of such traveled way until the overtaking vehicle shall have safely passed.

Sec. 154. Turning to left. The vehicle approaching from the rear shall turn to the left and shall not return to such road or path within less than thirty feet of the team or vehicle which has been passed.

Sec. 155. Failure to recognize signal. Any driver of a vehicle that is overtaken by a faster moving vehicle who fails to heed the signal of the overtaking vehicle when it is given under such circumstances that he could, by the exercise of ordinary care and observation and precaution, hear such signal and who fails to yield that part of the traveled way as herein provided, shall be guilty of a misdemeanor.

Sec. 156. Burden of proof. Upon proof that a signal was given as contemplated by the last preceding section, the burden shall rest upon the accused to prove that he did not hear said signal.

Sec. 157. Age limit of operator. No person under fifteen years of age shall operate or drive a motor vehicle by permission from the owner of the car unless such person be accompanied by a person of mature years.

Sec. 158. Liability for damages. In all cases where damage is done by any car driven by any person under fifteen years of age and in all cases where damage is done by the car, driven by consent of the owner, by reason of negligence of the driver, the owner of the car shall be liable for such damage.

Sec. 159. Operating vehicle while intoxicated. Whoever while in an intoxicated condition operates a motor vehicle shall upon conviction be sentenced to the penitentiary for a period not exceeding one year, or be punished by a fine of not more than one thousand dollars or by both such fine and imprisonment.

Sec. 160. Careful operation and speed required. Every person operating

a motor vehicle on the public highway of this state shall drive the same in a careful and prudent manner, and at a rate of speed that will not endanger the property of another, or the life or limb of any person.

Sec. 161. Maximum speed permitted. No person shall in any event operate a motor vehicle upon the public highways at a greater rate of speed than as follows:

1. Thirty miles per hour if the weight of vehicle and load is less than three tons and the vehicle is equipped with pneumatic tires, and twenty-five miles per hour if such vehicle is equipped with solid rubber tires.

2. Twenty-five miles per hour if the weight of the vehicle and load is more than three tons and less than six tons and the vehicle is equipped with pneumatic tires, and twenty miles per hour if such vehicle is equipped with solid rubber tires.

3. Sixteen miles per hour if the weight of the vehicle and load is more than six tons and the vehicle is equipped with pneumatic tires, and twelve miles per hour if such vehicle is equipped with solid tires.

4. Ten miles per hour if the vehicle or any trailer is equipped with two or more metal tires.

Sec. 162. Lesser speed in municipalities. Cities and towns may, by ordinance, establish a suburban district in which the maximum speed of any vehicle shall not exceed twenty miles per hour, and a business district in which the maximum speed of any vehicle shall not exceed fifteen miles per hour, if such city or town shall have placed conspicuously on every main highway where the rate of speed changes, signs of sufficient size to be easily readable by a person using the highway, bearing the words: "City of _____," "Town of _____", "Slow down to _____ miles" (the rate being inserted), and also an arrow pointing in the direction where the speed is to be reduced or changed, and also if such ordinance shall fix the punishment for violation thereof, not to exceed twenty-five dollars, or five days in jail, which punishment shall, during the existence of such ordinance, supersede those otherwise specified in this chapter.

Sec. 163. Control of vehicle. The person operating a motor vehicle or motorcycle shall have the same under control and shall reduce the speed to a reasonable and proper rate:

1. When approaching and passing a person walking in the traveled portion of the public highway, and

2. When approaching and passing an animal which is being led, ridden, or driven upon a public highway, and

3. When approaching and traversing a crossing or intersections of public highways, or a bridge, or a sharp turn, or a curve, or a steep descent, in a public highway.

Sec. 164. Stopping, turning, or changing course - signals. The operator of a motor vehicle shall, before stopping, turning or changing the course of of such vehicle, first see that there is sufficient space to make such movement in safety and shall give a visible or audible signal to the crossing officer, if there be such, or to the drivers of vehicles following, of his intention to make such movement, by raising and extending the hand or by a proper signal or device indicating with it the direction in which he wishes to turn.

Sec. 165. Turning to right or left into highway. The operator of a motor vehicle, in turning to the right from one street or highway into another, shall turn the corner as near the right hand as practicable, and, in turning to the left from one street or highway into another, shall pass to the right of and beyond the center before turning.

Sec. 166. Crossing from side to side. The operator of a motor vehicle, in crossing from one side of the street, or highway, to the other side thereof, shall turn to the left, so as to head in the direction in which vehicles are moving.

Sec. 167. Preference at intersecting points. Where two vehicles are approaching on any public street or highway so that their paths will intersect and there is danger of collision, the vehicle approaching the other from the right shall have the right of way, provided, however, that such vehicles coming from alleys and private drives, where view is obstructed, shall stop immediately before entering a public street or highway.

Sec. 168. Passing at street intersections. It shall be unlawful for the operator of any motor vehicle, in cities and towns, to overtake and pass another vehicle at street intersections in the business districts.

Sec. 169. Duty to stop at street cars. The driver or operator of every vehicle shall bring the same to a full stop not less than five feet from the rear of any street car headed in the same direction which has stopped for the purpose of taking on and discharging passengers, and remain standing until such car has taken on or discharged its passengers.

This section shall not apply where safety zones are provided, and the highway is of sufficient width to admit of safe passage.

Sec. 170. Unattended vehicles. The operator of a motor vehicle or person in charge thereof shall not leave unattended upon any street or highway a motor vehicle with the engine running.

Sec. 171. Brakes. Every motor vehicle, while in use on the public highways of this state, shall be provided with adequate brakes.

Sec. 172. Signalling device. Every motor vehicle shall be equipped with a suitable bell, horn, or other signalling device producing an abrupt sound sufficiently loud to serve as an adequate warning of danger.

Sec. 173. Improper use of signalling device. No person operating any motor vehicle shall make or cause to be made any unnecessary noise with such bell, horn or signalling device, or use the same except as a warning of danger.

Sec. 174. Loud signalling at night. Loud signalling devices shall not be used during the period of from one hour after sunset to one hour before sunrise, unless absolutely necessary to avoid accidents.

Sec. 175. Signals at danger points. An adequate signalling device shall in all cases be sounded on approaching curves, tops of hills, and the intersecting highways in the country where the operator's view is obscured.

Sec. 176. Headlights. All motor vehicles in use on the public highways excepting motorcycles, motor bicycles, and such motor vehicles as are properly equipped with one light in the forward center of such motor vehicle, shall, during the period of from one-half hour after sunset to one-half hour before sunrise, display two or more white or tinted lights, other than red, on the forward part of said vehicle, so placed as to be seen from the front, and of sufficient illuminating power to be visible at a distance of five hundred feet in the direction in which displayed, and to reveal any persons, vehicle or substantial object seventy-five feet ahead of the lamps.

Sec. 177. Tail lights. Such motor vehicle when in use shall also display on the rear a lamp so constructed and placed as to show a red light from the rear and throw a white light directed upon the rear registration number and and render the numerals thereon visible for at least fifty feet in the direction from which the vehicle is proceeding.

Sec. 178. Lights on trailers. The provisions as to the rear light shall also apply to vehicles which are trailed or towed by motor vehicles.

Sec. 179. Lights for motorcycles, etc. Motorcycles, motor bicycles and motor vehicles equipped with one light as heretofore provided, shall display on the forward part one white or tinted light, as aforesaid, and a red light to the rear, so constructed and placed as to throw a white light directly upon the registration number as prescribed in the case of any other motor vehicle.

Sec. 180. Failure of lights. The operator of any motor vehicle may proceed toward his destination in a cautious and careful manner, in the event of a failure of one or more of his lights to operate, but he shall be deemed guilty of a violation of the foregoing provisions, unless he puts his lights in order at the first reasonable opportunity.

Sec. 181. Maximum elevation of lights. It shall be unlawful to use on a vehicle of any kind operated on the public highways of this state, including motorcycles, any lighting device of over four (4) candle power, equipped with a reflector, unless the same shall be so designed or arranged that the directly reflected and undiffused beam of such light when measured seventy-five (75) feet or more ahead of the light shall not rise above forty-two (42) inches from the level surface on which the vehicle stands under all conditions of load.

Sec. 182. Auxiliary lights. If, in addition to headlights, any such vehicle is equipped with any auxiliary light, projecting lights, or devices other than the rear lamp, such auxiliary light or lights shall be subject to all the restrictions of the foregoing sections regarding direction of the beam.

Sec. 183. Spotlights. If a spotlight is used on a motor vehicle it shall be unlawful for any person to direct its rays toward the eyes of the driver or occupants of an approaching vehicle, or to direct its rays to the left of the center of the traveled way when meeting another vehicle.

Sec. 184. Maximum light permitted. No person shall operate a motor vehicle on any highway of this state equipped with an electric bulb or other lighting device of a greater capacity than thirty-two (32) candle power, no matter how the same may be shaded, covered, or obscured.

Sec. 185. Turning off lights to avoid arrest. It shall be unlawful for any person to turn off or extinguish any or all of the lights on his motor vehicle for the purpose of avoiding arrest or identification.

Sec. 185-a1. Stationary unlighted vehicle. No person shall, during any period of time from one-half hour after sunset to one-half hour before sunrise, permit a motor vehicle, under his control, to stand upon the paved portion of any hard surfaced highway outside of the corporate limits of any incorporated city or town with the rear light extinguished unless said highway is artificially lighted at the place where the vehicle is located, to such extent as to clearly indicate the presence of said vehicle. A violation of this section shall constitute a misdemeanor and be punishable by a fine of not to exceed \$25.00.

Sec. 185-a2. Exception. The last preceding section shall not apply when an accident extinguishes said light and renders any vehicle incapable of use, and when the person in control of the vehicle erects, at the earliest opportunity after the accident, such proper light at or near the vehicle as will give warning of the presence of said vehicle.

Sec. 186. Manner of parking. It shall be unlawful to stop a motor vehicle on the street, in cities and towns, unless the right side of said vehicle is next to and parallel with the curb and as near thereto as the condition of the street will permit.

Sec. 187. Exceptions. The last preceding section shall not apply in cases of emergency, when the stop is made to avoid accident or to allow pedestrians or vehicles to cross in front of such motor vehicle, or when made in obedience to the signal of a police officer.

Sec. 188. Street corners and hydrants. The operator of any motor vehicle, in cities and towns, shall not leave any such vehicle standing upon any street in the business district thereof within fifteen feet of the corner or within fifteen feet of any hydrant.

Sec. 189. Theaters and auditoriums. No motor vehicle shall be left standing, in cities and towns, in front of or within fifteen feet of either side of the entrance of any theater, auditorium hotel or other building where large assemblages of people are being held, except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.

Sec. 190. Standing with red light near railway. It shall be unlawful for the operator of any motor vehicle to leave it standing, while showing a red light, parallel to, and within twenty-five feet of the tracks of any railroad in cities and towns.

Sec. 191. Emission of steam or smoke. The operator of a motor vehicle shall not permit the motor of same to operate in such a manner as to visibly emit an unduly great amount of steam, smoke or products of combustion from exhaust pipes or openings.

Sec. 192. Muffler required. It shall be unlawful for any operator of any motor vehicle, while on the public highway, to use any cut-out fitting or other apparatus or device which will allow the exhaust gases from the engine of the motor vehicle to escape into the atmosphere without first passing through a silencer, expansion chamber, or other contrivance suitable and sufficient for reducing as far as may be reasonably practicable, the noise which would otherwise be caused by the escape of the said gases.

Sec. 193. Cutting out muffler. It shall be unlawful for any person to drive or to permit to be driven on the streets of any city or town, any motor vehicle at any time with the muffler cut out or not in operation.

Sec. 194. Police to direct movement. Motor vehicles, at theaters and public gatherings in cities or towns, or under unusual circumstances, shall stand or move as directed by the police.

Sec. 195. Maximum load. The total maximum load on any one wheel of a motor vehicle, including the weight of the vehicle and the load it carries,

shall be four (4) tons, provided the total maximum weight of the vehicle and load shall not in any event exceed fourteen (14) tons for a vehicle equipped with pneumatic tires or twelve (12) tons for a vehicle equipped with solid rubber tires.

Sec. 196. Load limited to width of tire. The total load on any wheel of any motor vehicle shall be limited to eight hundred pounds per inch width of tire measured between flanges of the rims, and the enforcement of this provision is hereby made the duty of the state highway commission and all peace officers. Any violation of this provision is hereby made a misdemeanor and shall be punished accordingly.

Sec. 197. Maximum width of vehicle and load. The maximum width of any motor vehicle and its load shall be limited to eight feet, excepting loads of loose hay, straw, and similar farm products.

Sec. 198. Projection on wheels. No motor vehicle which has projections of metal or wood beyond the tread or traffic surface of the tire, excepting a vehicle equipped with caterpillar tread, shall operate over any highway improved with a gravel or paved surface.

Sec. 199. Exceptions. Tractors, traction engines or similar motor vehicles may be operated which have "V" shaped or diagonal cleats arranged in such manner that two or more cleats are continuously in contact with the road surface and that the weight in continuous contact with the road surface measured in the direction of the movement of the vehicle does not exceed eight hundred pounds per inch width of tire.

Sec. 199-a1. Traction engines on highway. Any person who operates a traction engine upon the public highway must, while so operating, observe the following requirements:

1. Reasonable care must be exercised to avoid accidents from fright on the part of any domestic animal.

2. Upon request, or signal by raising the hand, by the person in charge of a restive horse or other domestic animal, the engine must be brought to an immediate stop, and, if traveling in the opposite direction, remain stationary so long as may be reasonable to allow such animal to pass, and, if traveling in the same direction, the operator must exercise reasonable care while such animal is passing.

2. The operator and all other persons employed by the owner of the engine must, in so passing, render necessary assistance to the party having such animal in charge.

Sec. 200. Duty in case of accident to person. The operator of a motor vehicle who knows that, in the operation of said vehicle, injury has been caused to a person because of the culpability of said operator or because of accident must, before leaving the place of said injury:

1. Give such aid to the injured party as the circumstances may reasonably require.

2. Give the registration number of his motor vehicle, and his name and address, including street number, if any, to the injured party.

3. Give such information, in case the injured party is too severely injured to receive it, to some reasonably mature person accompanying the injured party, and in the absence of such person, to some apparently disinterested bystander.

Sec. 201. Reporting accidents. The operator, immediately after complying with the last preceding section, shall report the accident, together

with the said information, at the office of some peace officer as near as practicable to the place of injury or to the county attorney or sheriff of the county in which said injury took place.

Sec. 202. Penalty. An operator who fails to comply with any of the requirements of the two last preceding sections shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the penitentiary for a term not exceeding two (2) years, or by both such fine and imprisonment; and if any person be convicted a second time for such violation he shall be punished by imprisonment in the penitentiary for a term of not less than one (1) year and not more than five (5) years, or by a fine not exceeding one thousand dollars (\$1,000.00).

Sec. 203. "Operator" defined. An operator within the meaning of the three last preceding sections shall embrace the person who is physically in control of the movements of the vehicle, the parents and personal guardian of such person if present at the time of the infliction of the injury, and the owner of the vehicle, if so present. Compliance with said sections by one operator shall render compliance by other operators unnecessary.

Sec. 204. Form of judgment. A judgment of conviction for operating a motor vehicle while intoxicated, or for failure, in case of accident, to furnish the required aid or information or to properly report an accident, shall state whether, in the opinion of the court, the certification of registration for the vehicle should be suspended for a named time or revoked.

Sec. 205. Duty of clerk. The clerk of the court of the county in which such conviction is had shall promptly furnish without cost, a certified copy of said judgment to the department, together with notice of all appeals and all subsequent final orders therein, when rendered.

Sec. 206. Suspension or revocation enforced. When said conviction becomes final the department shall, by proper orders, enforce the recommendations of the court, and in case of a revocation of the certificate may, for such time as it may deem proper, refuse to issue a certification to said accused.

Sec. 207. Duty in case of accident to property. The operator of a motor vehicle who knows that, in the operation of said vehicle, injury has been caused to property because of the culpability of said operator or because of accident, must, before leaving the place of said injury, give the registration number of his motor vehicle and his name and address, including street number, if any, to the owner or person in charge of said injured property. If such owner or person be not then present, said operator shall put said information in writing and, if practicable, securely affix said writing to said injured property in some conspicuous place, or post the same in a like place as near as practicable to the place of injury.

CRIMINAL PROSECUTIONS

Sec. 208. General prohibitions. No person shall:

1. Deface or alter any serial, engine, or assembling number of a motor vehicle, or
 2. Change, counterfeit, or forge a certificate of registration of a motor vehicle, or
 3. Wilfully deface or change any license plate of a motor vehicle,
- or

4. Change the color or disguise the appearance of a motor vehicle with intent to prevent identification by the owner, or
5. Display on any motor vehicle any other certificate or plates than the certificate of registration and plates licensing such vehicle, or
6. Use or display any certificate or registration on a motor vehicle when he knows that the same is untrue as to any name, number, or data, or
7. Possess a motor vehicle, the serial or engine number of which is defaced, altered, or tampered with.

Sec. 209. Penalty. Any person found guilty of violating any of the provisions of the last preceding section shall be imprisoned in the penitentiary not more than five (5) years or be fined not more than one thousand dollars (\$1,000.00) or be imprisoned in the county jail not more than one (1) year.

Sec. 210. Jurisdiction. Jurisdiction of any offense under the two last preceding sections shall be in any county in which any part of the act or acts constituting the offense charged was committed.

Sec. 211. Defense. Under a charge of possessing a motor vehicle, the serial or engine number of which is defaced, altered, or tampered with, it shall be a complete defense that the accused at the time of such possession had in his possession a certificate of registration and transfer from the officer whose duty it is to register or license motor vehicles in the state in which said motor vehicle is registered, showing good and sufficient reason why numbers are defaced, changed, or tampered with, the original serial or engine number, and the ownership of said motor vehicle.

Sec. 212. Prohibited plates, certificates, and badges. No person shall display or cause or permit to be displayed, or have in his possession, any canceled, revoked, altered, or fictitious registration number plates, registration certificate, chauffeur's license certificate, or chauffeur's badge, as the same are respectively provided for in this chapter.

Sec. 213. Operation without registration or plates. Any person, manufacturer, dealer, or used car dealer operating a motor vehicle upon the public highways of the state which has not been registered according to law or has not displayed thereon two number plates issued by the automobile department showing the payment of a license fee for the current year, or which has not displayed thereon, "car in transit" cards or "license applied for" cards where the same may lawfully be driven with such cards attached, shall be guilty of a misdemeanor and punished accordingly.

Sec. 214. Operation while certificate revoked or suspended. Any person who operates any motor vehicle while a certificate of registration of a motor vehicle issued to him is suspended or revoked, shall be guilty of a misdemeanor.

Sec. 215. Sale without lights. No person shall offer or expose for sale, sell, transfer, deliver, or have in his possession with intent to sell, any motor vehicle which is not equipped with head and rear lights as prescribed by law.

Sec. 216. False statements. Any person making a false statement in the verified application for registration shall be guilty of a misdemeanor.

Sec. 217. General penalty clause. A violation of any provision of this chapter shall be punished by a fine not exceeding one hundred dollars (\$100.00)

or by imprisonment not exceeding thirty (30) days or by both such fine and imprisonment, except in those instances where some other punishment is specifically pointed out.

Sec. 218. Revocation of certificate. The department may, upon a second or subsequent conviction of a party under this chapter, revoke the certificate of registration of the offending party, and may refuse to issue a new certificate to such party for such period as he may deem proper.

Sec. 219. Assaults and homicide. A conviction of the violation of any of the provisions of this chapter shall not be a bar to a prosecution for an assault or for a homicide committed by any person in operating motor vehicles.

Sec. 220. Disposal of stolen vehicle. Any person who shall receive, conceal, store, barter, sell, or dispose of any motor vehicle or any part thereof knowing or having reason to believe it has been stolen, shall be punished by imprisonment in the penitentiary not more than ten years or by fine of not more than one thousand dollars, or by both such fine and imprisonment.

Sec. 221. Presumptive evidence. Whoever shall conceal, barter, sell or dispose of any motor vehicle which has been stolen, or shall disguise, alter or change such motor vehicle or the factory or serial number thereof, or remove or change the license tag thereon, or do any act designated to prevent identification of such motor vehicle, shall be presumed to have knowledge that such motor vehicle had been stolen.

Approved April 26, 1924.

CHAPTER 180A

ESCAPES

H. F. 278

AN ACT to amend, revise, and codify section nine thousand and one (9001) of the compiled code of Iowa, relating to escapes.

Be It Enacted by the General Assembly of the state of Iowa:

That section nine thousand and one (9001) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Prison breach - escape - punishment. If any person committed to the penitentiary or the to men's or women's reformatory shall break such prison and escape therefrom or shall escape from or leave without due authority any building, camp, farm, garden, city, town, road, street, or any place whatsoever in which he is placed or to which he is directed to go or in which he is allowed to be by the warden or any officer or employee of the prison whether inside or outside of the prison walls, he shall be deemed guilty of an escape from said penitentiary or reformatory and shall be punished by imprisonment in said penitentiary or reformatory for a term not to exceed five (5) years, to commence from and after the expiration of the term of his previous sentence.

Approved January 17, 1924.

CHAPTER 181

CORONER

S. F. 279

AN ACT to amend, revise, and codify sections thirty-two hundred twenty-nine (3229) and thirty-two hundred thirty (3230) of the compiled code of Iowa, and section thirty-two hundred twenty-eight (3228) of the supplement to said code, relating to the coroner.

Be It Enacted by the General Assembly of the State of Iowa:

That section thirty-two hundred twenty-nine (3229) of the compiled Code of Iowa, and section thirty-two hundred twenty-eight (3228) of the supplement to said Code are amended, revised, and codified to read as follows:

Section 1. Acting coroner. When there is no coroner, or in case of his absence or inability to act, any justice of the peace or municipal judge of the same county is authorized to perform the duties of coroner in relation to dead bodies.

Sec. 2. Physician employed - fees. In the inquisition by a coroner or by an acting coroner, when he or the jury deem it requisite, he may summon one or more physicians or surgeons to make a scientific examination, who, instead of witness fees, shall receive a reasonable compensation to be allowed by the board of supervisors. If the coroner is also a physician he may make such scientific examination.

That section thirty-two hundred thirty (3230) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 3. Witnesses and jurors shall receive for each day's service or attendance, two dollars; and for each mile traveled from his residence to the place of holding the inquest the sum of ten cents.

Approved January 8, 1924.

CHAPTER 182

GARNISHMENT

H. F. 280

AN ACT to amend, revise, and codify section eighty hundred twenty (8020) of the compiled code of Iowa, relating to garnishment.

Be It Enacted by the General Assembly of the State of Iowa:

That section eighty hundred twenty (8020) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Failure to appear or answer - cause shown. If, duly summoned, and his fees tendered when demanded, he fails to appear and answer the interrogatories propounded to him without sufficient excuse, he shall be presumed to be indebted to the defendant to the full amount of the plaintiff's demand but for a mere failure to appear no judgment shall be rendered against him until he has had an opportunity to show cause against the same.

Approved January 17, 1924.

CHAPTER 183

FUTURE ESTATES

S. F. 281

AN ACT to amend, revise, and codify section sixty-three hundred forty-one (6341) of the compiled code of Iowa, relative to future estates.

Be It Enacted by the General Assembly of the State of Iowa:

That section sixty-three hundred forty-one (6341) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Future estates. Estates may be created to commence at a future day.

Sec. 2. Contingent remainders. A contingent remainder shall take effect, notwithstanding any determination of the particular estate, in the same manner in which it would have taken effect if it had been an executory devise or a springing or shifting use, and shall, as well as such limitations, be subject to the rule respecting remoteness known as the rule against perpetuities, exclusive of any other supposed rule respecting limitations to successive generations or double possibilities; but this section, except so far as declaratory of existing law, shall apply only to instruments executed on or after the first day of July nineteen hundred twenty-five, and to wills and codicils revived or confirmed by a will or codicil executed on or after said date.

Sec. 3. Defeating expectant estate. No expectant estate shall be defeated or barred by an alienation or other act of the owner of the precedent estate, nor by the destruction of such precedent estate by disseizin, forfeiture, surrender, or merger.

Approved April 25, 1924.

CHAPTER 184

PEREMPTORY CHALLENGES

H. F. 282

AN ACT to amend, revise, and codify section ninety-four hundred twenty-seven (9427) of the compiled code of Iowa, relating to peremptory challenges, in the trial of criminal causes.

Be It Enacted by the General Assembly of the State of Iowa:

That section ninety-four hundred twenty-seven (9427) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Peremptory challenges - number. If the offense charged in the indictment or information is or may be punishable with death or imprisonment for life, the state and defendant shall each have the right to peremptorily challenge eight jurors and shall strike two jurors.

If the offense charged be any other felony, or if it be a misdemeanor involving a violation of the statutes relative to intoxicating liquors,

the state and the defendant shall each have the right to peremptorily challenge four jurors and shall strike two jurors.

If the offense charged be a misdemeanor other than that specified above, the state and the defendant shall each have the right to peremptorily challenge two jurors and shall strike two jurors.

Sec. 2. Clerk to prepare list - procedure. The clerk shall prepare a list of jurors called and after all challenges for cause are exhausted or waived, the parties, commencing with the state, shall alternately challenge peremptorily or waive by indicating any such challenge upon the list opposite the name of the juror challenged or by indicating the number of waiver elsewhere on the list.

Approved January 11, 1924.

CHAPTER 185

PERMITS TO SELL INTOXICATING LIQUORS

2

S. F. 283

AN ACT to amend, revise, and codify sections nine hundred twenty (920) to nine hundred fifty-one (951), inclusive, of the compiled code of Iowa, relating to the sale and transportation of intoxicating liquors under permits.

Be It Enacted by the General Assembly of the State of Iowa:

That sections nine hundred twenty (920) to nine hundred fifty-one (951), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

CHAPTER _____

PERMITS TO LICENSED PHARMACISTS

Section 1. Permits authorized. A licensed pharmacist may, in the manner hereinafter provided, obtain a permit to buy, keep, and sell intoxicating liquors, except malt liquors, for medical purposes.

Sec. 2. Petition for permit. All applications for a permit to sell intoxicating liquors for the purpose allowed in this chapter shall be by petition, in which the applicant shall show:

1. His name.
2. His residence and business at the time of making the application and during the two preceding years.
3. That he is a citizen of the United States and of this state.
4. That he is a registered pharmacist and is operating and for the last six months has lawfully operated a regular prescription pharmacy or drug store in the town, city or township in which he proposes to engage in the business under the permit applied for and that he owns not less than one-half interest in said pharmacy or drug store and desires a permit to buy, keep, and sell liquors for medicinal purposes only.
5. The place, particularly describing it, where the business is to be conducted.
7. That he has not been adjudged guilty of any violation of the law relating to intoxicating liquors and has never forfeited or surrendered

a permit to sell intoxicating liquors in order to avoid a prosecution for a violation of the laws relating to intoxicating liquors.

8. That he is not the keeper of a hotel, eating house, saloon, restaurant, or place of public amusement, nor are any of said named businesses located in his said place of business or directly connected therewith.

9. That he is not addicted to the use of intoxicating liquors as a beverage, and that he will not, while holding a permit, employ or retain in his employment any person in his said business who is known to him to be so addicted.

Sec. 4. Signing, verification, and filing. Said petition shall be signed and sworn to by the applicant, and filed in the office of the clerk of the district court of the county in which the buying and selling is to be carried on, at least ten days before the term at which the matter is to be for trial.

Sec. 5. Notice of application. Notice of an application for a permit shall state the name of the applicant, with the firm name, if any, under which he is doing business, the purpose of the application, the particular location of the place where the proposed business is to be carried on; that the required petition is or will be on file in the clerk's office of the court, naming it, at least ten days before the first day of the term, naming it, when the application will be made.

Sec. 6. Service of notice. Said notice must be served in the following manner:

1. By publication thereof once each week for three consecutive weeks in a newspaper regularly published and printed in the English language, and of general circulation in the township, town or city where the applicant proposes to conduct the business, or, if none be regularly published therein, then in one of the papers selected by the board of supervisors for the publication of its proceedings, the last publication of which shall be not less than ten nor more than twenty days before the first day of the term at which the hearing is to be had.

2. By serving a copy of said notice personally upon the county attorney in the same manner and for the same length of time as is required of original notices in said courts.

Sec. 7. Appearance. The county attorney shall appear in all cases, and any number of persons, not less than five, filing any remonstrance, may also appear in person or by counsel and resist the application.

Sec. 8. Hearing. All applications shall be tried at the first term after completed service has been made of the required notice, if the business of the court shall allow.

Sec. 9. Hearing in vacation. If for any reason the application can not be tried in term time, the same may be heard by the judge in vacation, at a time to be fixed by the court and made of record.

Sec. 10. Consolidation of applications. If more than one permit is applied for in the same locality, the applications shall be heard at the same time, unless for cause shown it be otherwise ordered.

Sec. 11. Remonstrances - filing limit. The county attorney, or one or more citizens of the county wherein the application is made, may file a written

remonstrance against the granting of the permit. All remonstrances shall specifically state the reasons therefor, and be filed in the clerk's office by noon of the first day of the term, unless further time be given, and shall be so filed before the day fixed for the trial.

Sec. 12. Limitation on granting permit. No permit shall be granted unless the court shall find from competent evidence that all the averments in the petition are true, that the reasonable convenience and necessities of the people, considering the population and all the surroundings, make the granting of the permit proper, and that the applicant is possessed of the character and qualifications required, worthy of the trust to be reposed in him, and likely to discharge the same with fidelity. Any licensed pharmacist who has been or is hereafter convicted of violating any provision of any statute relating to intoxicating liquors, or who for the purpose of avoiding a prosecution for such violation, has surrendered or hereafter surrenders a permit issued under this chapter, shall be forever barred from securing a permit under this chapter. The court may grant or refuse any or all applications.

Sec. 13. Bond. No permit shall issue until the applicant shall execute to the state a bond in the penal sum of one thousand dollars, with good and sufficient sureties to be approved by the clerk of the court, conditioned that he will well and truly observe and obey the laws of the state now or hereafter in force in relation to the sale of intoxicating liquors, that he will pay all fines, penalties, damages and costs that may be assessed or recovered against him for a violation of such laws during the time for which the permit is granted.

Sec. 14. Liability of sureties. The principal and sureties in said bond shall be liable thereon, jointly and severally, for all civil damages and costs that may be recovered against the principal in any action brought by a wife, child, parent, guardian, employer, or other person under the provision of this title.

Sec. 15. Custody of bond - action. The bond, after being approved and recorded by the clerk, shall be deposited with the county auditor, and suit may be brought thereon at any time by the county attorney, or by any person for whose benefit the same is given.

Sec. 16. New bond - cancellation of permit. If at any time the sureties on the bond shall file with the court or clerk a written request for release, or become insolvent, or be deemed insufficient by the court granting the permit, or its clerk, such court or clerk shall require a new bond to be executed within a reasonable time to be fixed. If the permit holder fails or neglects to furnish a new bond within the time so fixed, the permit shall from that date become null and void.

Sec. 17. Proceeds of forfeiture. The clear proceeds of all money which may be collected by the state for breaches of the bond shall go to the school fund of the county.

Sec. 18. Oath. In addition to giving the bond required, the applicant shall take and subscribe the following oath, which shall be indorsed upon the bond: "I, _____, do solemnly swear (or affirm) that I will well and truly perform all and singular the conditions of the within bond, and keep and perform the trust confided in me to purchase, keep and sell intoxicating liquors. I will not sell, give, or furnish to any person any in-

intoxicating liquors otherwise than as provided by law, and especially I will not sell or furnish any intoxicating liquors to any person who is not known to me personally, or duly identified, nor to any intoxicated person, or persons who are in the habit of becoming intoxicated; and I will make true, full, and accurate reports as required by law; and said reports shall show every sale and delivery of such liquors made by me, or for me, during the months embraced therein, and all the intoxicating liquors sold or delivered to any and every person, as returned.

Sec. 19. Issuance of permit. Upon taking said oath, filing said bond, and paying the costs and fee herein provided, the clerk of the court shall issue a permit to the applicant authorizing him to buy, keep, and sell intoxicating liquors, not including malt liquors, for medical purposes, as hereinafter provided.

Sec. 20. Location and tenure. The permit so issued shall specify the building, giving the street and number or location, in which intoxicating liquors may be sold by virtue of the same, and the length of time, not exceeding five (5) years, the same shall be in force, unless sooner revoked.

Sec. 21. Fee. On and after January first, nineteen hundred twenty-five (1925), each permit holder under this chapter shall, on the first day of January, April, July and October of each year, pay into the county treasury, as a fee for the granting of such permit, all proceeds of all sales of intoxicating liquors in excess of two hundred per cent (200%) of the wholesale price of such liquors.

Sec. 21-a. The pharmacy examiners shall from time to time fix the fair and reasonable wholesale price of intoxicating liquors for all points in this state and furnish such price lists to permit holders. The fixing of said prices shall be for the sole purpose of furnishing a basis for the computation of said fee.

Sec. 22. Limitation of sales. A permit in making sales under his permit shall comply with the following:

1. Only spirituous and vinous liquor, the sale of which has been authorized by federal statutes or regulations and upon which the federal internal revenue tax has been paid, shall be sold.

2. Sales shall be made only on prescriptions which have been issued in accordance with federal and state statutes and regulations, and which have been issued by physicians licensed under the laws of this state and actually and in good faith engaged in this state in the general practice of their profession,

3. No permit holder shall sell or furnish, on any prescription, any vinous liquor that contains more than twenty-four (24) per cent of alcohol by volume, nor sell or furnish on any prescription more than one-fourth (1/4) of one (1) gallon of vinous liquor, or any such vinous or spirituous liquor that contains separately or in the aggregate more than one-half (1/2) pint of alcohol, for use by any person within any period of ten (10) days.

4. No prescription for said liquors shall be filled if the permit holder has reason to believe that the physician issuing the same is prescribing for other than medical purposes or that a patient is securing, through one or more physicians, quantities of such liquors in excess of the amount necessary for medical purposes or in excess of the aggregate amount specified in paragraph three (3) above.

5. No prescription for liquor shall be filled except by the permit holder himself or by a pharmacist licensed under the laws of this state and in the employ of such permit holder.

6. No prescription shall be filled more than once.

Sec. 22-a1. Request. Before selling or delivering any intoxicating liquors, a written request therefor must, after being fully, accurately and legibly filled out in ink, in the presence of the applicant, and by the person making the sale, be signed by the applicant in his true name, and attested by the holder of the permit.

Sec. 22-a2. Form. Said written requests shall be in the following form:
Stub

No. _____ (Official Form _____ Series _____)

CERTIFIED REQUEST OF PURCHASERS

No. _____, Iowa, _____ 19 _____

To _____ Reg. Phar. No. _____

I hereby make request for the purchase of the following intoxicating liquors:

AMOUNT KIND

_____, 19 _____
Purchaser _____
Address _____
Purchase _____
For whom _____
Address _____
Certifier _____
Address _____

My true name is _____. I am not a minor, and reside in _____ township (or town of _____) at No. _____ in the county of _____, State of _____. The actual purpose for which this request is made is to obtain said liquor for _____, residing at No. _____, township _____, (or town of _____), County of _____, state of _____, who is a member of my immediate family, (or a patient unable, because of illness, to call for the same) and the same is desired for medicinal use and is to fill a prescription issued to _____ by Dr. _____, who offices at No. _____, township or town of _____, county, state of _____, and the same was issued to me in strict compliance with federal statutes and not in evasion thereof, and neither myself nor the said _____ habitually use intoxicating liquors as a beverage, nor do we intend to use the above named liquor for that purpose.

(Signature of purchaser)

(If the applicant is unknown to the permit holder, the blank below shall also be filled out and signed by a witness.)

I, _____, hereby certify that I am acquainted with _____, the applicant for the purchase of the foregoing described liquors and the said _____ is not a minor and is not in the habit of using intoxicating liquors as a beverage, and is worthy

of credit as to the truthfulness of the statements
in the foregoing request and my residence is
No. _____ street, state of _____.

(Signature of certifier)

Attested by _____

Registered Pharmacist No. _____

Sec. 22-a3. Furnishing of blanks. The blanks for such requests shall, with proper stubs, in all cases, be printed in book form and shall be furnished to the permit holder at cost by the county auditor of the county in which such permit is in force, and shall contain the facsimile signature of the county auditor; both stub and request shall be numbered consecutively.

Sec. 22-a4. Preservation and inspection. The permit holder shall preserve the stub in book form and shall keep them at all times, subject to the inspection of the pharmacy examiners, the county attorney, any grand jury, peace officer, or justice of the peace in the county in which the permit is in force.

Sec. 22-a5. Duty to refuse request. The request shall be refused unless the permit holder has reason to believe the statements to be true, and in no case granted unless the permit holder filling it, personally knows the person applying is not a minor, intoxicated nor in the habit of using intoxicating liquors as a beverage.

Sec. 22-a6. Identification required. If the applicant is not so personally known, before filling the order or delivering the liquor, the permit holder shall require identification and the statement, in writing, of a reliable and trustworthy person, of good character and habit, known personally to him, that the applicant is not a minor nor in the habit of using intoxicating liquors as a beverage and is worthy of credit as to the truthfulness of the statements in the application. Said statement so made shall be legibly signed by the witness in his own name, stating his address correctly.

Sec. 22-a7. Penalties. If any person shall make any false or fictitious signature, or sign any name other than his own, to any request for the purchase of intoxicating liquors, as heretofore provided, or as may be hereinafter provided, or to any other paper required to be signed, or make any false statement in any paper or application or request, signed to procure liquors, he shall be punished by a fine of not less than twenty dollars (\$20.00), nor more than one hundred dollars (\$100.00) and costs of prosecution, and shall be committed until said fine and costs are paid, or shall be imprisoned not less than ten (10) nor more than thirty (30) days.

Sec. 23. Change in location. Upon the expiration of the lease or the destruction of the building where such business is conducted, or for other good and sufficient cause shown, consent in writing of the bondsmen having been obtained therefor, or a new bond given, the district court of the county which granted said permit, or a judge of said court, may change the place specified in said permit to some other place in the same city, town, or township upon motion therefor.

Sec. 24. Notice to county attorney. A copy of the application mentioned in the last preceding section, and notice of the time when and the place where the same will be heard, shall be given to the county attorney of the county where said place is situated, at least five days before said hearing.

Sec. 25. Violations. If any holder of a permit shall sell, give, dispose of, or use intoxicating liquors in any manner or for any purpose other than for medical purposes as heretofore authorized, he shall be liable to all the penalties and proceedings provided for in this title.

Sec. 25-a1. Prescriptions prohibited. No physician shall issue a prescription for vinous or spirituous liquors for other than medical purposes, or in excess of the amount reasonably necessary for such purposes or in excess of the quantity heretofore specified nor shall he issue or deliver such prescription to a person when he has reasonable grounds for believing that such person will use the liquors obtained thereunder for beverage purposes.

Sec. 25-a2. Record of prescriptions. Every physician shall keep, in his own handwriting and in his office, a permanent, legibly written, record in ink of every prescription for intoxicating liquors issued by him. Said record shall be alphabetically arranged under the name of the patient and shall show:

1. The date of the prescription.
2. The amount and kind of liquors prescribed.
3. The name of the patient and his postoffice address, including street number, if any.
4. The name of the person to whom the prescription was delivered and his postoffice address, including street number, if any.
5. The purpose or ailment for which the liquors are prescribed.
6. The directions for the use of said liquors, including the amount and frequency of the dose.

Sec. 25-a3. Reports filed. Every physician shall, on or before the twentieth day of January, April, July, and October, each year, file with the county auditor of the county of his residence an exact duplicate of the record provided for in the last preceding section. Each filing shall cover the three (3) calendar months preceding the filing.

Sec. 25-a4. Oath. Said physician shall securely attach to each duplicate record so filed by him his oath in the following form:

"I, _____ do say on oath that the hereto attached record is an exact duplicate of the record of prescriptions kept by me in my office for the months of _____, _____ and _____, 19____; that said record has been accurately prepared and kept by me and shows every prescription for intoxicating liquors issued and delivered by me during said months; that I have in no case issued a prescription for such liquors for other than medical purposes or for a quantity of such liquors in excess of the amount reasonably necessary for said purposes, or for a quantity of such liquors in excess of the quantity permitted by state or federal statutes and regulations; nor have I issued such prescription to a person when I had reason to believe that such person would use the liquors obtained thereunder for beverage purposes."

Sec. 25-a5. Penalty - suspension. Upon conviction for a violation of

any provision of the four preceding sections, the court, as a part of the judgment, shall order the certificate or license of such physician to practice his profession suspended for a period of not less than one (1) year nor more than five (5) years.

Sec. 25-a6. Effect of suspension. During the period of such suspension such physician shall be wholly barred from the practice of his profession in this state, and the clerk of said court shall forthwith notify the state department of health of such suspension and the period thereof; any physician practicing or attempting to practice his profession during the interim of such a suspension shall be guilty of a misdemeanor.

Sec. 25-a7. Conviction in federal courts. When a physician or pharmacist, licensed under the laws of this state, is convicted in any federal court of this state of a violation of the federal statutes or regulations relating to intoxicating liquors, or to narcotics, and said judgment has become final, the county attorney of the county where said physician or pharmacist resides shall forthwith file in the office of the clerk of the district court of said county a duly certified copy of said judgment and thereupon said district court, or a judge thereof, shall, on such notice to the defendant in said judgment as the court or judge may prescribe, enter an order suspending for a period of not less than one (1) year nor more than five (5) years the license of such physician or pharmacist to practice his profession in this state. In such proceeding the county attorney shall appear on behalf of the state.

Sec. 26. Revocation of license to practice pharmacy. Upon proof of such violation by a licensed pharmacist, the court shall order his license revoked without the formality of a special proceeding for that purpose as provided in the title dealing with "The practice of certain professions affecting the public health". In such event the clerk shall notify the state department of health as provided in such title.

Sec. 27. Records. The clerk of the court shall preserve as a part of the record and files all papers, except bonds, pertaining to the granting or revocation of permits; and keep suitable books in which bonds and permits shall be recorded.

Sec. 28. Costs. Whether said permit be granted or refused, the applicant shall pay the costs incurred in the case, and, when granted, he shall make payment before any permit issue, except the court may tax the cost of any witnesses summoned by private persons resisting said application, and the fees for serving such subpoenas, to such persons, when it is shown that such witnesses were summoned maliciously, or without probable cause to believe their evidence material. The fees shall be as provided in actions at law in the district court.

Sec. 29. False oath. If any permit holder or his clerk shall make false oath touching any matter required to be sworn to, the person so offending shall be punished as provided by law for perjury.

Sec. 30. False return. If any person holding a permit under this chapter purchases or procures any intoxicating liquor otherwise than as herein authorized, or fails to make the reports to the county auditor in the time or form required, or makes any false return to the county auditor, or fills a prescription for intoxicating liquors more than once, he shall be guilty of a misdemeanor and punished accordingly.

Sec. 34. Civil and criminal liability. Every permit holder or his clerk, violating this chapter, shall be subject to all the penalties, forfeitures and judgments, and may be prosecuted by all the proceedings and actions, criminal and civil, whether at law or in equity, provided for or authorized by this title, and the permit shall not shield any person who abuses the trust imposed by it or violates the law.

Sec. 35. Destruction of liquor. In case of conviction in any proceeding, civil or criminal, the liquors in possession of the permit holder shall by order of the court be destroyed.

Sec. 36. Evidence. On the trial of an action or proceeding against any person for manufacturing, selling, giving away or keeping with intent to sell intoxicating liquors, in violation of law, or for any failure to comply with the conditions or duties imposed by law, the prescriptions for liquors, and returns made to the auditor, the quantity and kinds of liquors sold or kept, purchased or disposed of, the purpose for which liquors were obtained by or from him and for which they were used, the character and habits of sobriety or otherwise of the purchasers, shall be competent evidence, and may be considered, so far as applicable to the particular case.

Sec. 37. Production of books and papers. In any suit, prosecution or proceeding under this chapter, the court shall compel the production in evidence of any books or papers required to be kept, by either federal or state statutes.

Sec. 38. Revocation of permit. Permits shall be deemed trusts reposed in the recipients, and may be revoked, upon sufficient showing, by order of a court or judge. Complaint may be presented at any time to the district court or a judge thereof, which shall be in writing and signed and sworn to by three citizens of the county in which the permit was granted.

Sec. 39. Service of complaint. A copy of the complaint shall, with a notice in writing of the time and place of hearing, be served on the accused five days before the hearing, and if the complaint is sufficient, and the accused appear and deny the same, the court or judge shall proceed without delay, unless continued for cause, to hear and determine the controversy.

Sec. 40. Suspending permit. If continued or appealed at the instance of the permit holder, his permit may, in the discretion of the court, be suspended during the controversy.

Sec. 41. Trial and judgment of revocation. The complainant and accused may be heard in person or by counsel, or both, and proofs may be offered by the parties; and if it shall appear upon such hearing that the accused has in any way abused the trust, or that liquors are sold by the accused or his employees in violation of law, or dispensed unlawfully, or that he has in any proceeding, civil or criminal, been adjudged guilty of violating any of the provisions of this title, the court or judge shall revoke and set aside the permit.

Sec. 42. Record - entry of order. The papers and order in such case shall be immediately returned to and filed by the clerk of the court, and, if heard by a judge, the order shall be entered of record as if made in court.

Sec. 43. (This section number omitted to avoid renumbering all following sections.)

Sec. 44. Automatic revocation. If for any cause a licensed pharmacist who holds a permit shall cease to hold a valid license, his permit shall be forfeited and be null and void.

Sec. 45. Clerks. The acts of clerks employed by a permit holder in conducting his business shall be considered the acts of the permit holder, who shall be liable therefor as if he had personally done them.

Sec. 46. Partners. A partner who is a licensed pharmacist, not holding a permit, shall have the same rights and be subject to the same restrictions as clerks, and for his acts the permit holder shall be held responsible the same in all respects as for his clerks.

Sec. 47. Death of permit holder. In case a permit holder shall die, his personal or legal representative may continue the business, subject to the provisions hereof, through the agency of any reputable licensed pharmacist, upon the approval of the court granting such permit, or judge thereof, and the giving of a bond as hereinbefore provided.

Sec. 48-a1. Existing permits. All unexpired, uncanceled, and unrevoked permits to licensed pharmacists to sell and dispense intoxicating liquors, which have heretofore been issued under prior statutes, shall be deemed issued under and subject to the provisions of this chapter.

CHAPTER _____

PERMITS TO WHOLESALE DRUGGISTS

Sec. 49. Wholesale drug corporation. A corporation which is located and doing a wholesale drug business within this state may be granted a permit to purchase and sell intoxicating liquors, not including malt liquors, for the purpose hereinafter specified, and for use in compounding and manufacture of patent and proprietary medicines, toilet articles, tinctures, extracts, and other like commodities, none of which is susceptible to use as a beverage but which requires as one of its ingredients alcohol or vinous liquor.

Sec. 49-a1. Application. Application for such permit shall be by petition which shall show:

1. The name of the corporation, and that it is actually engaged within this state in the wholesale drug business.

2. The place, particularly describing it, where said business will be conducted and where sales will be made under the proposed permit.

3. That neither said corporation nor any person financially interested therein has been adjudged guilty of any violation of the law relating to intoxication liquors.

4. That one or more licensed pharmacists, specifically naming them, are financially interested in said corporation and actually engaged in the conduct of said business and will have personal charge of the sales of said liquors in case the permit is granted, and are not users of intoxicating liquors as a beverage.

5. Sworn verification by some managing officer of the corporation.

Sec. 50. Procedure. The petition shall be filed in the district court and all laws pertaining to permits granted to individual licensed pharmacists, in so far as applicable and not herein otherwise provided, shall apply to said application by a wholesale druggist and to the permit issued thereon.

Sec. 51. Name of pharmacist. A permit to a wholesale drug corporation, in addition to all other requirements, shall specify the name of each licensed pharmacist who will have personal charge of sales under said permit.

Sec. 51-a. Substitute authorized. Should said pharmacist die or for any other reason terminate his connection with the permit holder, the district court or a judge thereof may, on written application by the permit holder, and on notice to the county attorney, order the substitution in said permit of the name of some other proper pharmacist.

Sec. 52. Unlawful sales. Sales of liquors not made under the personal supervision of a pharmacist named in said permit, shall be illegal and shall automatically cancel said permit.

Sec. 53. Permit and authority thereunder. The permit issued to a wholesale drug corporation shall authorize said corporation, under the limitations herein provided, to sell:

1. Alcohol for specified chemical and mechanical purposes to persons, firms, and corporations who have qualified, under federal and state statutes and regulations, to purchase and use alcohol for such purposes.

2. Alcohol and wine for the purpose of manufacturing patent and proprietary medicines and toilet articles and compounding medicines, tinctures, extracts or other like commodities, none of which are susceptible of use as a beverage, to pharmacists who are registered under the laws of this state and who are actively engaged in this state in the retail drug business and in such compounding.

3. Alcohol and wine for the purpose of manufacturing patent and proprietary medicines and toilet articles and compounding medicines, tinctures, extracts, or other like commodities, none of which are susceptible of use as a beverage, to firms or corporations which are actively engaged in this state in the retail drug business and in compounding such medicines, tinctures, extracts, or other like commodities under the immediate supervision of a pharmacist licensed under the laws of this state.

4. Alcohol and wines for the purpose of manufacturing patent and proprietary medicines, tinctures, extracts, toilet articles and perfumes or other like commodities, which require such liquors as an ingredient thereof and which are not susceptible of use as a beverage, to persons, firms, and corporations who are holders of permits to so manufacture.

5. Intoxicating liquors to licensed pharmacists holding a permit to sell such liquors on prescriptions for medical purposes.

6. Intoxicating liquors to manufacturing and industrial establishments for the purpose of furnishing first-aid treatment to injured persons as defined by federal statutes and regulations.

7. Intoxicating liquors for medical purposes, to bona fide hospitals or sanatoriums engaged in the treatment of persons suffering from recognized diseases and ailments.

8. Intoxicating liquors for medical purposes to bona fide hospitals or sanatoriums engaged in the treatment of chronic alcoholism by the tapering-off method.

9. Intoxicating liquors to licensed physicians for the purpose of use by them in accordance with federal statutes or regulations or in

accordance with state statutes, for compounding such preparations as are necessary for use in their professional practice, and for sterilization and laboratory purposes.

10. Alcohol to licensed dentists for the purpose of sterilization, annealing gold, or other like nonbeverage purposes.

11. Alcohol to licensed veterinarians for any legitimate nonbeverage purpose.

12. Alcohol and other intoxicating liquors to any person, firm or corporation located and doing business in any foreign state and legally entitled to purchase and receive such liquors under the laws of such foreign state.

The term "intoxicating liquors" as used in this section shall not embrace malt liquors.

Sec. 54. Good faith practice required. The term "licensed physician", "licensed dentist", or "licensed veterinarian" as employed in the last preceding section shall be construed to embrace only those persons who are in good faith and actively engaged in the general practice of their respective professions.

Sec. 54-a. Interpretative clause. Nothing herein contained shall be construed to authorize the manufacture or sale of any preparation or compound, under any name, form, or device, which may be used as a beverage, and which is intoxicating in its character.

Sec. 55. Limitation. The authority granted to a wholesale druggist to sell intoxicating liquors shall in no case authorize a sale in a quantity in excess of that authorized by federal or state statutes and regulations.

Sec. 57. Manner of sale. Such sale shall be made only on the written signed request of the purchaser. Said request shall also be countersigned by the licensed pharmacist, who has charge of the sale, with his name, the number of his license, and the date the liquors are delivered for transportation.

Sec. 58. Form, contents, and requirements. The form, contents, and requirements of said written requests shall be substantially as follows:

" _____, Iowa, _____ 19 _____.

(Name of permit holder)

hereby makes request for the

(Name of purchaser)

purchase of the following intoxicating liquors:

Amount

Kind

Amount	Kind

The purchaser named above:

(Here describe the business and state the purpose for which the liquors are desired, which description and statement of purpose must be in accordance with sections fifty-three (53) hereof).

(Signature of purchaser)

I, _____ being the licensed pharmacist having personal supervision of the above sale hereby countersigned said request and certify that said liquors were, on the _____ day of _____, 19____, delivered in the following manner, to-wit:

Licensed pharmacist.

No. _____

Sec. 60. Requests-preparation-delivery. Requests for intoxicating liquors may be made out and signed by the applicant at his place of business and forwarded to the permit holder of whom request is made, and the permit holder may, by his own conveyance, personally deliver said liquors to the applicant, or cause such delivery to be made by a common carrier.

Sec. 60.-a1. Optional delivery. The applicant may personally present said written request for the purchase of such liquors to the permit holder and the permit holder may deliver said liquors directly to the applicant.

Sec. 60-a2. Reports. The permit holder in making the reports required herein shall specify the manner in which each sale of liquors was delivered, to-wit: Whether a delivery was made by his own conveyance, or by a common carrier, or by direct delivery to the applicant.

Sec. 60-a3. Special requirement. No sale shall be made on a request unless such request is filled out with pen and ink.

Sec. 61. Return of requests. Said requests shall be preserved by the permit holder and filed with the county auditor at the time of the filing with the county auditor of the reports hereinafter provided for.

Sec. 62. Cath. Requests filed with the county auditor shall be accompanied by an affidavit by the licensed pharmacist or pharmacists having personal charge of the sales, showing that said requests comprise all the requests filled by said wholesale druggist during the time covered by said request.

Sec. 63. Manner of shipping. Intoxicating liquors shipped by a wholesale druggist under the aforesaid authorization shall not be inclosed in the same box, package, or carton containing other drugs or merchandise. In all cases of such shipments the bill of lading shall set out the kind and amount of intoxicating liquors contained in the shipment, and one copy of the bill of lading shall be signed for the wholesale drug corporation by the licensed pharmacist having personal charge of the sale, or by an officer of such drug corporation.

Sec. 64. Transportation. Common carriers shall transport the liquors

purchased or sold by a wholesale drug corporation under the authority of the permit herein provided, whether such shipment be interstate or intrastate:

1. When the consignor files with the agent of the carrier, at the point of origin, an affidavit stating:

(a) That the consignee is a person, firm or corporation who has a legal right to make such purchase;

(b) That the liquors are consigned to the station nearest to the consignee's place of business; and

(c) That the consignor and consignee are in all reports acting lawfully in the transportation of said liquor.

2. When bill of lading is made out and signed as heretofore provided.

3. When carrier is furnished with copy of the permit held by the wholesale drug corporation and said copy is duly certified to be correct by the clerk of the court issuing the permit.

Sec. 64-a1. Affiant. If the consignor is a corporation, the affidavit provided for in the last preceding section shall be made by the pharmacist having charge of the sales of such liquors or by some managing officer of the corporation.

Sec. 65. Delivery: The carrier shall not make delivery of such liquors:

1. Until the consignee files with the carrier an affidavit by the consignee himself or by the president, vice president, secretary, or general manager or superintendent of the consignee, that said liquors are solely for the use and purposes specified in the written request for the purchase of such liquors, naming said purpose, and

2. Until the consignee personally signs the record book of intoxicating liquor shipments and deliveries required to be kept by common carriers.

Sec. 65-a1. Undelivered shipments. Should a consignee fail to comply with the law and obtain delivery of a shipment of intoxicating liquors within fifteen (15) days after notice to him by mail, such carrier may make application to the district court or to a judge thereof of the county in which the liquors are being held, for an order for the delivery of said liquors by said carrier to the sheriff and for an order for the destruction thereof.

Sec. 65-a2. Effect of delivery. A delivery of said liquors to the sheriff under an order of the court shall discharge the carrier from all civil liability for said liquors.

Sec. 65-a3. Order. The court shall summarily hear said application and, upon proof of the truth thereof, shall enter an order for the delivery of said liquors to the sheriff and for the destruction of said liquors.

Sec. 66. Violations by wholesale druggists. The failure of a permit holder hereunder to comply with any provision of this chapter shall render such holder subject to all the penalties, forfeitures, and proceedings, civil and criminal, provided in this title for the unlawful sale and keeping for sale of intoxicating liquors.

Sec. 67. Violations by purchasers. Any person, firm, or corporation, and the agents and officers thereof, who purchases or obtains any intoxicating liquors for any purpose authorized by this chapter or knows that such liquors have been so obtained, and uses or permits said liquors, or any part thereof,

to be used for beverage purposes or for any purpose other than that for which it was purchased, or obtained, shall be fined in a sum not exceeding one thousand dollars (\$1,000.00) and, in addition, if a person be imprisoned in the county jail for a period not exceeding one (1) year.

Sec. 67-a1. "Corporation" construed. The term corporation, as used in this chapter shall be construed to include corporations, firms, and persons engaged in the general wholesale drug business within this state.

Sec. 67-a2. Sales under prior statutes. The right of a wholesale druggist under preexisting statutes to sell intoxicating liquors under a permit granted to a licensed pharmacist who is financially interested in said wholesale drug business, unless sooner terminated for cause, is hereby continued until its expiration.

CHAPTER _____

REPORTS BY PERMIT HOLDERS

Sec. 68. Reports required. A permit holder under either of the last two preceding chapters shall make and file with the county auditor of the county in which the permit has been granted, the same reports covering all intoxicating liquors received, used and sold as are required by federal statutes and regulations to be made and filed by said permit holder with the federal prohibition director.

Sec. 69. Form of reports. A report under the preceding section may be in the form of an original draft made from the federal report, or it may consist of a carbon copy made at the time of the making of said federal report. Said blank forms may be exact reproductions of the blank forms furnished by the federal department.

Sec. 70. When filed. Said reports shall be filed with the county auditor within the time in which they are required to be filed with said director.

Sec. 70-a1. Return of requests. On or before the fifteenth day of January, March, May, July, September and November of each year, each permit holder other than a wholesale druggist shall, in addition to all other requirements of this chapter, make full returns to the county auditor, under oath, of all requests filled by him and his clerks during the two preceding months.

Sec. 70-a2. Oath. The oath provided for in the last preceding section shall be in the following form:

1. _____, being duly sworn, on oath state that the requests for liquors herewith returned are all that were received and filled at my pharmacy during the months of _____, A.D. _____; that I have carefully preserved the same, and that they were filled up, signed and attested at the date shown hereon, as provided by law; that said requests were filled by delivering the quantity and kinds of liquors required, and that no liquors have been sold or dispensed under color of my permit during said months except as shown by the requests herewith returned, and that I have faithfully observed and complied with the conditions of my bond and oath taken by me thereon indorsed, and with all the laws relating to any duties in the premises.

PERMITS TO MANUFACTURERS

Sec. 72. Patent and proprietary medicines. Patent and proprietary medicines, tinctures, extracts, toilet articles and perfume and other like commodities, none of which are susceptible of use as a beverage but which require as one of their ingredients alcohol or vinous liquors, may be manufactured within this state, provided a permit so to manufacture is first obtained as hereinafter provided.

Sec. 73. Application. Any person, firm, or corporation desiring such permit shall apply to the judge of the district court of the county in which the principal place of business is located by filing with the clerk of said court the affidavit of the person, member of the firm, or secretary or other managing officer of the corporation, as the case may be, stating therein the following facts:

1. The name, place of business, and postoffice address of the person, firm, or corporation desiring such permit.
2. The business in which said person, firm, or corporation is engaged and the articles manufactured by them which require in their manufacture the use of alcohol, or vinous liquors, and approximately the amount required during the calendar month.
3. That neither the applicant nor any member of the firm or officer of the corporation has been convicted of any violation of the laws of this state with reference to the sale of intoxicating liquors within three years last past prior to the date of said affidavit.

Sec. 74. Notice to county attorney. Upon the filing of said affidavit, together with other proof submitted, if any, the clerk shall immediately notify the county attorney of such application, and the county attorney shall appear in said proceeding on behalf of the state.

Sec. 75. Granting permit - bond. If, after a hearing, the judge is satisfied that the facts stated in said affidavit are true and that the applicant is a person fit and proper to be intrusted with the permit applied for, the same shall be issued upon the filing by the applicant of a bond in the sum of two thousand dollars, the sureties to be approved by the clerk, conditioned as the bond of licensed pharmacist permit holders.

Sec. 76. Term of permit. A permit issued under this chapter, unless revoked for cause, shall remain in force for a period of five years from the date of its issuance.

Sec. 77. Record. It shall be the duty of said clerk to keep a record of permits issued hereunder and to give each permit holder a serial number.

Sec. 78. Violations. Any person, firm, or corporation violating any provision of this chapter shall be guilty of a misdemeanor and punished accordingly.

Sec. 78-a. Proof of right to receive liquors. The consignee of intoxicating liquors shall, on demand of the carrier transporting such liquors, furnish the carrier, at the place of delivery, with legal proof of the consignee's legal right to receive such liquors at the time of delivery, and until such proof is furnished the carrier shall be under no legal obligation

to make delivery nor be liable for failure to deliver.

Sec. 78-a2. Delivery to sheriff. If such proof be not furnished the carrier within ten (10) days after demand, the carrier may deliver such liquors to the sheriff of the county embracing the place of delivery, and such delivery shall absolve said carrier from all liability pertaining to said liquors.

Sec. 78-a3. Destruction. The sheriff shall, on receipt of such liquors from the carrier, report the receipt to the district court of his county or to a judge thereof, and the court or judge shall proceed to summarily enter an order for the destruction of said liquors.

Sec. 78-a4. Temporary section. The code editor is directed, in compiling the new Code, to insert the three last preceding sections in that body of statute known as Senate File No. 51. of the acts of the extra session of the fortieth general assembly.

Approved April 8, 1924.

CHAPTER 186

GOVERNMENT OF CITIES AND TOWNS

H. F. 310

AN ACT to amend, revise, and codify section forty-two hundred ninety-two (4292) of the compiled code relating to the government of cities and towns.

Be It Enacted by the General Assembly of the State of Iowa:

That section forty-two hundred ninety-two (4292) of the compiled Code is amended, revised, and codified to read as follows:

Section 1. Manager not to influence election - penalty. The manager shall take no part in any election held for the purpose of electing councilmen, except that he may attend at the polls and cast his vote, if he is a qualified elector of the city or town, and any attempt upon his part to procure the election of any person as councilman, or to induce any elector to vote for any person for councilman, or any solicitation by such manager, of any elector to vote for any person or persons, for the office of councilman, shall be a misdemeanor, and upon conviction thereof, he shall be punished as provided by section eighty-five hundred thirty-eight, and in addition to such punishment, he may be removed from office, under the provisions of chapter twenty-one, title four.

Approved April 12, 1924.

CHAPTER 187

QUALIFICATIONS OF SCHOOL OFFICERS

S. F. 321

AN ACT to amend, revise, and codify section twenty-five hundred forty-six (2546)

of the compiled code, relating to the qualifications of school officers.

Be It Enacted by the General Assembly of the State of Iowa:

That section twenty-five hundred forty-six (2546) of the compiled Code be amended, revised, and codified to read as follows:

Section 1. A school officer or member of the board shall, at the time of election or appointment, be a qualified voter of the corporation or sub-district.

Approved April 19, 1924.

INDEX

[References are to chapters, sections and pages]

ABSTRACTS OF TITLE

Partitions, actions required, Ch 174, §1(p788)

ABATEMENT OF NUISANCE, see main head NUISANCES also main head SUPREME COURT

ACKNOWLEDGMENTS

Authentication outside of state, Ch 52, §20(p257)

Certificate of authentication of acknowledgment, Ch 52, §18-30(p257)

Jurat by deputy officer, Ch 25, §2(p68)

Power of attorney, revocation filed, Ch 52, §1(p254)

ACTIONS, CIVIL, see main head CIVIL PROCEDURE

ADMINISTRATION OF OATHS, see main head OATHS

ADMINISTRATORS, see main head PROBATE LAW

ADOPTION

Children, for detailed index see main head MINORS, subhead ADOPTION

ADVERTISING

Lost property, Ch 41, §1-9(p176)

AGENTS

State agents(Board of Control), appointment, duties, Ch 55, §44-49(p273)

AGRICULTURE

AGRICULTURE DEPARTMENT: see also main head STATE OFFICERS AND DEPARTMENT, subhead AGRICULTURE DEPARTMENT

Beef Cattle Producers Association, for detailed index, see main head, ASSOCIATIONS, IOWA ENTERPRISES

Corn and Small Grain Growers Association, for detailed index, see main head ASSOCIATIONS, IOWA ENTERPRISES

Dairy Associations, for detailed index see main head ASSOCIATION, IOWA ENTERPRISES

Farm aid Associations, for detailed index see main head FARM AID ASSOCIATIONS

Farmers' Institutes, state aid, conditions, certification to state auditor, Ch 45, §39-43(p193)

Horticultural Society, see main head ASSOCIATIONS, IOWA ENTERPRISES

AGRICULTURAL LANDS:

Taxation for city or town purposes prohibited, Ch 121, §3(p497)

AGRICULTURAL SOCIETIES(COUNTY AND DISTRICT):

Annual fair, powers, Ch 45, §22(p191)

Control of fair grounds vested in society, Ch 45, §23(p191)

County aid, Ch 45, §32(p192)

County aid, tax for fair ground fund, Ch 45, §36(p193)

Fair grounds, land purchased by county, Ch 45, §32(p192)

Fair grounds fund, expenditures, report to supervisors, Ch 45, §37, 38 (p193)

Farmers' Institute fund, Ch 45, §42, 43(p193)

Obstructions, removal from grounds, Ch 45, §26, 27(p191)

Publication of financial statements, Ch 45, §28(p191)

"Society", definition, Ch 45, §21(p191)

State aid, filing for, amount, Ch 45, §29-31(p191)

FAIRS: for detailed index see main head FAIRS

Biennial appropriation to state fair board, Ch 45, §19(p190)

Delegates to state fair convention, Ch 45, §2(p188)

Farmers' Institute, biennial appropriation, Ch 45, §44(p193)

Poultry Association, see main head ASSOCIATIONS, IOWA ENTERPRISES

Short courses, state aid, conditions, certification, payment, Ch 45, §45-47(p194)

Teaching in public schools, Ch 70, §26(p379)

YEAR BOOK:

Publication and contents, Ch 44, §9-al(p185)

State farmers' institute proceedings published, Ch 44, §17(p186)

AMENDMENT

State board of health statutes, Ch 164, §245(p707).

AMERICAN LEGION, see main head SOLDIERS, SAILORS AND MARINES, also WAR NURSES

ANIMALS

BOVINE TUBERCULOSIS:

"Accredited Veterinarian" defined, Ch 46, §63(p210)

Allotment of funds to counties by department of agriculture, Ch 46, §76 (p212)

Appraisal before test, Ch 46, §51(p208)

Breeding with infected animals, Ch 46, §52(p208)

Compensation and expenses of inspector, Ch 46, §65(p210)

County Expenditure Funds:

Available when other funds gone, Ch 46, §70(p211)

Claims against, how certified and paid, Ch 46, §72(p211)

Exhaustion, agriculture department notified, Ch 46, §71(p211)

Levy for, when it may be omitted, Ch 46, §68(p210)

Tax levy, how collected, Ch 46, §69(p210)

Use of, claims paid, Ch 46, §72(p211)

County established as accredited area, Ch 46, §66, 73 - 73-a2(p210)

Dairy cattle, preference in examinations given, Ch 46, §57(p209)

Disposition of cattle infected, Ch 46, §52(p208)

Equipment used by veterinarian, how furnished, Ch 46, §54(p210)

Herds free from, certificate issued, Ch 46, §60(p209)

Indemnity, when forfeited, Ch 46, §53(p209)

Indemnity for slaughtering, conditions, Ch 46, §54, 56(p209)

Inspectors and assistants, appointment, Ch 46, §62(p210)

Licensed veterinarian to give tuberculin test, Ch 46, §61(p209)

Pedigreed animals killed, payment, Ch 46, §54, 55(p209)

Preventing or hindering test, penalty, Ch 46, §74, 75(p212)

Records open to public inspection, Ch 46, §59(p209)

State-federal cooperation authorized, Ch 46, §49(p208)

Testing and examining herds, Ch 46, §49, 50, 58(p208)

Transfer of funds, by department of agriculture, Ch 46, §77(p212)

Tuberculin, sale and distribution, Ch 46, §61(p209)

DEAD ANIMALS:

Annual inspection by department of agriculture, revocation of license, Ch 46, §130(p218)

Appropriation for inspection of dead animal disposal plants, Ch 46, §136(p219)

Disposal of dead animals, license, fee, Ch 46, §118, 120(p217)

Disposal plant license fee, Ch 46, §120, 122, 125, 130(p217)

Disposing of dead animals defined, Ch 46, §119, (p217)

Duty to dispose of dead animals, Ch 46, §134(p219)

Inspection of disposal plant, Ch 46, §121, 124(p217)

Manner and time of disposal, Ch 46, §128(p218)

Renewal of disposal plant license, Ch 46, §126(p217)

Rules for conducting disposal plants made by agriculture department, Ch 46, §129(p218)

Specifications of disposal plants, approval, Ch 46, §127(p217)

Transportation of dead animals, restrictions, Ch 46, §131-133(p218)

Violations of law, penalty, Ch 46, §135(p219)

DOGS:

Application for license, Ch 49, §55, 57(p239)

Dogs deemed property when licensed, Ch 49, §80(p241)

Duplicate license tag, Ch 49, §67(p240)

Duration of license, Ch 49, §63(p240)

Fees for license or transfer, Ch 49, §58, 65(p239)

Killing licensed dog, when authorized, Ch 49, §82(p241)

Killing unlicensed dog, duty, Ch 49, §91(p241)

ANIMALS -- continued

DOGS: -- concluded

- Liability for damages, Ch 48, §83(p242)
- License fees, delinquency, entry of tax, penalties, Ch 48, §69-78(p240)
- License, when required, Ch 48, §53(p239)
- Listing by assessor, Ch 48, §68(p240)
- Municipal license, Ch 48, §79(p241)
- "Owner" defined, Ch 48, §54(p239)
- Tags, imprints on, use, Ch 48, §60, 61(p239)
- Transfer of license on change of ownership, Ch 48, §63, 64(p240)

DOMESTIC ANIMAL FUNDS:

- Claims, Ch 48, §85-89(p242)
- Transfer of funds, Ch 48, §90(p242)

ESTRAY ANIMALS:

- Action for damages when stock is released, Ch 48, §9(p234)
- Animals on highway, Ch 48, §6-7(p233)
- Assessment of damages, appeal, Ch 48, §19-24(p235)
- Compensation and fees, Ch 48, §50(p238)
- Damages, assessment, failure to pay, notice of sale, Ch 48, §16, 17(p234)
- Definition of terms, Ch 48, §1(p233)
- Disabled animals killed, Ch 48, §51(p239)
- Distrain, procedure, Ch 48, §11, 14(p234)
- Estray book, justice of peace and county auditor to record, Ch 48, §31, 32(p236)
- Fees to institute proceedings, Ch 48, §34, 35(p236)
- Finder not liable for escape or death, Ch 48, §41(p237)
- Former owners rights, Ch 48, §38(p237)
- Neglected animals, lien for care, Ch 48, §51(p239)
- Ownership discovered, procedure, Ch 48, §47(p238)
- Penalty against officer for nonperformance of duty, Ch 48, §48(p238)
- Recovery by owner, conditions, Ch 48, §37(p236)
- Release of animals on payment of ratable share, Ch 48, §10(p234)
- Released on owners bond, Ch 48, §49(p238)
- Running at large prohibited, Ch 48, §2(p233)
- Sale of animals to pay damages, Ch 48, §18(p234)
- Sale, notice of, damages, costs, Ch 48, §44-46(p237)
- Taking up estray, procedure, Ch 48, §28, 29(p235)
- Tender of damages and costs, Ch 48, §15(p234)
- Title vests in finder, when, Ch 48, §36(p236)
- Unlawful release, penalty, Ch 48, §26(p236)
- Unlawful sale or transfer, penalty, Ch 48, §42, 43(p237)
- Use of by finder, Ch 48, §39, 40(p237)

FEEDS FOR ANIMALS:

- Analysis of feed, fee, Ch 165, §98(p723)
- Definition, Ch 165, §85(p722)
- Feeds not subject to inspection fee, Ch 165, §91(p723)
- Fees for inspection, counterfeiting, Ch 165, §97(p723)
- Inspection fee, when not required, Ch 165, §90-94(p722)
- Labeling of containers, Ch 165, §96(p722)
- Poisonous substances not allowed, Ch 165, §96(p723)
- Samples furnished by dealers, Ch 165, §89(p722)
- Written labels permitted, Ch 165, §98(p722)

Game animals and birds, see main head FISH AND GAME

HEALTH:

- Certificate of freedom from disease, Ch 46, §37, 38(p207)
- Department of agriculture enforcement of laws, Ch 46, §27(p205)

ANIMALS - continued

HEALTH: - concluded

Expenditures, annual estimate by department of agriculture, Ch 46, § 47(p208)

False representation on shipments, penalty, Ch 46, §43(p207)

Foot and mouth disease, Ch 46, §40(p207)

Glanders, Ch 46, §45(p207)

Importation of animals, inspection, Ch 46, §27-al(p206)

Infectious and contagious diseases, defined, Ch 46, §27-al(p206)

Intrastate shipments, inspection, Ch 46, §39(p207)

Local board of health, duty, Ch 46, §42(p207)

Payments by state for animals killed, limitation, Ch 46, §35, 40, 41 (p206)

Powers of department of agriculture, Ch 46, §27(p205)

Quarantining or killing animals, Ch 46, §35(p206)

Rules and regulations, enforcement, Ch 46, §27, 30-33, 34(p205)

Sale, exposure of diseased animals, barred, Ch 46, §44(p207)

Veterinary assistants, powers, Ch 46, §28-30(p206)

Violation of law, penalty, Ch 46, §46(p208)

HOG-CHOLERA SERUM:

Application for instruction, fee, Ch 46, §97(p214)

Automatic revocation of manufacturers or dealers permit, Ch 46, §91(p214)

Collection of compensation by veterinarian, Ch 46, §115(p216)

Compensation and expenses of instructors, how paid, Ch 46, §103(p215)

County school of instruction to administer virus, establishment, Ch 46, §96(p214)

Definition of terms, Ch 46, §79(p212)

Duration of manufacturers and dealers permit, renewal, Ch 46, §90(p214)

Duration of virus permit, revocation, Ch 46, §101(p215)

Fees for permits to administer, Ch 46, §100-al(p215)

Fees for permits to manufacture or sell, Ch 46, §88(p213)

Instruction and examination, Ch 46, §98(p215)

Instructors report, Ch 46, §99(p215)

Issuance of permits after instruction taken, Ch 46, §100-105(p215)

Liability of manufacturer, Ch 46, §97(p213)

Lists of manufacturers and dealers prepared, Ch 46, §109(p216)

Lists of virus permit holders prepared, Ch 46, §110(p216)

Permits to administer virus, Ch 46, §95(p214)

Permit to manufacture and sell, issue by department of agriculture, Ch 46, §81(p212)

Permit to manufacture or sell, application, bond, Ch 46, §82-86(p213)

Premises of manufacturer or dealer inspected, Ch 46, §89(p213)

Prices, rebates prohibited, Ch 46, §114(p216)

Prohibited sales, Ch 46, §93(p214)

Reports by manufacturers and dealers required, Ch 46, §106(p215)

Reports by virus permit holders, Ch 46, §107, 108(p216)

Revocation of manufacturers or dealers permit by department of agric., Ch 46, §92(p214)

Right of holder of permit limited, Ch 46, §102(p215)

Rules governing, power of department of agriculture, Ch 46, §80(p212)

Sales to permit holders only, Ch 46, §94(p214)

Schools of instruction at Ames, authorized, Ch 46, §104(p215)

Seizure, destruction of samples, Ch 46, §111, 112(p216)

Tags on containers, defacing, Ch 46, §113(p216)

Violations of law, penalty, Ch 46, §116(p216)

Liens for care of stock, Ch 141, §60-63(p627)

ANIMALS - continued

STALLIONS AND JACKS:

- Application for registration, contents, Ch 46, §5, 6(p203)
- Blindness of animal, Ch 46, §18(p204)
- Defects not disqualifying animal, Ch 46, §9, 10(p203)
- Diseases which disqualify animals, Ch 46, §8(p203)
- Examination of animal on complaint, Ch 46, §13-17(p203)
- False affidavit of veterinarian, Ch 46, §24(p205)
- Fenalty for violations, Ch 46, §24(p205)
- Posting certificate of soundness, Ch 46, §12(p203)
- Registration fees, Ch 46, §21(p204)
- Renewal of certificate, Ch 46, §19, 20, 25(p204)
- Sale of registered animals, Ch 46, §3(p203)
- Sale of unregistered jacks, Ch 46, §4(p203)
- Services of stallion and jack, Ch 46, §1, 2(p202)
- Soundness, certificate required, Ch 46, §1, 2(p202)
- Soundness certificate issued, Ch 46, §11(p203)
- Soundness certificate revoked, Ch 46, §16(p204)
- Soundness certificate renewed, transferred, Ch 46, §19(p204)
- Stud book, record required, Ch 46, §7(p203)
- Transfer of certificate, fee, Ch 46, §22(p205)

STOCK TONICS:

- Definition, Ch 165, §85(p722)
- Inspection, Ch 165, §90-a1 - 94(p722)
- Labeling, Ch 165, §87(p722)

TRESPASSING ANIMALS:

- Action for damages in lieu of distraint, Ch 48, §8(p234)
- Action for damages when stock is released, Ch 48, §9(p234)
- Animals on highway, Ch 48, §6-7(p233)
- Assessment of damages, appeal, Ch 48, §19-24(p235)
- Damages, assessment, failure to pay, notice of sale, Ch 48, §16, 17(p234)
- Definition of terms, Ch 48, §1(p233)
- Distraint, procedure, Ch 48, §11, 14(p234)
- Fees to institute, proceedings, Ch 48, §34, 35(p236)
- Release of animals on payment of ratable share, Ch 48, §10(p234)
- Running at large prohibited, Ch 48, §2(p233)
- Sale for damages and costs, Ch 48, §44-46(p237)
- Sale of animals to pay damages, Ch 48, §18(p234)
- Tender of damages and costs, Ch 48, §15(p234)
- Trespassing animals, Ch 48, §26(p235)
- Trespass on fenced land, liability, Ch 48, §3, 4(p233)
- Trespass on unfenced land, Ch 48, §5(p235)

VETERINARIANS:, see main head VETERINARIANS

ANNEXATION

City or town, see main head MUNICIPAL CORPORATIONS, subhead ANNEXATION
PROCEEDINGS

APPEALS, see main head SUPREME COURT

APPRAISAL

Compensation of appraisers, Ch 26, §1, 2(p69)

APPROPRIATIONS

- Annual appropriation for expenses and fees of fire marshal, Ch 37, §33(p160)
- Appropriation for dissemination of information on tuberculosis, Ch 55, §130(p266)
- Appropriation to state institutions, how paid, Ch 55, §13(p269)

APPROPRIATIONS - concluded

Appropriation to board of education and finance committee, Ch 63, §30(p352)
Biennial appropriation for agriculture department, Ch 44, §18(p186)
Biennial appropriation, department of justice, Ch 5, §7(p7)
Board of education, appropriation for compulsory education of blind and deaf children, Ch 76, §22(p391)
Board of veterinary examiners, Ch 46, §155(p221)
Corn and Small Grain Growers Association, biennial appropriation, Ch 45, §69(p198)
Dairy association, biennial appropriation, Ch 45, §75(p199)
Department of justice, Ch 159, §10(p659)
Epileptics state hospital, appropriation for support, Ch 55, §205, 206 (p295)
Farmers' institute fund, biennial appropriation, Ch 45, §44(p193)
Geological survey, Ch 78, §10(p397)
Horticultural society, Ch 45, §96, 97(p202)
Industrial commissioner, appropriation, Ch 28, §65(p105)
Inspection of dead animal disposal plants, appropriation, Ch 46, §136 (p219)
Juvenile home, appropriation, Ch 55, §426-a7, 426-a8(p326)
Library and historical department, Ch 77, §23(p395)
Parole board, appropriation for expenses, Ch 55, §485(p335)
Penitentiary and men's reformatory, Ch 55, §479, 480(p334)
Poultry association, biennial appropriation, Ch 45, §86, 92(p200)
Short courses in agriculture, biennial appropriation, Ch 45, §48(p194)
State university, biennial appropriation, Ch 65, §6(p361)
Teachers employment bureau, appropriation, Ch 61, §6(p344)
Training schools, appropriation, Ch 55, §426(p326)
Women's reformatory, appropriation, Ch 55, §444(p328)

ARBITRATION

Workmen's compensation cases, see main head WORKMEN'S COMPENSATION

ASSESSMENTS

Taxation, see main head TAXATION, subhead ASSESSMENTS

ASSESSORS

Local or township, for detailed index, see appropriate main head, also TAXATION, subhead ASSESSORS

ASSOCIATIONS, IOWA ENTERPRISES

BEEF CATTLE PRODUCERS ASSOCIATION:

Biennial appropriation, Ch 45, §81(p200)
Duties and objects, Ch 45, §77(p199)
Employees, appointment, compensation, Ch 45, §79(p199)
Executive committee, Ch 45, §78(p199)
Expenses, officers reimbursed, Ch 45, §80(p199)
Recognition of, statutory, Ch 45, §76(p199)

CORN AND SMALL GRAIN GROWERS ASSOCIATION:

Biennial appropriation, Ch 45, §69(p198)
Duties and objects, Ch 45, §65(p197)
Employees, appointment, compensation, Ch 45, §67(p197)
Executive committee, who composes, Ch 45, §66(p197)
Expenses of officers, Ch 45, §68(p198)
Recognition of, statutory, Ch 45, §64(p197)
Requirements for state aid, Ch 45, §64(p197)

DAIRY ASSOCIATION:

Biennial appropriation, Ch 45, §75(p199)
Duties and objects, Ch 45, §71(p198)
Employees, appointment, compensation, Ch 45, §73(p198)

ASSOCIATIONS, IOWA ENTERPRISES - concluded

DAIRY ASSOCIATION: - concluded

Executive committee, who composes, Ch 45, §72(p198)

Expenses, officers reimbursed, Ch 45, §74(p198)

Recognition of, statutory, Ch 46, §70(p198)

HORTICULTURAL SOCIETY:

Appropriations, expenditures, approval, Ch 45, §96,97(p202)

Claims, method of presenting, Ch 45, §98(p202)

Duty to encourage state wide affiliation, Ch 45, §94(p201)

Horticultural exposition, authorization, Ch 45, §93-al(p201)

Meetings, time fixed by society, Ch 45, §93(p201)

Organization, authorization, Ch 45, §93(p201)

Report, annual department of agriculture, Ch 45, §95(p201)

POULTRY ASSOCIATIONS:

Biennial appropriations, Ch 45, §86,92(p200)

County show, state aid requirements, Ch 45, §82-85(p200)

State show authorized, state aid, Ch 45, §87-91(p200)

ATTORNEYS AT LAW

Fees for examination and admission, Ch 157, §15(p656)

Fees for mortgaged foreclosure, Ch 155, §1(p651)

Fee for services in liquor nuisance abatement action, Ch 35, §101(p147)

Prohibition law prosecution, Ch 35, §31(p138)

Qualifications for admission to bar, Ch 157, §14(p655)

AUDITOR, see main head COUNTY OFFICERS AND DEPARTMENTS, subhead AUDITOR, also
see main head STATE OFFICERS AND DEPARTMENTS

AUTOMOBILES, see main head MOTOR VEHICLES

AUTOPSY

Disinterment for, procedure, Ch 164, §147-al(p693)

BAGGAGE, see also main head HOTELS AND INNS

Hotel keepers, liability, Ch 141, §70-75(p629)

Lien upon, hotelkeepers, Ch 141, §70-75(p629)

Steamboat owners liability, Ch 141, §70-75(p629)

BAKERIES

Defined as food establishment, Ch 47, §1(p224)

Food establishment law, see main head FOOD ESTABLISHMENT

BALLOTS, see main head ELECTIONS, subhead BALLOTS

BANKS AND BANKING

Conditions in depositing state funds, Ch 4, §1(p5)

TAXATION:

Penalty for refusing information, Ch 125, §13(p518)

Shares of stock, valuation, Ch 125, §16(p518)

Stock, place of taxation and listing, Ch 125, §12(p518)

BAR ASSOCIATION

Bar admission requirements, Ch 157, §14(p655)

BEEF CATTLE PRODUCERS ASSOCIATION, see main head ASSOCIATION, IOWA ENTERPRISES

BENZINE, see main head PETROLEUM PRODUCTS

BIENNIAL REPORT

State department of health, Ch 164, §24-25(p677)

State officers and department, relative time covered and date of filing,

Ch 168, §3(p773)

BIRTHS

Certificates, see main head VITAL STATISTICS

BOOKS AND PAPERS

Production and inspection, court trials, Ch 149, §1(p645)

BIRDS

Game birds, see main head FISH AND GAME

BOARDS

COUNTY:, see main head COUNTY OFFICERS AND DEPARTMENTS

STATE:, see main head STATE OFFICERS AND DEPARTMENTS

BOATS AND VESSELS

RATES AND CHARGES:

- Certain acts prohibited, Ch 137, §13(p612)
- Change in schedule, Ch 137, §14(p612)
- Definitions, Ch 137, §1(p611)
- Inspection by public, Ch 137, §5(p611)
- Partial schedules, Ch 137, §9(p612)
- Posting, Ch 137, §6(p611)
- Power to revise rates, Ch 137, §19(p613)
- Rates effective, when, Ch 137, §22(p613)
- Revised schedules, posting and filing, Ch 137, §23(p613)
- Schedules, changes, Ch 137, §10(p612)
- Schedules, filing and publication, Ch 137, §2(p611)
- Schedules, form, Ch 137, §7(p612)
- Schedules, interstate commerce, Ch 137, §8(p612)
- Schedules, joint tariff, Ch 137, §11(p612)
- Schedules, printing, Ch 137, §4(p611)
- Schedules, requirements, details, Ch 137, §3(p611)
- Suspension of rates, Ch 137, §20(p613)

Steamboats, owners liability for baggage, Ch 141, §70-75(p629)

Steamboat, owners lien on baggage, Ch 141, §70-75(p629)

BONDS

Beneficiary of bond, Ch 21, §16(p61)

City bonds, see main head MUNICIPAL CORPORATION, subhead BONDS

COUNTY OFFICERS:, see main head COUNTY OFFICERS AND DEPARTMENTS

Failure to give bond, penalty, Ch 21, §23(p63)

Liability of principal and surety, Ch 35, §123(p151)

Memorials, erection and equipment, Ch 10, §6(p16)

Number of sureties required, Ch 21, §14(p61)

PUBLIC BONDS:

- Commission and expense, Ch 178, §5(p791)
- Notice of sale, Ch 178, §1(p791)
- Rejection of bids, Ch 178, §3(p792)
- Sale of state bonds, Ch 178, §7(p792)
- Sale, penalty for violation of laws, Ch 178, §6(p792)
- Sealed and open bids, Ch 178, §2(p791)
- Selling price, Ch 178, §4(p791)

Release of sureties and principal, Ch 22, §2(p63)

Release of sureties on bonds of public officers, Ch 22, §1(p63)

Surety company bonds accepted by law, Ch 21, §15(p61)

PUBLIC OFFICERS AND EMPLOYEES:

- Amount of bond, Ch 21, §6-13(p60)
- Bonds, form, Ch 21, §2-5(p59)
- Bonds not required by certain officers, Ch 21, §1, (p59)
- Custody of bonds, Ch 21, §21(p62)
- Failure of board to approve, Ch 21, §20(p62)
- Failure to give bond, Ch 21, §23(p63)
- Number of sureties required, Ch 21, §14(p61)
- Recording of bonds, Ch 21, §22(p62)
- Surety company bonds, Ch 21, §15(p61)
- Time for approval, Ch 21, §18(p62)

STATE OFFICERS AND EMPLOYEES:

- Amount of bonds, Ch 21, §6(p60)
- Form of bonds, Ch 21, §2(p59)
- Liability of sureties, Ch 21, §3(p29)
- Want of compliance, effect, Ch 21, §5(p59)

BONDS - concluded

TAXATION ON BONDS:

Exempt bonds, Ch 125, §1(p513)

Time for approval, Ch 21, §18(p62)

BOOTLEGGERS

Injunction to restrain, Ch 35, §109(p148)

BOVINE TUBERCULOSIS, see main head ANIMALS, subhead BOVINE TUBERCULOSIS

BOYS, see main head MINORS

BRIEBERY, see main head CRIMES, subhead BRIEBERY

BRIDGES

Maintenance by railways, damages, Ch 131, §27(p598)

MUNICIPAL BRIDGES:

Bridge tax, levy authorized, Ch 111, §3(p470)

Certification of tax levy, Ch 111, §4(p471)

Construction, repair, supervision, Ch 111, §1(p470)

County bridge construction, aid by city, Ch 111, §1(p470)

Defects, liability, Ch 111, §2(p470)

Funds, control by cities, Ch 111, §2(p470)

Limitation of levy, Ch 111, §4(p471)

Tax levy for fund, Ch 111, §3(p470)

BUILDINGS

REGULATIONS:

Fire escapes required, Ch 31, §1(p121)

School buildings, see main head SCHOOLS AND SCHOOL DISTRICTS, subhead

BUILDINGS AND GROUNDS

BUREAU OF LABOR, see main head STATE OFFICERS AND DEPARTMENTS, subhead

LABOR BUREAU; also main head LABOR LAWS, subhead BUREAU OF LABOR

BUREAU OF STANDARDS

Standards of weights and measures established, Ch 165, §170(p733)

BURIAL, see main head DEATH, sub head DEAD BODIES

CARES, see main head RESTAURANTS

CARRIERS

Common carriers, see main head COMMON CARRIERS

CASKET DEALERS

Vital statistics duties, see main head VITAL STATISTICS

CEMETERIES

Eminent domain, consecrated lands protected, Ch 123, §7(p579)

Funds, trustees for, see subhead TRUSTEES FOR CEMETERY FUNDS, below
TOWNSHIP:

Joint board, council and trustees, duties, Ch 100, §22-25(p444)

Flat and subdivision recording, Ch 100, §26, 27(p445)

Power and control, Ch 100, §20(p444)

Tax levy for maintenance, Ch 100, §19(p444)

TRUSTEES FOR CEMETERY FUNDS:

Appointment, petition for, Ch 54, §1, 2(p266)

Bond and oath, Ch 54, §5(p266)

Cemetery record, Ch 54, §3(p266)

Clerk of court, duties, Ch 54, §6(p267)

Compensation, expenses, Ch 54, §7(p267)

County auditor as trustee, Ch 54, §10, 11(p267)

Funds exempt from taxation, Ch 54, §1(p266)

Investment of funds, powers, limitations, Ch 54, §4(p266)

Municipal corporation as trustee, funds invested, Ch 54, §12-14(p267)

Removal, vacancy filled, Ch 54, §9(p267)

Report required annually, Ch 54, §8(p267)

CENSUS, FEDERAL

Vital statistics, see main head VITAL STATISTICS

CHANGE OF NAME, see main head NAMES

CHARITABLE INSTITUTIONS, for state institutions see main head STATE INSTITUTIONS

CHATTEL MORTGAGES

Assignments, how made, Ch 51, §11, 15-a3(p251)

Certified copies, use in evidence, Ch 51, §13(p252)

Certified copies furnished on request, Ch 51, §12(p252)

Exempt property, both spouses must sign mortgage covering, Ch 51, §1(p251)

Fees for recording and indexing, Ch 51, §15-a2, 17(p253)

Filing for record, effect, Ch 51, §5, 7(p251)

FORECLOSURE:

Attorney fees, when allowed, Ch 155, §1(p652)

Bill of sale to purchaser, Ch 155, §2(p652)

Sale under pledge, Ch 155, §3(p652)

Indexing by recorder, Ch 51, §8, 15-a2(p251, 253)

Lien, length of time valid, Ch 51, §10(p252)

Possession, mortgagee entitled to, Ch 51, §2(p251)

Real estate mortgage with chattel clause, indexing, Ch 51, §18(p254)

Release and satisfaction, Ch 51, §14(p253)

Recording, necessity, effect, Ch 51, §3-8(p251)

Return to original owner, Ch 51, §15, 15-a1(p253)

Title remains in mortgagor, Ch 51, §2(p251)

Void after five years, Ch 51, §10-16(p252)

CHEESE FACTORIES

Defined as "food establishment", Ch 47, §1(p234)

Food establishment law, see main head FOOD ESTABLISHMENTS

CHILD LABOR, see main head LABOR LAWS, subhead CHILD LABOR

CHILDREN, see also main head head MINORS.

Juvenile court, see main head JUVENILE COURT

CHIROPRACTORS

Definition, Ch 167, §110(p765)

Drugs, use and prescription prohibited, Ch 167, §114(p766)

Enforcement provisions of practice acts, Ch 167, §87-92-a9(p759)

EXAMINATION FOR LICENSE TO PRACTICE:

Applications, Ch 167, §28(p751)

Candidates, list of names, Ch 167, §33(p752)

Certification of applicants, Ch 167, §38(p752)

Clerk, duties and expenses, Ch 167, §37(p752)

List of accredited schools kept, Ch 167, §29-30(p751)

Notice of time and place, Ch 167, §28-a1(p751)

Partial examinations, rules, Ch 167, §39, 40(p752)

Professional schools, data furnished, Ch 167, §31(p751)

Quorum for conducting, Ch 167, §36(p752)

Records, preservation, Ch 167, §41(p753)

Rules for conducting and grading, Ch 167, §34, 35(p752)

Time and place, Ch 167, §32(p751)

EXAMINING BOARD:

Appointment by governor, Ch 167, §11(p749)

Compensation, Ch 167, §23, 24(p750)

Composition of examining board, Ch 167, §13(p749)

Continuation of terms of examiners, Ch 167, §147(p771)

Continuation of present rules and regulations, Ch 167, §154(p772)

Definition, Ch 167, §1(p747)

Designation of examining board, Ch 167, §12-17(p749)

Nomination of examiners, Ch 167, §19(p750)

Qualifications of examiners, Ch 167, §14(p749)

Quarters furnished by executive council, Ch 167, §26(p750)

Supplies, Ch 167, §25(p750)

Surrender of public records upon taking effect of this chapter, Ch 167, §150-151(p772)

CHIROPRACTORS - concluded

EXAMINING BOARD: - concluded

Term of examiners, Ch 167, §18(p749)
Time title takes effect, Ch 167, §153(p773)
Transaction of business, Ch 167, §22(p750)
Vacancies, Ch 167, §20(p750)

LICENSE:

Age and character qualifications, Ch 167, § 3(p748)
Certificate presumptive evidence of right to practice, Ch 167, §6
(p748)
Display of license, Ch 167, §7(p748)
Existing license renewed, Ch 167, §152(p772)
Fees for license, Ch 167, §79-82(p758)
Forgery and fraud, penalty, Ch 167, §84-86(p759)
Grounds for refusing, Ch 167, §4(p748)
Illegal practice, injunction, Ch 167, §83(p759)
Itinerant law applicable, Ch 167, §72-73(p759)
License required, Ch 167, §2(p748)
Notice of change of residence, Ch 167, §9(p748)
Reciprocal agreements, continuation, Ch 167, §153(p772)
Reciprocal licenses, Ch 167, §42-52(p753)
Record, open to public inspection, Ch 167, §8(p748)
Renewal of licenses, Ch 167, §10, 10-a(p748)
Requirements for license, Ch 167, §112(p765)
Revocation of license, grounds, Ch 167, §53-69(p755)
Operative surgery, prohibited, Ch 167, §114(p766)
Persons not engaged in practice, Ch 167, §111(p765)
School, requirements for approval, Ch 167, §113(p756)
Signs in office, display, Ch 167, §115(p766)
Use of titles and degrees, Ch 167, §70, 71(p757)

CHOLERA

Hog cholera, for detailed index, see main head ANIMALS, subhead EOG-
CHOLERA SERUM

CIGARETTES

Advertisement near public schools, penalty for violation, Ch 163, §31-
32(p671)
Definition of terms, Ch 163, §1(p666)
Minors required to inform as to source, Ch 163, §4, 5(p666)
PERMIT TO SELL:

Bond required before permit issued, Ch 163, §10(p667)
City or town may issue, Ch 163, §6(p666)
County supervisors may issue, Ch 163, §4(p666)
Exhibiting permit to peace officer on request, Ch 163, §30(p671)
Form of permit, Ch 163, §7(p667)
Issuance certified to state treasurer, Ch 163, §9(p667)
Malt tax, payment before permit issued, Ch 163, §11-17(p667)
Revocation of permit, Ch 163, §8(p667)
Revocation certified to state treasurer, Ch 163, §9(p667)
Redemption of unused stamps, Ch 163, §23(p669)
Sale or gift to minor, penalty, Ch 163, §2, 3(p666)

STAMPS:

Counterfeiting, penalty, Ch 163, §21(p669)
Enforcement of stamp law, Ch 163, §24-29(p669)
Preparation, delivery and sale of stamps, Ch 163, §22(p669)
Redemption of unused stamps, Ch 163, §23(p669)
Stamping, size of package, cancellation, Ch 163, §19(p669)
Tax rate, Ch 163 §13(p668)
Violation of stamp tax, penalty, Ch 163, §20(p669)

CIGARETTES → concluded

Violations of law, Ch 163, §25(p669)

CITIES AND TOWNS, see main head MUNICIPAL CORPORATIONS

CITIZENS

CITIZENSHIP:

Copies of executive orders, Ch 55, §519-522(p340)

Restoration to convicts, Ch 55, §517(p340)

CIVIL

Actions, see main head CIVIL PROCEDURE

Engineers, see main head ENGINEERS

CIVIL PROCEDURE

ACTIONS:

Appearance of defendant, Ch 147, §7(p643)

Commencement of actions, unknown defendants, Ch 147, §5(p642)

Commencement of action, filing of petition, Ch 147, §1-8(p642)

Evidence, see subhead EVIDENCE

Original notice, see subhead ORIGINAL NOTICE, below

Actions against construction company, Ch 146, §1(p641)

Appeals, municipal court, Ch 144, §41(p638)

Change of action, municipal court, Ch 144, §24(p636)

Change of venue, municipal court, Ch 144, §23-al(p636)

Classification in municipal courts, Ch 144, §24(p636)

Courts, see main head COURTS, subhead court desired

Debtors, examination, Ch 151, §1(p647)

Demurrer, see subhead PLEADINGS, below

DEPOSITIONS:

Commissioner, who may act, Ch 149, §6(p645)

Place of taking, Ch 149, §9(p646)

Time and place taken, Ch 149, §2(p645)

Entry judgment, municipal court, Ch 144, §39(p638)

EVIDENCE:

Books and papers produced, Ch 149, §1(p645), see also main head BOOKS

AND PAPERS, subhead PRODUCTION AND INSPECTION

Commissioner, who may act, Ch 149, §6-9(p645)

Depositions, see subhead DEPOSITIONS, above

Instructions by court, municipal court, Ch 144, §38(p638)

Instructions to jury, municipal court, Ch 144, §38(p638)

JUDGMENT:

Satisfaction of judgment, docket entry by clerk, Ch 150, §3(p647)

Judgment liens, municipal court, Ch 144, §40(p638)

Judgments, municipal court, Ch 144, §39-42(p638)

JURY:

For general provisions applicable to civil procedure, see main head

JURY

Jury commission, municipal court, Ch 144, §30(p636)

Jury, how drawn, when, municipal court, Ch 144, §33(p637)

Jury list, municipal court book, Ch 144, §31, 32(p637)

Jury summons, mileage, Ch 144, §34(p637)

Lis Pendens, Ch 147, §8(p643)

NOTIONS:

Procedure, Ch 148, §2-6(p644)

Municipal court judgments, Ch 144, §39(p638)

ORIGINAL NOTICE:

Method of service, Ch 147, §1(p642)

Publication, Ch 147, §6(p643)

Service on county, Ch 147, §4(p642)

Service on insane person out of hospital, Ch 147, §2(p642)

Service upon inmate of certain institutions, Ch 147, §3(p642)

CIVIL PROCEDURE -- continued

Preemptory challenges, strikes, municipal courts, Ch 144, §37(p637)

Petition, filing, pleadings, municipal court, Ch 144, §25, 26(p656)

PLEADINGS:

Demurrer, Ch 148, §7-9(p644)

Demurrer, equitable, motion to dismiss, Ch 148, §1(p644)

Motions, see subhead MOTIONS, above

Reporter, short hand, municipal courts, see also main head COURT REPORTER

Setting aside default, municipal courts, Ch 144, §39(p638)

Subpoenas, blank, Ch 149, §7(p646)

Supreme court, see main head SUPREME COURT,

TRIAL:

Equitable actions, Ch 150, §1(p646)

Term, Ch 150, §2(p647)

Witness fees, municipal court, Ch 144, §28, 29(p636)

CIVIL SERVICE (CITIES AND TOWNS)

Appointment of chief of police and chief of fire department, Ch 103, §9 (p457)

Campaign contributions prohibited, Ch 103, §23(p459)

COMMISSIONERS:

Appointment by council, Ch 103, §2(p456)

Appointment by mayor, Ch 103, §1(p456)

Chairman, Ch 103, §3(p456)

Clerk, who shall act, Ch 103, §3(p456)

Supplies and office furnished, Ch 103, §4(p456)

Terms of office, Ch 103, §1(p456)

Examinations for appointment of employees, Ch 103, §7(p457)

Examination for old employees, not required, Ch 103, §6(p456)

Employees diminished, seniority, Ch 103, §22(p459)

Employees, qualifications, Ch 103, §11(p457)

List of eligible employees, certified, Ch 103, §8(p457)

Officers and employees under civil service, exception, Ch 103, §5(p456)

Qualifications of appointees, Ch 103, §10(p457)

Removal of employees, hearing, appeal, Ch 103, §12-21(p458)

Soldiers preference, Ch 103, §7-a1(p457)

CLERKS, see appropriate main heads

COAL

HOISTING ENGINEERS:

Certificate of competency, Ch 27, §57-59(p81)

Certificate, revocation, Ch 27, §60(p82)

Competency and qualifications, Ch 27, §53(p81)

Duties, Ch 27, §54(p81)

Examinations, regulations, Ch 27, §3(p71)

Noncertified, temporary employment, Ch 27, §57(p81)

MINE FOREMAN:

Certificate of competency, Ch 27, §57-59(p81)

Certificate, revocation, Ch 27, §60(p82)

Duties, Ch 27, §62(p82)

Examination, regulations, Ch 27, §3(p71)

Inspection of traveling ways, Ch 27, §26(p76)

Mine foreman defined, Ch 27, §56(p81)

Noncertified, temporary employment, Ch 27, §57, 58(p81)

MINE INSPECTORS, see main head STATE OFFICERS AND DEPARTMENTS, subhead

MINE INSPECTORS

MINERS:

Cages for lowering and raising, restrictions, Ch 27, §50, 51(p80)

Checkweighman, duties, Ch 27, §70(p87)

Doors in haulage ways, duty to close, Ch 27, §33(p78)

COAL - continued

MINERS:- concluded

- Duties in mines, Ch 27, §63(p83)
- Liquor prohibited around mines, Ch 27, §65(p83)
- Powder, amount allowed, Ch 27, §70, 71(p84)
- Safety provisions, Ch 27, §97, 98(p88)
- Wages, payment by ton, Ch 27, §91(p87)
- Wages, payment in money, Ch 27, §93(p88)
- Wages, time of payment, damages, Ch 27, §92(p87)

MINES:

- Abandoned entries and rooms sealed, Ch 27, §38(p78)
- Air contrivances, Ch 27, §45(p79)
- Air shafts required, Ch 27, §18, 23(p75)
- Air, ventilation, measurements, Ch 27, §43(p79)
- Boiler and engine room restrictions, Ch 27, §40(p79)
- Breaks-through in rooms, when and how closed, Ch 27, §37(p78)
- Breaks-through in entries, when and how closed, Ch 27, §36(p78)
- Breaks-through, area required, Ch 27, §35(p78)
- Code of signals, location, Ch 27, §52(p80)
- Drainage, Ch 126, §257-265(p572)
- Drill holes, when unlawful to charge, Ch 27, §67(p84)
- Electricity, use, restrictions, Ch 27, §85-88(p86)
- Elevators, restrictions on use, Ch 27, §50, 51(p80)
- Engineers, see subhead HOISTING ENGINEERS, above
- Engine room, persons not permitted, Ch 27, §55(p81)
- Entries for animals, requirements, Ch 27, §34(p78)
- Escape shafts, construction, Ch 27, §19, 23(p75)
- Escape ways requirements, Ch 27, §18, 23(p75)
- Escape ways, ventilation, Ch 27, §25(p76)
- Fire extinguishers required, where kept, Ch 27, §80(p85)
- Fire prevention requirements, Ch 27, §39(p78)
- First aid equipment, Ch 27, §77(p85)
- Gasoline engine location requirements, Ch 27, §78, 79(p85)
- Haulage way requirements, Ch 27, §30-34(p77)
- Hoisting appliances, Ch 27, §20(p75)
- Illuminating oil, Ch 27, §82, 83(p86)
- Injury to mine property prohibited, Ch 27, §64, (p83)
- Lights on trip cars required, Ch 27, §32(p78)
- Liquor prohibited around mines, Ch 27, §65(p83)
- Location of shafts, approval of inspector, Ch 27, §22(p76)
- Maps and surveys, provisions, Ch 27, §15(p74)
- "Operation" defined, Ch 27, §14(p74)
- Orders of inspector, dispute, appeal, manner of trial, Ch 27, 28(p77)
- Order for additional air way or escape way, Ch 27, §23, 24(p75)
- Powder, storage, Ch 27, §70(p84)
- Powder, transportation and delivery, Ch 27, §68, 69(p84)
- Props, caps and timber supply, Ch 27, §72(p84)
- Reports, see subhead MINE OPERATORS
- Roadways sprinkled, Ch 27, §74(p85)
- Safety appliances, Ch 27, §49(p80), Ch 27, §97(p88)
- Safety, changes, Ch 27, §98(p88)
- Scales provided, payment by ton, Ch 27, §89, 91(p87)
- Shaft lights, when required, Ch 27, §41(p79)
- Shot examiners, certificate required, duties, Ch 27, §66(p83)
- Signalmen, top and bottom, Ch 27, §48(p80)

COAL - concluded

MINES: - concluded

Signals, hoisting, code, Ch 27, §52(p80)
Signals for tripcar, Ch 27, §32(p78)
Signboards for escape exits, Ch 27, §26(p75)
Speaking tubes, when required, Ch 27, §47(p80)
Stables, location, construction, Ch 27, §75(p85)
Stairways for escape, Ch 27, §19(p75)
Stretchers, blankets and bandages, Ch 27, §77(p85)
Tamping explosives, materials, Ch 27, §73(p84)
Telephones systems, when required, Ch 27, §76(p85)
Traveling ways, Ch 27, §26, 29(p76)
Underground connections between mines, Ch 27, §21(p76)
Ventilation, Ch 27, §42-46(p79)
Ventilation of escape ways, Ch 27, §25(p76)
Wages, failure to pay, damages, Ch 27, §92(p87)
Wages, payment in money required, Ch 27, §93(p88)
Wages, payment by ton, Ch 27, §91(p87)

MINE OPERATORS

Air shafts maintained, Ch 27, §18(p75)
Annual reports, contents, Ch 27, §94(p88)
Escape ways maintained, Ch 27, §18(p75)
Failure of operator to furnish map, effect, Ch 27, §16(p75)
Maps and surveys, duties, Ch 27, §15-17(p74)
Safety appliance violations, Ch 27, §97-107(p88)
Uniform report blanks furnished, Ch 27, §95(p88)

PIT BOSS: see subhead MINE FOREMAN

COCAINE, see main head DRUGS

COLD STORAGE PLANTS

Definitions, Ch 47, §50(p230)
Deposits and withdrawal, dating, Ch 47, §59(p231)
Food not for human consumption, marking, Ch 47, §58(p231)
Impure food, storage prohibited, Ch 47, §56(p231)
Labeling of stored goods, Ch 47, §64(p232)
License, requirements, fee, Ch 47, §51-53(p231)
License, revocation, Ch 47, §57(p231)
Period of storage limited, extensions, Ch 47, §60-62(p232)
Record of receipt and withdrawal of food, Ch 47, §54(p231)
Reports to department of agriculture, requirements, Ch 47, §55(p231)
Return for further storage prohibited, Ch 47, §64(p232)
Sale of stored goods, sign required, Ch 47, §63(p232)
Sanitary conditions, requirements, Ch 47, §57(p231)
Temperature requirement, Ch 47, §50(p230)
Violations of law, penalty, Ch 47, §65(p232)

COLLEGES AND UNIVERSITIES

State university, see main head STATE INSTITUTIONS, subhead UNIVERSITY,
STATE

Veterinarian schools, accredited list, prepared by department of agric.,
Ch 46, §161, 162(p221)

COMMERCE COMMISSION, see main head STATE OFFICERS AND DEPARTMENTS, subhead
COMMERCE COMMISSION

COMMERCIAL

Feeds, see main head ANIMALS, subhead FEED FOR ANIMALS

Fertilizers, see main head FERTILIZERS

COMMISSIONERS, see appropriate main heads

COMMON CARRIER

Ejection of passengers, see main head RAILROADS, subhead INTERURBAN
RAILROAD

Express companies, for detailed index, see main head EXPRESS COMPANIES

COMMON CARRIER - concluded

Free passes or tickets, see main head RAILROADS, subhead FREE PASSES OR TICKETS

Liens, for detailed index see main head LIENS, subhead CARRIER'S LIENS

Motor vehicle carriers, for detailed index see main head MOTOR VEHICLE CARRIERS

Railroads, for detailed index, see main head RAILROADS

Rates and charges, see main head RAILROADS, subhead RATES AND CHARGES

Steam boats, see main head BOATS AND VESSELS

Street railways, see main head STREET RAILWAYS

COMMUTATION

Sentences, see main head CRIMINAL PROCEDURE, subhead COMMUTATION OF SENTENCE

CONCEALED WEAPONS, see also main head WEAPONS

Weapons, Ch 158, §1-9(p656)

CONDEMNATION PROCEEDINGS

Eminent domain, see main head EMINENT DOMAIN

CONDITIONAL SALE, see main head SALES

CONFECTIONERY

Defined as food establishment, Ch 47, §1(p224)

Food establishment law, see main head FOOD ESTABLISHMENTS

CONSTITUTION OF IOWA

Proclamation concerning revision of constitution, Ch 11, §4(p19)

Term of elective officers, Ch 11, §8(p20)

CONTAGIOUS DISEASES

Persons, for detailed index see main head DISEASES

CONTEMPTS

Executive council subpoenas, Ch 23, §24-a1(p67)

CONTRACTS

POOR, RELIEF OF:

Allowance of claims by board, Ch 94, §14(p429)

Application for relief, Ch 94, §13(p428)

Medical care, Ch 94, §12(p428)

Medical services, charges for, Ch 94, §12(p428)

Overseers of poor, appointment, Ch 94, §10(p428)

Township trustees, duty, Ch 94, §10(p428)

PUBLIC CONTRACTS:

Contractors bond, Ch 161, §2-6(p660)

REAL PROPERTY CONTRACTS:

Deemed abandoned, when, Ch 52, §3(p255)

Forfeiture of contract, Ch 173, §1-6(p787)

Seals unnecessary, Ch 52, §2(p254)

VOID CONTRACTS:

Liquor law, contracts violating, Ch 35, §125-129(p121)

CONTROL, BOARD OF, see main head STATE INSTITUTIONS, subhead BOARD OF

CONTROL

CONVENTIONS

POLITICAL:

Candidates name on ballot, Ch 14, §35(p33)

Dual nomination of candidate, Ch 14, §36(p33)

CONVEYANCES

Real property, for detailed index, see main head REAL PROPERTY, subhead CONVEYANCES

CONVICTS

Paroles, for detailed index, see main head CRIMINAL PROCEDURE

CONVICTS .. concluded

PRISON-MADE GOODS:

Mandatory purchase, Ch 55, §461-a5(p331)

Price lists furnished public officials, Ch 55, §461-a3(p331)

Selling price, Ch 55, §461-a6(p331)

CORN AND SMALL GRAIN GROWERS ASSOCIATION, see main head ASSOCIATIONS, IOWA

ENTERPRISES

CORONER, see main head COUNTY OFFICERS AND DEPARTMENTS, subhead COUNTY CORONER

CORPORATIONS

MUNICIPAL CORPORATIONS, see main head MUNICIPAL CORPORATIONS

NONPROFIT CORPORATIONS:

Devises and bequests, Ch 153, §2(p649)

PROFIT CORPORATIONS:

Stock:

Amount paid indorsed on face, Ch 139, §1,2(p617)

Payable in cash, Ch 139, §2(p617)

Payment in property, Ch 139, §4-6(p617)

Penalty for unlawful issue, Ch 139, §1,2(p617)

Void when unlawfully issued, Ch 139, §1,2(p617)

Taxation:

Annual statement to assessor, Ch 125, §17(p518)

Penalty for refusal to furnish information, Ch 125, §13(p518)

Shares of stock, valuation, Ch 125, §16(p518)

Statement of property, assets and liabilities to be given assessor,
Ch 125, §11,17,17-a1(p517)

Taxation, loan corporations, Ch 125, §10,10-a1(p517)

COUNTY

Accounts examined by state checkers, Ch 3, §4-16(p2)

BONDS:

Action on bonds, defenses used, Ch 92, §20,21(p425)

Additional tax to pay interest, Ch 92, §17(p425)

Authorization and sale of bonds, Ch 92, §1(p423)

Board member liable for unconstitutional issue, Ch 92, §9(p424)

Bond fund obtained from tax levies, use, Ch 92, §12(p424)

County not to become stockholder, Ch 92, §19(p425)

County Public Hospitals:

Issuance by board, as specified by proposition, Ch 95, §4(p430)

Petition requesting election, Ch 95, §1(p429)

Question submitted at general election, Ch 95, §2(p429)

Question submitted at special election, Ch 95, §3(p429)

Sale by treasurer, at par value, Ch 95, §5(p430)

Tax levy for payment, Ch 95, §5(p430)

Defenses permitted in action on bonds, Ch 92, §20,21(p425)

Form of bonds, Ch 92, §3(p422)

Funding or Refunding Bonds:

Amount of certificates, Ch 92, §1(p422)

Authorization and sale, Ch 92, §5(p423)

Bond fund, treasurer's duties, Ch 92, §12(p424)

Bridge bonds refunded, Ch 92, §2(p422)

Interest rate, Ch 92, §3(p422)

Levy and retirement, Ch 92, §11(p424)

Record and report of sales, Ch 92, §7,8(p424)

Sale or exchange of bonds, Ch 92, §5(p423)

Tax levy for payment, Ch 92, §2(p422)

Tax levy for payment, Ch 92, §11(p424)

Funds unused transferred to general fund, Ch 92, §14(p425)

COUNTY - concluded

BONDS: - concluded

Nonpayment when no tax levy made, Ch 92, §15(p425)

Record of sales on exchanged bonds, Ch 92, §7(p424)

Redemption by treasurer, notice, Ch 92, §13(p424)

Report of bonds sold made to board, Ch 92, §8(p424)

Sale of Bonds:

Exchange of bonds for indebtedness, Ch 92, §5-6(p423)

Notice of sale, Ch 92, §7(p424)

Provisions, Ch 92, §4(p423)

Record and report of sales, Ch 92, §7,8(p424)

Selling price, Ch 92, §5(p423)

Treasurers duties, Ch 92, §5(p423)

State tax to pay bonds, Ch 92, §16(p425)

Tax levy by state for payment, Ch 92, §16(p425)

Tax levy to pay bonded indebtedness, Ch 92, §10(p424)

Treasurer to sell or exchange bonds, Ch 92, §5(p423)

Bonds, limitation, erection of memorials, Ch 10, §6(p16)

Bonds, maturity dates, Ch 91, §7(p421)

Civil action, notice, how served, Ch 147, §4(p642)

Contracts, advertisement for bids, bonds, plans and specifications,

Ch 87, §3(p414)

Declaration of election, Ch 15, §22(p48)

Drainage districts, see main head DRAINAGE AND LEVEE DISTRICTS

Effect on county, by dismissal of petition for removal of public officer,

Ch 23, §21(p66)

Filing order for removal from office, Ch 23, §14(p65)

Gifts and bequests may be accepted by commissioners, Ch 10, §12(p18)

Hospitals, for detailed index see main head HOSPITALS

Inspection of memorial by commission, Ch 10, §14(p18)

Memorial named by commission, Ch 10, §13(p18)

Method of holding special election, Ch 11, §2(p19)

Payment of treasurer's bond, Ch 21, §11(p61)

Removal of officers, Ch 23, §3(p64)

Requirements for liquidating bonds, Ch 10, §7(p17)

Tax assessments, Ch 125, §18-23(p516)

Tax levy for memorial bonds, Ch 10, §8(p17)

Time for holding general election, Ch 11, §1(p19)

COUNTY BOARDS, see main head COUNTY OFFICERS AND DEPARTMENTS

COUNTY OFFICERS AND DEPARTMENTS

BOARD OF EDUCATION:

Duties of board, Ch 69, §27(p372)

Election of members, vacancies, Ch 69, §24(p372)

Expenses of board members, Ch 69, §25(p372)

Meetings, time, Ch 69, §26(p372)

Membership, term of office, Ch 69, §24(p372)

Oath required, Ch 69, §25(p372)

Qualifications, Ch 69, §24(p372)

BOARD OF SUPERVISORS:

Amount of bonds of county officers, Ch 21, §9,10(p61)

Approval of bonds, Ch 21, §17(p61)

Approval of public officers bonds, Ch 21, §19(p62)

COUNTY OFFICERS AND DEPARTMENTS - continued

BOARD OF SUPERVISORS: - continued

Bonds, maturity dates, Ch 91, §7(p421)
Bonds required, deputy officers, Ch 21, §13(p61)
Buildings, erection and repair, Ch 87, §2(p414)
Compensation and mileage, Ch 86, §9,10(p412)
Contracts for buildings, publication, Ch 87, §2(p414)
Contracts, see main head COUNTY, subhead CONTRACTS
County fair grounds, Ch 45, §32-38(p192)
Destruction of general election ballots, Ch 15, §11(p46)
Disbursement of memorial funds, Ch 10, §11(p18)
Drainage board, acting as, compensation, Ch 86, §11(p412)
Drainage districts, see main head DRAINAGE AND LEVEE DISTRICTS
Election Duties:

Questions submitted to voters, for detailed index see main head

ELECTIONS, subhead QUESTIONS SUBMITTED TO VOTERS

Election called, form of proposition submitted, Ch 10, §3(p16)
Election of new members, Ch 86, §5(p411)
Expenditures, limitation, exception, Ch 91, §1,1-a1(p420)
Expense for missing election returns, Ch 15, §20(p47)
Interurban railway, use of highways, Ch 138, §1-6(p614)
Limitation as to election of supervisors, Ch 11, §19(p21)
Limited authority to administer oaths, Ch 25, §2(p68)
Memorials, authority to use funds previously initiated, Ch 10, §5
(p18)

Memorial monument commission appointed, Ch 10, §9(p17)
Name of village changed, Ch 98, §1-8(p439)
Newspapers, official, selection, Ch 97, §1-12(p437)
Notice of election published, Ch 10, §4(p16)
Number of members, tenure, Ch 86, §1(p410)
Number of members increased by election, Ch 86, §2(p410)
Number of members decreased by election, Ch 86, §3(p410)
Offices furnished county officers, Ch 78, §4(p396)
Petition to increase number of members, Ch 86, §2(p410)
Powers and duties in general, Ch 87, §1(p413)
Reduction in number, Ch 86, §3,4(p411)
Refusal to approve bonds of county officers, Ch 21, §20(p62)
Right to purchase memorial sites, Ch 10, §5(p16)
Special sessions, how called, Ch 86, §6,7(p411)
Supplies furnished county officers, Ch 78, §5(p397)

Tax Assessments:

Tax ferrets employed, Ch 125, §29(p521)

Term of office, Ch 11, §17(p20)
Time of holding election, Ch 11, §1-23(p19)
Townships created, changed, Ch 100, §1-31(p442)
Unallowable claims, Ch 87, §6(p414)
Unliquidated claims, procedure, Ch 86, §8(p411)
Vacancies filled by board, Ch 24, §1(p67)

Bonds of public officers, form, Ch 21, §2-4(p59)

Bonds, persons required to give, Ch 21, §2(p59)

CLERK:

Bond, amount, Ch 21, §9,10(p61)
Delivery of election ballot, Ch 16, §9(p51)
Folding of election ballots, Ch 16, §10(p51)
Mailing or delivering ballot, Ch 16, §15(p53)
Mailing of official ballot, Ch 16, §8(p51)
Manner of preserving ballot and application, Ch 16, §16(p52)

COUNTY OFFICERS AND DEPARTMENTS - continued

CLERK: - concluded

Name of substituted nominee, Ch 14, §58, (p36)
Temporary appointment during suspension, Ch 23, §17(p66)
Term of office, Ch 11, §17(p20)
Time of holding election, Ch 11, §1-23(p19)

COMMISSIONERS:

Limited authority to administer oaths, Ch 25, §2(p68)

CONSTABLES:

Bond, amount of, Ch 21, §9, 10(p61)
Number to be elected, Ch 11, §20(p21)
Term of office, Ch 11, §20(p21)
Vacancies filled by board of supervisors, Ch 24, §1(p67)

CORONER:

Acting coroner, Ch 181, §1(p824)
Bond fixed by supervisors, Ch 21, §9(p61)
Fees and mileage of witnesses and jurors, Ch 181, §3(p824)
Physician employed, fees, Ch 181, §2(p824)
Term of office, Ch 11, §17(p20)
Time of holding election, Ch 11, §1-23(p20)

COUNTY ASSESSOR:

Bond fixed by supervisors, Ch 21, §9(p61)

COUNTY ATTORNEY:

Appeals, county attorneys duties, Ch 160, §2(p659)
Bond fixed by supervisors, Ch 21, §9, 10(p61)
Condemnation proceedings, Ch 128, §20(p551)
Duties in general, enumerated, Ch 89, §2(p581)
Duties in regards prohibition laws, Ch 89, §14(p418)
Duty regarding violations of fish and game laws, Ch 38, §79(p179)
Duty to prosecute forfeitures of abatement bonds, Ch 35, §116-a9(p149)
Information, county attorney's, for detailed index see main head
CRIMINAL PROCEDURE, sub head INFORMATION, COUNTY ATTORNEY'S
Oath, authority to administer, Ch 89, §7(p417)
Prosecution of officers, Ch 23, §9(p65)
Qualifications, Ch 89, §1(p415)
Removal of county, municipal and district officers, Ch 23, §3(p64)
Removal from office, Ch 23, §10(p65)
Substitutes, appointment, compensation, Ch 89, §12(p417)
Substitute, notice before appointment, Ch 89, §13(p418)
Term of office, Ch 11, §17(p20)
Time of holding election, Ch 11, §1-23(p19)
Township trustees, when attorney for, Ch 100, §17(p444)
Witnesses fees, Ch 89, §10(p417)

COUNTY AUDITOR:

Abstract of vote, filing, Ch 15, §21(p48)
Application for ballot, Ch 16, §2(p49)
Approval of county officers bonds, Ch 21, §19(p62)
Ballot boxes furnished, Ch 14, §24(p32)
Ballots rejected, Ch 16, §20(p54)
Bond, fixed by supervisors, Ch 21, §9(p61)
Certifying names of district court judges, Ch 12, §15(p23)
Copies of instructions furnished to judges, Ch 14, §67(p38)
Delivery of election ballot, Ch 16, §9(p57)
Drainage matters, temporary assistants appointed, Ch 126, §135(p547)
Duplicate abstract of votes forwarded, Ch 15, §23(p48)

COUNTY OFFICERS AND DEPARTMENTS - continued

COUNTY AUDITOR: - concluded

- Election ballots, folding, Ch 16, §10(p51)
 - Election duties delegated to secretary of school board, Ch 16, §2-a1 (p49)
 - Election expenses of candidates, filing, Ch 18, §3-5(p56)
 - Judges to receive absentee ballots, Ch 16, §17(p53)
 - Oath of public officers, filing, Ch 21, §21(p62)
 - Public officers, bonds filed, Ch 21, §21(p62)
 - Vacancy on ballot, substituted name, Ch 14, §58(p36)
 - Instructions for voting furnished, Ch 14, §66(p38)
 - List of all nominations published, Ch 14, §69(p38)
 - Mailing absentee voters ballots, Ch 16, §8(p51)
 - Mailing or delivering ballots, Ch 16, §15(p52)
 - Missing election returns, messenger for, Ch 15, §20(p47)
 - Orders of suspension and temporary appointment certified to auditor, Ch 23, §17(p66)
 - Penalty for refusal to return ballot, Ch 16, §33(p54)
 - Poll books and supplies furnished, Ch 14, §26(p32)
 - Preserving ballot and application, Ch 16, §16(p52)
 - Printing of ballots for election, Ch 14, §49(p35)
 - Return of poll and registration books, Ch 15, §14(p47)
 - Recording of official bonds, Ch 21, §22(p62)
 - Tax list, preparation, corrections, delivery, Ch 125, §20, 21(p520)
 - Term of office, Ch 11, §17(p20)
 - Time of holding election, Ch 11, §1-23(p19)
 - Vacancies in township offices, when filled by auditor, Ch 24, §1(p67)
 - Vacancies on election board, appointment to fill, Ch 14, §19(p31)
- County bonds, for detailed index see main head COUNTY, subhead BONDS

COUNTY RECORDER:

- Bond, amount, Ch 21, §9, 10(p61)
- Conveyances, for detailed index, see main head REAL PROPERTY
- Fee book, entries, Ch 88, §2(p415)
- Fees collected, Ch 88, §1(p415)
- Term of office, Ch 11, §17(p20)
- Time of holding election, Ch 11, §1-23(p19)
- Vacancies in board of supervisors, how filled, Ch 24, §1(p67)

COUNTY SHERIFF:

- Bond, amount, Ch 21, §9, 10(p61)
- Fees, retained by sheriff, Ch 90, §2(p419)
- Fees to be collected, Ch 90, §1(p418)
- Notice of election, Ch 11, §5(p20)
- Prohibition law, see main head INTOXICATING LIQUORS
- Proclamation, notice of election, Ch 11, §5(p20)
- Temporary appointment during suspension, Ch 23, §17(p66)
- Term of office, Ch 11, §17(p20)
- Time of holding election, Ch 11, §1-23(p19)

COUNTY SUPERINTENDENT:

- Bonds, amount, Ch 21, §9(p61)

COUNTY SURVEYORS:

- Appointment, tenure and duties, Ch 99, §1(p441)
- Field notes, use, records, Ch 99, §2(p441)
- Survey records, presumptive evidence, Ch 99, §2(p441)

COUNTY OFFICERS AND DEPARTMENTS - continued

COUNTY TREASURER:

- Bonds, amount, Ch 21, §9(p61)
- Bonds, sale of, duties, Ch 95, §6(p450)
- Motor vehicle registration, fees, duty and liability, Ch 180, §143-145 (p814)
- Public officers, bonds and oaths, filing, Ch 21, §21(p62)
- Sureties, number required, Ch 21, §14(p61)
- Tax sales, redemption, Ch 125, §24-23(p521)
- Term of office, Ch 11, §17(p20)
- Time of holding election, Ch 11, §1-23(p19)

DEPUTY OFFICERS:

- Bonds, amount fixed by governor, Ch 21, §13(p61)
- Disbursement of funds for memorial, Ch 10, §11(p18)
- Effect of action for dismissal of officers without cause, Ch 23, §22(p66)

FUNDS:, see main head FUNDS

HOSPITALS:, for detailed index see main head HOSPITALS

JUSTICE OF THE PEACE:

- Authority to administer oaths, Ch 25, §1(p68)
- Bond, amount, Ch 21, §9, 10(p61)
- Number of justices to be elected, Ch 11, §20(p21)
- Term of office, Ch 11, §20(p21)
- Vacancies filled by board of supervisors, Ch 24, §1(p67)
- Removal of officers, Ch 23, §3(p64)

SUPERINTENDENT OF SCHOOLS:

- Bond, amount, Ch 21, §9(p61)
- Certificate of election, Ch 69, §10(p368)
- Convention to elect, Ch 69, §3-7(p367)
- County boards of education, Ch 69, §24(p372)
- Duties in general, Ch 69, §11(p370)
- Election by convention, Ch 69, §3(p367)
- Examination conducted, Ch 69, §11(p368)
- Examinations, record kept, Ch 69, §11(p368)
- Expenses, allowance, limitation, Ch 69, §29(p373)
- Institutes held, Ch 69, §13-20(p370)
- Mileage allowance, Ch 69, §9(p368)
- Power to give oath of office to school officer, Ch 69, §11(p368)
- Qualifications, Ch 69, §2(p367)
- Reports, annual, to state superintendent of public instruction, Ch 69, §11(p368)
- Reports, census of blind persons, Ch 69, §11(p368)
- Reports, census of school children, Ch 69, §11(p368)
- Reports, penalty for failure to make, Ch 69, §12(p370)
- Salary, Ch 69, §28(p372)
- School directors appointed, Ch 69, §11(p368)
- School laws, duty to enforce, Ch 69, §11(p368)
- Summer schools, Ch 69, §21-23(p371)
- Teachers certificate, for detailed index see main head SCHOOLS AND SCHOOL DISTRICTS, sub head TEACHERS
- Term of office, Ch 69, §1(p367)
- Text books and supplies, purchase, Ch 69, §11(p368)
- Vacancy, how filled, Ch 69, §8(p368)
- Visits to schools required, Ch 69, §11(p367)
- Temporary officer during suspension, Ch 23, §17(p65)

COUNTY OFFICERS AND DEPARTMENTS, - continued

TOWNSHIP ASSESSORS:

Bond, amount of, Ch 21, §9(p61)

Term of office, Ch 11, §22(p21)

TOWNSHIP CLERK:

Approval of bonds, Ch 21, §17(p61)

Term of office, Ch 11, §21(p21)

TOWNSHIP TRUSTEES:

Special ballots and boxes for election, Ch 14, §25(p32)

Term of office, Ch 11, §18(p21)

Vacancies filled by board of supervisors, Ch 24, §1(p67)

COURT REFORMER, see also main head COURTS

Municipal court, Ch 144, §43(p638)

COURTS

CLERKS: see also individual courts desired

Fees generally, Ch 171, §23, 24(p786)

Oaths, authority to administer, Ch 25, §1(p68)

DISTRICT COURT:

Appeal and trial of fire marshals order for removal or repair of fire hazard, Ch 37, §18-22(p158)

Appeals from municipal court, Ch 144, §18(p635)

Appeal of compensation cases to supreme court, Ch 28, §95(pl10)

Appointment of clerk or sheriff during suspension, Ch 23, §17(p66)

Appointment of attorney in prosecution of county attorney, Ch 23, §10 (p65)

Approval of bonds, Ch 21, §17(p61)

Ballots, form, Ch 12, §16(p23)

Bond, conditions, Ch 21, §4(p59)

Bonds and official oath, filing, Ch 21, §21(p62)

Certification to secretary of state, Ch 12, §14(p23)

General election laws, applicability, Ch 12, §19, 20(p23)

Clerks:

Appointment of outside judge, clerk to transmit copy, Ch 23, §12 (p65)

Fees generally, Ch 171, §23, 24(p786)

Furnish information concerning prosecution to parole board, Ch 55, §494(p336)

Notice of hearing to accused, Ch 23, §15(p65)

Oaths, authority to administer, Ch 25, §1(p68)

Removal from office, filing of order, Ch 23, §14(p65)

Suspension of officers pending trial, Ch 23, §6(p65)

Vacancies, how filled, Ch 24, §1(p67)

Vacancies in board of supervisors, how filled, Ch 24, §1(p68)

Costs on appeal of compensation cases, Ch 28, §94(pl10)

District judges, how elected, Ch 12, §13(p23)

Effect of appeal, on proceedings for removal of public officers, Ch 23, §20(p66)

Executive council subpoenas, refusal to comply, effect, Ch 23, §24-al (p67)

Form of petition for removal from office, Ch 23, §4(p64)

Judges:

Oath, authority to administer, Ch 25, §1(p68)

Vacancies filled in clerks office, Ch 24, §1(p67)

Judgment on award, compensation cases, Ch 28, §105(pl11)

Judgment in compensation cases, modification, Ch 28, §105-al(pl11)

Jurisdiction:

Notice to accused in removal from office, Ch 23, §5(p64)

COURTS - continued

DISTRICT COURT:- concluded

Jurisdiction: - concluded

Removal of state officers, Ch 23, §2(p64)

Objection to certificate of nomination, Ch 12, §17(p23)

Orders:

Removal of public officer, Ch 23, §13-15(p65)

Suspension of public officer, Ch 23, §7(p65)

Refusal of board to approve bond of county officer, Ch 21, §20(p62)

Release of sureties and principal on bond, Ch 23, §2(p63)

Removal by court to commissioner, Ch 28, §93(p110)

Removal hearings, appointment of outside judge, Ch 25, §12(p65)

Removal of county attorney, Ch 23, §10(p65)

Suspension of officers pending trial, Ch 23, §6(p65)

Time of hearing, for removal from office, Ch 23, §13(p65)

Term of office of judges, Ch 11, §14(p20)

JUDGES:

Executive council subpoenas, refusal to comply, effect, Ch 23, §24-al (p67)

Expenses allowed, during removal hearings, Ch 23, §23(p66)

Oaths, authority to administer, Ch 25, §1(p68)

Vacancies filled by governor, Ch 24, §1(p67)

Juvenile court, for detailed index see main head JUVENILE COURT

MUNICIPAL:

Abolishment, election, Ch 144, §48(p639)

Absence of judge, substitute, Ch 144, §22(p635)

Appeals, Ch 144, §41(p638)

Appointments:

Deputy clerks and bailiffs, Ch 144, §8(p634)

Vacancies filled, Ch 144, §6(p633)

Bailiff:

Appointment, salaries, Ch 144, §8(p634)

Bond approved and filed, Ch 144, §9(p634)

Nomination and election of officers, Ch 144, §12(p634)

Qualification of officers, term, Ch 144, §11(p634)

Salary, Ch 144, §46(p639)

Bonds, conditions, Ch 21, §4(p59)

Cases transferred to municipal court, Ch 144, §19(p635)

Change of venue, Ch 144, §23-al(p636)

Classification of causes of action, Ch 144, §26(p636)

Clerk of Courts:

Bond approved and filed, Ch 144, §9(p634)

Certification of records and transcripts, Ch 144, §21(p635)

Nomination and election of officers, Ch 144, §12(p634)

Pleadings filed, Ch 144, §25(p636)

Qualification of officers, term, Ch 144, §11(p634)

Salary, Ch 144, §46(p639)

Court buildings and grounds authorized, tax levy, Ch 144, §49(p639)

Criminal Cases:

Method of trial, Ch 144, §27(p636)

Election of officers, Ch 144, §10(p634)

Establishment:

Abolishment of inferior court, Ch 144, §17(p635)

Authority to establish, Ch 144, §1(p633)

Election to establish, procedure, Ch 144, §2-4(p633)

Polling places for election, Ch 144, §3(p633)

Transfer of cases and records to district court, Ch 144, §18(p635)

COURTS - continued

MUNICIPAL: - concluded

Fees, costs and expenses, Ch 144, §29(p636)

Information against person and conveyance, prohibition laws, Ch 35, §85-87(p587)

Judges:

Absence of judge, substitute, Ch 144, §22(p635)

Appointment by governor, Ch 144, §6(p633)

Instructions to jury, Ch 144, §38(p639)

Nomination and election of officers, Ch 144, §13(p634)

Number of judges, Ch 144, §5(p633)

Oath, authority to administer, Ch 25, §1(p68)

Qualifications required, duties, Ch 144, §7(p634)

Salary, Ch 144, §46(p639)

Vacancies filled, Ch 144, §6(p633)

Judgment liens, Ch 144, §40(p638)

Jurisdiction, concurrent with district court, Ch 144, §14(p634)

Jurisdiction in criminal matters, Ch 144, §15(p634)

Jurisdiction in re removal from office, Ch 23, §2(p64)

Jury:

Challenges and strikes, Ch 144, §37(p637)

Demand for jury trial, Ch 144, §36(p637)

Drawing, time, Ch 144, §33(p637)

Exemption after district court service, Ch 144, §35(p637)

Instructions by judge, Ch 144, §38(p638)

Jury commission, Ch 144, §30(p636)

Jury list, book, Ch 144, §31, 32(p637)

Length of service of jurors, Ch 144, §35(p637)

Mileage not allowed, Ch 144, §34(p637)

Number of jurors, Ch 144, §36(p637)

Summons by clerk, Ch 144, §34(p637)

Laws applicable, rules, Ch 144, §23(p635)

Law relative to, shall apply to special charter cities, Ch 124, §9(p509)

Orders of courts:

Change of venue, Ch 144, §23-al(p636)

Entry on record, Ch 144, §39(p638)

Powers of court and judges, Ch 144, §16(p635)

Practice and Procedure:

Appearance and answer of defendant, Ch 144, §26(p636)

Petition, time of filing, Ch 144, §25(p636)

Records transferred to municipal court, Ch 144, §20(p635)

Removal of officers, petition, Ch 23, §3(p64)

Reporter, appointment and fees, Ch 144, §43-45(p638)

Rooms and offices provided, Ch 144, §47(p639)

Rules of practice, Ch 144, §23(p635)

Sessions continuous, Ch 144, §23(p635)

Trial:

Judgment, Ch 144, §39-42(p638)

Pleadings, filing, Ch 144, §25(p636)

Witness fees, Ch 144, §28(p636)

REPORTER:

Expenses allowed during removal hearing, Ch 23, §23(p66)

Oaths, authority to administer, Ch 25, §1(p68)

Search warrant for fish and game violations issued, Ch 38, §12(p162)

COURTS -- concluded

SUPERIOR:

Abolishment, Ch 145, §6(p641)
Appointment by governor, term of office, Ch 145, §2(p640)
Conditions of other bonds, Ch 21, §4(p59)
Establishment, submission of proposition, Ch 145, §1(p640)
General election laws applicable, Ch 12, §19, 20(p23)

Judges:

Appointment, tenure, Ch 145, §3(p640)
Oath, authority to administer, Ch 25, §1(p68)
Vacancy, Ch 145, §4, 5(p640)
Nomination and election of judges, Ch 12, §18(p23)

SUPREME:

Abstract of record, time of filing, hearing, Ch 157, §6(p654)
Admission to bar, fees paid to clerk, Ch 157, §15(p656)
Appeal, dismissal or affirmance, Ch 157, §8(p655)
Appeal of compensation cases, Ch 28, §95(p110)
Appeal from order of fire marshal for removal or repair of fire hazard,
Ch 37, §22-al(p158)
Appeals, time for making, Ch 157, §2(p654)
Appeals not exceeding \$100, certificate required, Ch 157, §3(p654)
Bar admission requirements, Ch 157, §14(p655)

Clerk:

Admission to bar, fees, how used, Ch 157, §15(p656)
Appointment, Ch 156, §1, 2(p653)
Bonds, amount, Ch 21, §6(p60)
Causes docketed and assigned, Ch 157, §7(p654)
Certification of membership of court for contested state offices,
Ch 19, §2(p57)
Certified copy of appointment of outside judge to clerk, Ch 23,
§12(p65)
Delivery of papers to court of contest, Ch 19, §6(p58)
Notification of selection of supreme court, Ch 19, §3(p57)
Oaths, authority to administer, Ch 25, §1(p68)
Time of filing for outside judge, Ch 23, §11(p65)
Vacancies, how filled, Ch 24, §1(p67)
Docketing and filing by clerk, Ch 157, §7(p654)
General election laws applicable, Ch 12, §19(p23)

Judges:

Appointment of judge outside judicial district, Ch 23, §11(p65)
Authority to issue a written commission, Ch 23, §12(p65)
Conditions of other bond, Ch 21, §4(p59)
Contest relative to office of district judge, Ch 19, §5(p57)
Oath, authority to administer, Ch 25, §1(p68)
Selection of court for trial of contested offices, Ch 19, §2(p57)
Selection of membership of court for state office, Ch 19, §2(p57)
Term of office, Ch 11, §11(p20)
Motion for new trial, Ch 157, §1(p653)
Notice of appeal, coparties not joining, effect, Ch 157, §4(p654)
Notice of appeal, service, Ch 157, §5(p654)
Record, certification, Ch 157, §9(p625)
Records, abstract, time of filing, hearing, Ch 157, §6(p654)
Records, original papers, Ch 157, §10(p655)
Rehearing, notice, Ch 157, §11(p655)
Removal of public officers, hearing on appeal, Ch 23, §18, 19(p66)

COURTS - concluded

SUPREME: - concluded

Reporters:

Bond, amount, Ch 21, §6(p60)

Vacancies, how filled, Ch 24, §1(p67)

Vacancies in clerk and reporter's office, how filled, Ch 24, §1(p67)

COURTS OF RECORD:

Municipal court designated as court of record, Ch 144, §13(p64)

FOOD ESTABLISHMENTS

Defined as "food establishment", Ch 47, §1(p224)

Food establishment law, see main head FOOD ESTABLISHMENT

Food laws, see main head FOODS

CRIMES

BRIBERY:

Electors, penalty for bribery, Ch 175, §1(p788)

ESCAPES:

Punishment, Ch 180-a, §1(p823)

PROSTITUTION:

Maintaining house for prostitution, Ch 36, §1(p152)

CRIMINAL PROCEDURE

APPEALS:

County attorney's duties, Ch 160, §2(p659)

Notice of appeal, Ch 160, §1(p659)

Criminal actions, municipal court, Ch 144, §27(p636)

Fines, see main head FINES

Forfeitures, see main head FORFEITURES

GRAND JURY:

Contempt, penal provisions, Ch 170, §43(p782)

Drawing jurors, Ch 170, §61(p784)

Maximum service required, Ch 170, §36(p781)

Members, number from township limited, Ch 170, §37, 38(p781)

Number from township limited, Ch 170, §37(p781)

Panel selected from lists, procedure, Ch 170, §35(p781)

Reopening ballot box, after selection, Ch 170, §39(p782)

Summons to appear, Ch 170, §40-42(p782)

INDICTMENT: see main head INDICTMENT

Amendments, Ch 177, §2(p790)

Sufficiency, Ch 177, §1(p790)

INFORMATION, COUNTY ATTORNEY'S:

Amendments permitted, Ch 177, §2(p790)

Amendments to informations, Ch 177, §8(p791)

Application for amendment and notice, Ch 177, §3(p790)

Clerk of grand jury to assist county attorney, Ch 89, §9(p417)

Filing by county attorney, Ch 89, §3(p416)

Motion to set aside, grounds, Ch 89, §4(p417)

Time for making motion, Ch 89, §5(p417)

Unallowable amendment, Ch 177, §4(p790)

Witnesses fees, Ch 89, §10(p417)

Witnesses, subpoena, Ch 89, §6-8(p417)

JUDGMENT AND SENTENCE:

Commutation by governor, Ch 55, §507(p338)

CRIMINAL PROCEDURE

JURY:

- Challenges, peremptory, number, Ch 184, §1(p825)
- List prepared by clerk, Ch 184, §2(p826)
- Provisions applicable to criminal procedure see main head JURY

PARDONS:

- Citizenship, restoration, Ch 55, §517(p340)
- Conditions prerequisite, Ch 55, §511(p339)
- Copies of executive orders, Ch 55, §519-522(p340)
- Filing of records, Ch 55, §516(p340)
- Fines and forfeitures, remission, Ch 55, §518, (p340)
- Governors power not limited by parole law, Ch 55, §507(p339)
- Information, testimony, Ch 55, §514, 515(p339)
- Investigation of applications, Ch 55, §513(p339)
- Publication in re pardon, Ch 55, §512(p339)
- Recommendation by board of parole, Ch 55, §509(p339)
- Records of recommendations, filed, Ch 55, §510-al(p339)
- Soldiers, sailors and marines, Ch 55, §510(p339)

PAROLES:

- Board, for detailed index see main head STATE OFFICERS AND DEPARTMENTS, subhead PAROLE BOARD
- Clothing, transportation and money furnished, Ch 55, §496(p336)
- Court parole, Ch 55, §500-503(p336)
- Custody of paroled person, Ch 55, §490(p335)
- Employment for paroled persons, Ch 55, §489(p335)
- Governors power to grant, Ch 55, § 507, 509(p338)
- Parole relief fund, Ch 55, §497-499(p336)
- General disease limits rights, Ch 55, §406(p335)
- Violation, penalty, Ch 55, §503, 503-al(p337)

REPRIEVES:

- Copies in triplicate, Ch 55, §519(p340)
- Governors power to grant, Ch 55, §507, 508(p338)

DAIRIES

- Associations, for detailed index see main head ASSOCIATIONS, IOWA ENTERPRISES

DAIRY PRODUCTS

- Milk and cream, see main head FOODS

DAMAGES, see index heads applicable to party or thing damaged

DANGEROUS WEAPONS, see main head WEAPONS

DEAD BODIES, see main head DEATH

DEATH

- Certificate of death, see main head VITAL STATISTICS, subhead DEATH

CERTIFICATE

DEAD BODIES:

Burial:

- Fenalty for violations, Ch 164, §154(p695)
- Procedure when no person in charge of cemetery, Ch 164, §152(p694)

Burial permits:

- Burial in district other than place of death, Ch 164, §138(p692)
- Burial or removal permit, fees not allowed, Ch 164, §134(p692)
- Burial permit required, when, Ch 164, §127(p689)
- Burial permit, issuance, Ch 164, §133(p691)
- Communicable disease, death from, Ch 164, §136(p692)
- Contents, Ch 164, §137(p692)
- Definitions, Ch 164, §126(p689)
- Delivery of burial permit, Ch 164, §148(p694)
- Forged paper, Ch 164, §153(p694)
- Indorsement and return of burial permit, Ch 164, §150(p694)

DEATH

DEAD BODIES:

Burial:

- Penalty for violations, Ch 164, §154(p695)
- Record of burial to be kept, Ch 164, §151(p694)
- Sexton's duty, Ch 164, §149(p694)

Disinterment:

- Application for disinterment, Ch 164, §147-a2(p693)
- Authority under permit, Ch 164, §147-a5(p694)
- Autopsy, permit or court order required, Ch 164, §147-a1(p693)
- Delivery of disinterment permit, Ch 164, §148(p694)
- Granting of application, Ch 164, §147-a4(p694)
- Method of making disinterment, Ch 164, §147-a6(p694)
- Penalty for violation, Ch 164, §154(p695)
- Reburial, permit required, Ch 164, §147(p693)
- Sexton's duty, Ch 164, §149(p694)

Transportation:

- Burial permit required for imported bodies, Ch 164, §145(p693)
- Embalmer's certificate attached to box, Ch 164, §139(p692)
- Importation from outside state, Ch 164, §144(p693)
- Penalty for violations, Ch 164, §154(p695)
- Shipping papers carried by escort, Ch 164, § 140(p692)
- Shipping permit required issuance, Ch 164, § 142(p692)
- Shipment by express, Ch 164, § 141(p692)
- Shipments for scientific purposes, Ch 164, § 146(p693)

Use for Scientific Purposes:

- Bodies furnished to physicians, Ch 164, §156(p695)
- Delivery of bodies, Ch 164, § 155(p695)
- Disposal after dissection, Ch 164, § 159(p695)
- Failure to deliver dead body, penalty, Ch 164, §163(p696)
- Notice to relative or friend by institution, Ch 164, § 157,(p695)
- Notice to state department, Ch 164, § 157(p695)
- Penalty for violations, Ch 164, §165(p696)
- Purpose for which used, Ch 164, §162, (p696)
- Record and bodies subject to inspection, Ch 164, §161(p696)
- Record of receipt of dead bodies, Ch 164, §160(p695)
- Surrender of bodies to relatives, Ch 164, §158(p695)
- Use of dead body without proper record, penalty, Ch 164, §164(p696)

DEBTOR AND CREDITOR

- Examination of debtor, Ch 151, §1(p647)

DELINQUENT CHILDREN, for detailed index see main head MINORS

DENTISTRY

DENTISTS AND DENTAL HYGIENIST:

- Definition, Ch 167, §120(p767)
- Dental hygienists defined, Ch 167, §126(p768)
- Dental hygiene school, requirements, Ch 167, §128(768)
- Names of assistants to be posted, Ch 167, §123(p767)
- Persons not engaged in practice, Ch 167, §121(p767)
- Practice under own names, exceptions, Ch 167, §125(p767)
- Requirements for dental hygienists, Ch 167, §127(p768)
- Unlicensed dentists, employment prohibited, Ch 167, § 124(p767)
- Enforcement provisions of practice act, Ch 167, §87-92-a9(p759)

DENTISTRY

EXAMINATIONS FOR LICENSE TO PRACTICE:

- Applications, Ch 167, §28(p751)
- Candidates, list of names, Ch 167, §33(p752)
- Certificate of applicants, Ch 167, §38(p752)
- Clerk, duties and expenses, Ch 167, §37(p752)
- List of accredited schools kept, Ch 167, §29-30(p751)
- Notice of time and place, Ch 167, §28-al(p751)
- Partial examinations, rules, Ch 167, §39-40(p752)
- Professional schools, data furnished, Ch 167, §31(p751)
- Quorum for conducting, Ch 167, §36(p752)
- Records, preservation, Ch 167, §41(p753)
- Rules for conducting and grading, Ch 167, §34, 35(p752)
- Time and place, Ch 167, §32(p751)

EXAMINING BOARD:

- Appointment by governor, Ch 167, §11(p749)
- Compensation, Ch 167, §23, 24(p750)
- Composition of examining board, Ch 167, §13(p749)
- Continuation of terms of present examiners, Ch 167, §144(p771)
- Continuation of present rules and regulations, Ch 167, §154(p772)
- Definition, Ch 167, §1(p747)
- Designation of examining board, Ch 167, §12(p749)
- Nomination of examiners, Ch 167, §19(p750)
- Qualifications of examiners, Ch 167, §14-17(p749)
- Quarters furnished by executive council, Ch 167, §26(p750)
- Supplies, Ch 167, §25(p750)
- Surrender of public records upon taking effect of this chapter, Ch 167, §150-151(p772)
- Term of examiners, Ch 167, §18(p749)
- Time title takes effect, Ch 167, §155(p773)
- Transaction of business by mail, Ch 167, §22(p750)
- Vacancies, Ch 167, §20(p750)

LICENSES:

- Age and character qualifications, Ch 167, §3(p748)
- Certificate presumptive evidence of right to practice, Ch 167, §6(p748)
- Display of license, Ch 167, §7(p748)
- Existing licenses renewed, Ch 167, §152(p772)
- Fees for licenses, Ch 167, §79-82(p758)
- Forgery and fraud, penalty, Ch 167, §84-86(p759)
- Grounds for refusing, Ch 167, §4(p748)
- License required, Ch 167, §2(p748)
- Notice of change of residence, Ch 167, §9(p749)
- Reciprocal agreements, continuation, Ch 167, §153(772)
- Reciprocal licenses, Ch 167, §42-52(p753)
- Record, open to public inspection, Ch 167, §8(p748)
- Renewal of licenses, Ch 167, §10-10-al(p748)
- Required for practice, Ch 167, §83.(p759)
- Requirements for license, Ch 167, §122(p767)
- Revocation of license, grounds, Ch 167, §53-69(p755)
- Use of titles and degrees, Ch 167, §70, 71(p757)

DEPOSITIONS

Civil cases, see main head CIVIL PROCEDURE

DEPOSITS

BANK DEPOSITS; see main head BANKS AND BANKING

DEPOSITS OF PUBLIC FUNDS; see main head PUBLIC FUNDS

DEPUTIES; see main head COUNTY OFFICERS AND DEPARTMENTS

DISEASES

Animal diseases, see main head ANIMAL, subhead HEALTH

CONTAGIOUS DISEASES:

Care of infected persons, Ch 164, §60(p682)

Claims, approval by local board, Ch 164, §83(p684)

Definitions, Ch 164, §56(p681)

Detentions Hospitals:

Bonds to erect, tax levy, Ch 95, §28(p434)

Bond issue, Ch 164, §100, 101(p687)

County hospitals, management and control, Ch 95, §7-20(p430)

County hospitals, petition to establish, Ch 95, §2(p429)

Detention of venereal cases, Ch 164, §97(p686)

Erection and equipment of hospital, Ch 95, §27(p434)

Establishment of detention hospitals, Ch 164, §98(p686)

Issuance of bonds for county hospitals, Ch 95, §4(p430)

Jurisdiction of local board of health, Ch 164, §73(p683)

Location, how determined, Ch 164, §74(p683)

Management and control, Ch 95, §29(p434)

Physician and attendants for hospital, Ch 164, §102(p687)

Tax levy for detention hospitals, Ch 164, §99(p686)

Termination of isolation, Ch 164, §104(p687)

Disinfection, Ch 164, §77-78(p684)

Fees to officers for removing for isolation, Ch 164, §68(p683)

Forcible isolation, procedure, Ch 164, §67(p683)

Instruction to persons quarantined, Ch 164, §65(p682)

Medical attendance and supplies for quarantined persons, Ch 164, §79-81(p684)

Payments of claims, Ch 164, §85, 86(p685)

Penalties, Ch 164, §87, 88(p685)

Placard diseases not quarantined, Ch 164, §62(p682)

Removal of infected person to another jurisdiction, Ch 164, §69(p683)

Removal of infected person to residence, Ch 164, §70-72(p683)

Supplies and services authorized by local board of health, Ch 164, §82(p684)

Temporary isolation hospitals, established, Ch 164, §66(p682)

Temporary quarantine pending diagnosis, Ch 164, §64(p682)

Termination of quarantine, Ch 164, §75, 76(p684)

VENEREAL DISEASES:

Circulars of information, laws, forms, Ch 164, §95(p686)

Definition, Ch 164, §89(p685)

Druggists to keep record of remedies sold, Ch 164, §115(p688)

Examination by physician other than health officers, Ch 164, §106(p687)

Examination of women, Ch 164, §107(p687)

Expenses of isolation, payment, Ch 164, §109(p688)

False information, penalty, Ch 164, §93(p686)

Fee for making examination, Ch 164, §108(p687)

Former physician to be notified, Ch 164, §92(p686)

Health officer to make examination, Ch 164, §120(p689)

Identity of patient, conditions under which name is reported to local board, Ch 164, §94(p686)

DISEASES - concluded

VENEREAL DISEASES: - concluded

- Identity of persons confidential, Ch 164, §114(p688)
- Information circular furnished to person by doctor, Ch 164, §91(p685)
- Inspection of suspected cases, Ch 164, §119(p689)
- Isolation in detention hospital, Ch 164, §97(p686)
- Minors, parents responsible, Ch 164, §113(p688)
- Penalty for violation, Ch 164, §125(p689)
- Penalty for failing to report, Ch 164, §118(p689)
- Penalty for transmitting disease, Ch 164, §117(p688)
- Physicians report to local board required, Ch 164, §90(p685)
- Power of local board in certain cases, Ch 164, §96(p686)
- Prophylactic treatment of eyes of new born babies, Ch 164, §122-124 (p689)
- Release on bond of infected person, Ch 164, §110-112(p688)
- Suppression of prostitution, certificates, Ch 164, §116(p688)
- Temporary isolation of suspects, Ch 164, §121(p689)
- Test for infectiousness, Ch 164, §105(p687),
- Warning signs, Ch 164, §57-59(p681), §63(p682)

DISTRICT

CONGRESSIONAL:

Proclamation, notice of election, Ch 11, §3(p19)

JUDICIAL:

Proclamation, notice of election, Ch 11, §3(p19)

LEGISLATIVE:

Proclamation, notice of election, Ch 11, §3(p19)

DISTRICT COURT, see main head COURTS, subhead DISTRICT COURT

DOCKS AND WHARVES, see main head MUNICIPAL CORPORATIONS, subhead DOCKS AND WHARVES

DOCTORS, see main head PHYSICIANS AND SURGEONS

DOMESTIC, see main head DOMESTIC SCIENCE

DOMESTIC SCIENCE

Taught in public schools, Ch 70, §26(p379)

DRAINAGE AND LEVEL DISTRICTS

BONDS:

- Amount, maturity, interest fixed by board, Ch 126, §71(p537)
- Amount, maturity, rate of interest, Ch 126, §66(p536)
- Appeals from action of the board, Ch 126, §72 - 86-al(p537)
- Drainage bond, contents, Ch 126, §69(p536)
- Payment before issuance, limited, Ch 126, §68(p536)
- Pumping station funding bonds, see subhead PUMPING STATIONS, below
- Selling price, Ch 126, §67(p536)
- Time of issuance, Ch 126, §64, 65(p536)

CITY OR TOWN WITHIN DISTRICT:

- Assessments in cities and towns, Ch 126, §169, 170(p553)
- Jurisdiction relinquished to city, Ch 126, §172-175(p553)
- Notice of petition to establish, Ch 126, §168(p552)

Coal and mineral lands and mines, see main head COAL, MINERAL, MINES AND MINING

COUNTY DISTRICTS:

- Abandonment by contractor, procedure, Ch 126, §91(p539)
- Advertisement for bids, Ch 126, §33-36(p538)
- Annexation of additional lands, Ch 126, §103-108(p541)
- Assessment and collection from highway funds, Ch 126, §43(p531)
- Assessment of benefits, time of making, Ch 126, §39(p530)
- Assessors of benefits, compensation, Ch 126, §138(p547)
- Assessments of damages, Ch 126, §25-32(p536)
- Bases of assessment for lateral ditches and drains, Ch 126, §41(p530)

DRAINAGE AND LEVEE DISTRICTS

COUNTY DISTRICTS:

- Board of supervisors to establish drainage districts, Ch 126, §1(p532)
- Commissioners duties, Ch 126, § 39(p530)
- Commissioners to apportion district benefits, Ch 126, §116-a4 - 116-a6 (p544)
- Commissioners to classify and assess, appointment, Ch 126, §38(p529)
- Commissioners report, hearing, Ch 126, §44-46(p531)
- Common outlets, improvements, Ch 126, §116-a3(p544)
- Construction across public utilities, Ch 126, §100-102(p541)
- Construction across railroad, Ch 126, §96-99(p540)
- Construction of statutes, liberal, Ch 126, §144(p548)
- Construction on or along highway, Ch 126, §94, 95(p540)
- Construction work, payment, monthly engineer's estimates, Ch 126, §87 (p539)
- Contract, new, suit on bond, Ch 126, §92(p540)
- Contracts, Ch 126, §37(p529)
- Control, repair of district, duties of supervisors, Ch 126, §116 - 116-a2(p543)
- Counsel employed by board of supervisors, Ch 126, §136(p547)
- Definition of levee, Ch 126, §3(p522)
- Engineers survey, Ch 126, §13(p524)
- Engineer, appointment, compensation, bond, assistants, Ch 126, §9-12 (p524)
- Establishment by mutual agreement, Ch 126, §123-127(p545)
- Excess levy, return, Ch 126, §51-a1(p533)
- Expenses, preliminary, how paid, Ch 126, §134(p546)
- General rules of classification, Ch 126, §40(p530)
- Improvement Certificates:
 - Authority of supervisors to issue, Ch 126, §60(p535)
 - Board of trustees, power to issue, Ch 126, §210(p563)
 - Form and negotiability, Ch 126, §61(p535)
 - Interest rate fixed, Ch 126, §62(p535)
 - Sale at par required, Ch 126, §63(p535)
- Inspection by engineer, fees, Ch 126, §142(p548)
- Land bought at tax sale, management, Ch 126, §141(p547)
- Location of drain across railroad right of way, Ch 126, §5(p523)
- Location of levees and drains, general rule, Ch 126, §4(p523)
- New district, including old, established by board, Ch 126, §109, 110 (p542)
- Notice of half completion, completion, Ch 126, §50(p533)
- Notices by publication, fees allowed, Ch 126, §139, 140(p547)
- Obstructing or damaging, penalty, Ch 126, §131(p546)
- Obstruction, abatement as nuisance, Ch 126, §132(p546)
- Obstruction, damages, double for wilful obstruction of improvements, Ch 126, §130(p546)
- Outlet for lateral drains, specification, Ch 126, §120(p544)
- Outlet in adjoining state, right of way, Ch 126, §129(p546)
- Outlet in adjoining county, purchase, Ch 126, §128(p546)
- Payments by installment, waiver, Ch 126, §49 - 49-a1, 51 - 51-a1(p533)
- Payment of assessments before bond issue, Ch 126, §48(p532)
- Payment on completion, Ch 126, §90(p539)
- Petition for establishment of district, requisites, Ch 126, §6(p523)
- Petition for straightening creek or river, Ch 126, §7-8a1(p533)

DRAINAGE AND LEVEE DISTRICTS - continued

COUNTY DISTRICTS: - concluded

Presumption as to agricultural lands, Ch 126, §2(p522)
Procedure on petition to establish, Ch 126, §15-24(p524)
Railroad assessment collection, Ch 126, §42(p530)
Reclassification of land for assessment, Ch 126, §54, 55(p534)
Record of drainage taxes, Ch 126, §47(p532)
Removal of obstructions, Ch 126, §117, 119(p544)
Report of completion, Ch 126, §88, 89(p539)
Report of engineer, Ch 126, §14(p524)
Subdistricts in intercounty district, Ch 126, §52(p515)
Tax sale, land purchased from district fund, Ch 126, §141(p547)
Warrants, see subhead WARRANTS, below
Watchmen for levees, compensation, Ch 126, §143(p548)

DISTRICT CONNECTING WITH UNITED STATES LEVEES:

Applicable, statutes, Ch 126, §250(p570)
Assessments, payable in annual installments, Ch 126, §249-a2(p570)
Costs assessed, Ch 126, §249-a1(p570)
Engineer's plan and report, Ch 126, §249(p569)
Federal cooperation with supervisors, Ch 126, §247, 248(p569)
Maintenance cost, Ch 126, §249-a4(p570)
Tax collection, Ch 126, §249-a3(p570).

DISTRICT TRUSTEES:

Ballots for trustees, Ch 126, §198(p561)
Ballots, form, Ch 126, §212(p563)
Bonds, approval, Ch 126, §206(p563)
Canvass of votes, Ch 126, §199, 200(p561)
Change to supervisor management, Ch 126, §215-220-a1(p564)
Compensation, verified statements, Ch 126, §214(p564)
Cost and expenses paid, Ch 126, §209(p563)
District divided into election districts, Ch 126, §188, 202(p560)
Election districts, plat, Ch 126, §189(p560)
Elections, how conducted, Ch 126, §203(p562)
Elections, time of holding, Ch 126, §204(p562)
Eligibility of trustees, Ch 126, §190(p560)
Improvements certificates and bonds, power to issue, Ch 126, §210(p563)
Inter-county district, petition for election, Ch 126, §187(p559)
Management authorized, Ch 126, §185(p559)
New owner entitled to vote, Ch 126, §193(p560)
Notice of election, Ch 126, §191(p560)
Organization, selection of clerk, Ch 126, §207(p563)
Petition, election, judges and clerks, Ch 126, §186(p559)
Powers and duties generally, Ch 126, §208(p563)
Qualification of voters, Ch 126, §194(p560)
Reassessment of benefits, Ch 126, §211(p563)
Reports, recording, publication, Ch 126, §213(p564)
Term of office, Ch 126, §201, 201-a1(p562)
Vacancies, how filled, Ch 126, §205(p562)
Vote by agent, power of attorney, Ch 126, §196(p561)
Vote by person under legal disability, Ch 126, §197(p561)
Vote on assessment basis, Ch 126, §192(p560)
Votes, number determined by assessment, Ch 126, §195(p561)

Highway districts, Ch 126, §175-a1, 175-a2(p554), see also main head HIGHWAYS,
subhead DRAINAGE

INTER-COUNTY DISTRICT:

Appraisers appointed, duties, Ch 126, §151(p549)
Bonds, issuance, Ch 126, §157(p550)

DRAINAGE AND LEVEE DISTRICTS - continued

INTER-COUNTY DISTRICT: - concluded

Commissioners to assess, Ch 126, §154(p550)
Commissioners to investigate and report, duties, Ch 126, §147(p548)
Contracts, bids, letting, Ch 126, §160, 161(p551)
Damages, claims filed, Ch 126, §150(p549)
Engineer, appointment, duty, Ch 126, §147, 148(p548)
Establishment by district court, Ch 126, §164-166(p551)
Establishment, petition filed in several counties, Ch 126, §146(p548)
General law applicable, Ch 126, §167, 167-al(p552)
Hearing, notice, procedure, Ch 126, §149, 151(p549)
Meeting of joint boards, place, time, Ch 126, §152(p550)
Payment monthly on estimate, Ch 126, §162(p551)
Payment on completion of work, Ch 126, §163(p551)
Supervision by boards, Ch 126, §151-156(p549)
Supervising engineers, duties, Ch 126, §158, 159(p551)
Tax levied and collected, Ch 126, §156(p550)
Voting power of boards equalized, Ch 126, §153(p550)

INTERSTATE DISTRICT:

Agreement as to costs, Ch 126, §252(p571)
Assessments, bonds, costs, Ch 126, §256(p571)
Contracts let by joint agreement, Ch 126, §253(p571)
Contracts, separate, Ch 126, §254, 255(p571)
Cooperation with other state, Ch 126, §251(p571)

PRIVATE DRAINAGE SYSTEM:

Individual drainage rights, Ch 126, §221-246(p566)

PUMPING STATION:

Additional pumping stations, Ch 126, §178(p556)

Bonds:

Authorization to board to issue, Ch 126, §184-al(p557)
Form and denomination of bonds, Ch 126, §184-a2(p557)
Funds available to pay, Ch 126, §184-a9(p559)
Indebtedness adjusted, Ch 126, §184-al(p557)
Limitation, action attacking validity, Ch 126, §184-a10(p559)
Numbering and signing of bonds, interest coupons, Ch 126, §184-a3(p558)
Purpose for which bonds issued, Ch 126, §184-a8(p559)
Registration record, Ch 126, §184-a5(p558)
Resolution of board required, printed on bonds, Ch 126, §184-a4(p558)
Sale of bonds, use of proceeds, Ch 126, §184-a6(p558)
Tax levy to pay, Ch 184-a7(p558)

Establishment, Ch 126, §177(p556)

Hearing on division of districts, jurisdiction, Ch 126, §179-180(p556)

Maintenance tax, apportionment, Ch 126, §182(p557)

Petition, procedure, Ch 126, §177(p556)

Settling basin channel, purchased or condemned, Ch 126, §184(p557)

Transfer of pumps, Ch 126, §178(p556)

Trustees, election, appointment, Ch 126, §183(p557)

Trustees, election, term of office, Ch 126, §201-al(p562)

WARRANTS:

Nonpayment for lack of funds, Ch 126, §57, 58, 59(p535)

Payments of assessments with warrants, Ch 126, §57(p535)

DRUGS

Abortifacients, Ch 166, §120-a20 - 120-a22(p745)

ADDICTS:

Commitment of addicts, Ch 55, §207(p295)

Insanity law applicable to addicts, Ch 55, §208-211(p296)

Parole of inmates, Ch 55, §209(p296)

Place of commitments, Ch 55, §210(p296)

DRUGS - concluded

ADDICTS:

Term of commitment, Ch 55, §209(p296)

ADULTERATION AND LABELING:

Adulteration defined, Ch 166, §115(p741)

Drug defined, Ch 166, §115(p741)

Labeling requirements, Ch 166, §117, 119(p741)

Building deemed nuisance if used for storage or by addicts, Ch 166, §120-a13 - 120-a19(p744)

Drugs defined, Ch 166, §115(p741)

Itinerant vendor defined, Ch 166, §119-a1(p742)

Liquors, see main head INTOXICATING LIQUORS, subhead wholesale druggist

NARCOTICS:

Commitment of addicts, Ch 55, §207(p296)

Confiscation of narcotics, procedure, Ch 166, §120-a9 - a10(p744)

Defined, Ch 166, §120-a1(p742)

Illegal purchase, prima facie evidence, Ch 166, § 120-a3(p743)

Possession prohibited, exceptions, Ch 166, §120-a4, 120-a5(p743)

Sale permitted, Ch 166, §120-a3(p743)

Sale prohibited, Ch 166, §120-a2(p743)

Vehicles used in violations of law, confiscation, procedure, Ch 166, §120-a11-a12(p744)

Penal provisions, Ch 166, §120-a18 - a19(p745)

Pharmacists, see main head PHARMACY

POISONS:

Exceptions, applicability of law, Ch 166, §120-a5-a7(p743)

Fraud in obtaining, Ch 166, §120-a23(p746)

Labeling requirements, Ch 166, §120-a26(p746)

Poison register kept, contents, Ch 166, §120-a25(p745)

Sale, regulation, Ch 166, §120-a24(p745)

Proprietary drugs, sale, Ch 164, §115(p688), Ch 166, §120-a27(p746)

DRUNKENNESS

Action for care of intoxicated person, Ch 35, §119(p747)

Commitments to institutions, Ch 55, §207(p296)

DRUGS TRUCKS, see main head SUBPOENAS:

EDUCATION

Educational examining board, for detailed index see main head STATE OFFICERS AND DEPARTMENTS, subhead EDUCATIONAL EXAMINERS, STATE

Private schools, see main head SCHOOLS AND SCHOOL DISTRICTS, subhead PRIVATE SCHOOLS

Public instruction, state superintendent, for detailed index see main head STATE OFFICERS AND DEPARTMENTS, subhead PUBLIC INSTRUCTION, SUPERINTENDENT OF

Public, see main head SCHOOLS AND SCHOOL DISTRICTS, subhead PUBLIC SCHOOLS
State board of education, see main head STATE INSTITUTIONS, subhead BOARD OF EDUCATION

State University, for detailed index see main head STATE INSTITUTIONS, subhead UNIVERSITY, STATE

Vocational education, for detailed index see main head VOCATIONAL TRAINING AND REHABILITATION

ELECTIONS:

ABSENT VOTERS:

Affidavit as registration, Ch 16, §11, 14(p51)

Applicability of law to voting machine use, Ch 16, §31(p54)

Application for ballot, where made, Ch 16, §2-7, (p49)

Ballots cast, procedure, Ch 16, §21, 22(p53)

ELECTIONS - continued

ABSENT VOTERS: - concluded

- Ballot furnished to applicants, Ch 16, §8-10(p51)
- Ballots rejected, how handled, Ch 16, §23-25(p53)
- Ballot returned to auditor, Ch 16, §15(p52)
- Blanks for application, officers to furnish, Ch 16, §3(p50)
- Challenged for cause, Ch 16, §29(p54)
- Deceased voter, ballot rejected, Ch 16, §30(p54)
- Delivery of completed ballot to auditor, Ch 16, §15-17(p52)
- Form of blank application for ballot, Ch 16, §4(p50)
- General penalty clauses, Ch 16, §33, 34(p54)
- False affidavit, penalty, Ch 16, §32(p54)
- Marking of ballots, secrecy required, Ch 16, §13(p52)
- Mailing or delivery of ballot, Ch 16, §15(p52)
- Party affiliation stated in primary, Ch 16, §7, 12(p52)
- Penalty for false affidavit, Ch 16, §6(p50)
- Persons eligible, Ch 16, §1(p49)
- Receipt given when ballots personally received, Ch 16, §19(p53)
- Voting machines, ballot count, Ch 16, §22(p53)

ABSTRACT OF VOTES:

State:

- Canvassing board, executive council to act, Ch 15, §29(p49)
- Governor and lieutenant governor, delivery of abstract, Ch 15, §27 (p48)

- Opening of abstracts, general procedure, Ch 15, §28(p48)

BALLOT BOXES:

- Auditor to furnish each precinct, Ch 14, §24, 25(p32)
- Casting of ballots, Ch 16, §21(p53)
- Counting boards, duties, Ch 14, §99-al(p42)
- Depositing ballot, Ch 14, §81(p39)
- Expenses paid by county, Ch 14, §114(p44)
- Receiving boards, duties, Ch 14, §99-al(p42)
- separate ballots and boxes for township officers, Ch 14, §25(p32)

BALLOTS:

- Absent voters ballots mailed by auditor, Ch 16, §8(p51)
- Acts prohibited on election day, Ch 14, §103(p42)
- Arrangement of nominees, Ch 14, §29(p32)
- Arrangement of names, Ch 14, §33(p33)
- Candidates all on one ballot, exception, Ch 14, §28, 30, 49(p32)
- Casting of ballots, Ch 16, §21(p53)
- Certification in excess of poll list, Ch 15, §6(p46)
- Checking of voters name, Ch 14, §78(p39)
- Columns, lists of candidates separated, Ch 14, §34(p33)
- Constitutional amendments, forms, Ch 14, §40-46(p34)
- Cost of printing ballots in presidential years, Ch 14, §53(p36)
- County auditor to control printing, Ch 14, §48(p35)
- Counting ballots, Ch 14, §94(p41)
- Counting boards, duties, Ch 14, §99-al(p42)
- Deceased voter, rejection, Ch 16, §30(p54)
- Defective ballots indorsed, by judge, Ch 15, §3, 4(p45)
- Delivery to judges, Ch 14, §52(p36)
- Destruction of ballots, Ch 15, §11-13(p46)
- Destruction or removal prohibited, Ch 14, §107(p43)
- District judge nominees, Ch 14, §38(p33)

ELECTIONS - continued

BALLOTS:- concluded

- Double ballots rejected, Ch 15, §3(p45)
- Dual nomination, Ch 14, §36, 37(p33)
- Electors names not on ballot, Ch 14, §30(p32)
- Form of ballot, Ch 14, §41, 42(p35)
- Form of official ballot, Ch 14, §39(p34)
- Furnished to voters, Ch 14, §73(p38)
- Indorsement and delivery, Ch 14, §47(p35)
- Indorsement of ballot by judge, Ch 14, §78(p39)
- Inspection of printing, correction, Ch 14, §60(p37)
- Instruction to voters by attorney general, Ch 14, §65(p37)
- Instruction cards, sample ballots posted, Ch 14, §68(p38)
- Manner of marking, Ch 14, §43, 44(p35)
- Marking and return of ballot, Ch 14, §80(p39)
- Marking of ballots, Ch 16, §13(p52)
- Marking when public measure voted on, Ch 14, §43(p35)
- Maximum cost of printing, Ch 14, §53(p36)
- Method and style of printing, Ch 14, §54(p36)
- Name to appear but once, Ch 14, §35(p33)
- Nominees for judge of district court, Ch 14, §38(p33)
- Nonparty candidates, statutes, Ch 14, §33-al(p33)
- Notice on public measure, Ch 14, §44(p35)
- Objections to ballots, Ch 15, §4(p4)
- Official neglect or misconduct, Ch 14, §109(p43)
- Order of party nominees, Ch 14, §29-33(p32)
- Packing, delivery, Ch 14, §62(p37)
- Party affiliation, when shown, Ch 16, §12(p52)
- Persons permitted at polling places, Ch 14, §100(p42)
- Preservation, destruction after election, Ch 15, §10-13(p47)
- Prohibited ballot, taking ballot from polling place, Ch 14, §83(p39)
- Publication of official ballot cost, Ch 14, §51(p36)
- Publication of nomination list, Ch 14, §69(p38)
- Public measures, form, Ch 14, §40-46(p34)
- Public measure printed on same ballot, Ch 14, §45, 46(p35)
- Receipt given by judges, preservation, Ch 14, §62(p37)
- Receiving boards, duties, Ch 14, §99-al(p42)
- Refusal to return, penalty, Ch 16, §33(p54)
- Rejection, return of envelope, Ch 16, §25(p54)
- Rejected ballots, how handled, Ch 16, §24(p54)
- Reserve supply, distribution, form, Ch 14, §63, 64(p37)
- Separate ballots and boxes for township officers, Ch 14, §25(p32)
- Separate returns of disputed ballots, Ch 15, §5(p45)
- Subscribing oath and inclosing ballot, Ch 16, §14(p53)
- Supplies furnished by auditor, Ch 14, §26(p32)
- Time for printing, inspection and correction, Ch 14, §60(p37)
- Township nominees on special ballot, Ch 14, §25, 49(p32)(p35)
- United states senatorial candidates listed, Ch 14, §32(p33)
- Vacancy nominees, Ch 14, §55-59(p36)
- Voter challenged, Ch 14, §75(p39)
- Voting by ballot, Ch 14, §27(p32)

CANVASS OF VOTES:

- Ballots in excess of poll list, tie vote, effect, Ch 15, §6-8(p46)
- Candidate for president and vice president of U. S., Ch 17, §3(p55)

ELECTIONS - continued

CANVASS OF VOTES: - concluded

- City or township boards, duties, membership, Ch 15, §17-19(p47)
- Declaration and certification of election, Ch 15, §2(p45)
- Disputed ballots returned separately, Ch 15, §5(p45)
- Poll and registration books, Ch 15, §14, 15(p47)
- Proclamation of result, Ch 15, §9(p46)
- Public canvass by judges, Ch 15, §1(p45)
- Return and preservation of ballots, Ch 15, §10(p46)
- Certification of presidential nominees, Ch 17, §5(p55)

CERTIFICATE OF ELECTION:

- Abstracts forward to Secretary of state, Ch 15, §23(p43)
- City or town or township officers, Ch 15, §18(p47)
- Issuance of, by judge, Ch 15, §2(p45)

CITY ELECTION:

- Absent voter, right to vote, Ch 16, §1(p49)
- Books and supplies furnished, Ch 13, §5(p24)
- City or town, see also main head MUNICIPAL CORPORATION, subhead ELECTIONS

- Consolidation of precincts, Ch 13, §4(p24)
- Effect of consolidation, Ch 13, §6(p24)
- Expenses of registers and supplies for city, Ch 13, §13(p25)
- Form of registry books, Ch 13, §12(p25)
- Notice of boundaries of precincts, Ch 14, §11(p38)
- Notice of registration, publication, Ch 13, §10, 11(p25)
- Oath of registers, Ch 13, §8(p24)
- Place of voting, Ch 14, §9(p30)
- Printing of ballots for election, Ch 14, §50(p35)
- Promise of influence or position, penalty, Ch 14, §116-118(p44)
- Qualification of registers, Ch 13, §7(p24)
- Statement of expenses of candidates, penalty for violation, Ch 18, §1-8(p56)
- Term and compensation of registers of voters, Ch 13, §9(p24)
- Time of meeting of registers, Ch 13, §16(p26)

CLERKS OF ELECTION:

- Compensation, Ch 14, §20(p31)
- Counting ballots, duties, Ch 14, §99-a1(p42)
- Disorderly persons arrested, Ch 14, §101(p42)
- Limited authority to administer oaths, Ch 25, §2(p68)
- Memorandum of assistance to voter, Ch 14, §87(p40)
- Number on board, Ch 14, §12(p40)
- Oath, how administered, Ch 14, §71, 72(p38)
- Opening and closing of polls, Ch 14, §70(p38)
- Preservation and return of ballots, Ch 15, §10(p46)
- Receiving of voters ballot, Ch 16, §17(p53)
- Recording voters names, Ch 14, §79(p39)
- Result of election, proclamation, Ch 15, §9(p26)
- Tally list of election count, Ch 15, §1(p45)
- Constables duties, Ch 14, §111, 112(p44)

CONTESTS:

County board of canvassers:

- Abstract of votes for governor and lieutenant governor, how indorsed, Ch 15, §24(p48)
- Abstracts sent to secretary of state, Ch 15, §23-25(p48)
- Declaration and certificate of election, Ch 15, §23(p48)

ELECTIONS - continued

CONTESTS: - concluded

County board of canvassers: - concluded

Duplicate abstracts, requirements, Ch 15, §21(p48)

Missing returns, procedure, Ch 15, §20(p47)

Court for trial:

Selection of contest judges, Ch 19, §1, 2(p57)

Notice to incumbent, Ch 19, §8(p58)

State board of canvassers:

Congressman's certificates issued, Ch 15, §31(p49)

Procedure of board, Ch 15, §30(p49)

State officers:

Court, how selected, Ch 19, §1-5(p57)

Limitation on hearing for state office, Ch 19, §7(p58)

Trial procedure, Ch 19, §6-8(p58)

Voters required to testify, Ch 49, §1(p243)

COUNTING OF BALLOTS:

Applicability of law to election of United States Senators, Ch 14, §32
(p33)

Disorderly conduct at polls, Ch 14, §101(p42)

Drainage districts, see main head DRAINAGE DISTRICTS AND LEVEES DISTRICTS,
subhead DISTRICT TRUSTEES

Superintendent of public instruction, Ch 11, §12(p20)

Electioneering prohibited near polls, Ch 14, §103(p42)

Erection and equipment of memorials, Ch 10, §4(p16)

EXPENSES:

Candidates expenses, Ch 18, §1-8(p56)

Payment by city, county or state, Ch 14, §114(p44)

GENERAL ELECTION:

Absent voters, right to vote, Ch 16, §1(p49)

Books and supplies furnished, Ch 13, §5(p24)

Consolidation of precincts, Ch 13, §4(p24)

Destruction of ballots, Ch 15, §11(p46)

Effect of consolidation, Ch 13, §6(p24)

Effect of excess ballots, Ch 15, §7(p46)

Election expenses paid by county, Ch 14, §114(p44)

Form of registry books, Ch 13, §12(p25)

Form of reserve supply of ballots, Ch 14, §64(p37)

Limitation on expenses of candidates for office, Ch 18, §7(p57)

Oath of registers, Ch 13, §8(p24)

Penalty for excessive spending by candidates, Ch 18, §8(p56)

Presidential electors, time of election, qualifications, Ch 17, §1(p55)

Promise of influence, penalty, Ch 14, §116-118(p45)

Qualifications of registers, Ch 13, §7(p24)

Refusal to allow employees time to vote, intimidation, Ch 14, §105, 106
(p42)

Residence in precinct not applicable, Ch 16, §5(p50)

Senatorial vacancy, filled by governor, Ch 24, §1(p67)

Statement of election expenses of candidates, Ch 18, §1-2(p56)

Statement of receipts and expenses of candidates, filing of, Ch 18, §4
(p56)

Term and compensation of register, Ch 13, §9(p24)

Time of destruction of primary election ballots, Ch 15, §12(p46)

Time for holding, Ch 11, §1(p19)

Time of meeting of registers of voters, Ch 13, §16(p26)

Time of publication of register of voters, Ch 13, §11(p25)

ELECTIONS - continued

JUDGES OF ELECTION:

Absent voter, legality of vote, Ch 16, §29(p54)
Ballot, duties in re counting, Ch 14, §99-al(p42)
Ballots furnished to voter, Ch 14, §73(p38)
Ballots defective, indorsement, Ch 16, §23, 24, 25(p53)
Ballots, indorsement and delivery, Ch 14, §47(p35)
Ballots of deceased voter, rejection, Ch 16, §30(p54)
Ballots rejected, Ch 16, §20(p53)
Canvass of voters after poll is closed, Ch 15, §1(p45)
Cards of instruction posted, Ch 14, §68(p38)
Casting of ballots, Ch 16, §21(p53)
Certification of election of United States senator, Ch 14, §32(p33)
Constables appointed by judges, Ch 14, §111(p44)
Councilmen, judges of, Ch 14, §13(p30)
Counting of objected ballots, Ch 15, §4(p45)
Delivery of ballots, Ch 14, §52, 62(p36), Ch 16, §17(p53)
Depositing ballots, Ch 14, §81(p39)
Disorderly person arrested, penalty, Ch 14, §101, 102(p42)
Disputed ballots, returned separately, Ch 15, §8(p45)
Election boards, membership, Ch 14, §12-19(p30)
Examination on challenge, Ch 14, §76(p39)
Form of reserve supply of ballots, Ch 14, §64(p37)
Furnishing name of vacancy nominee, Ch 14, §58(p36)
Instructions received, posted, Ch 14, §67, 68(p38)
Issuance of certificates of elections, Ch 15, §2(p45)
Limited authority to administer oaths, Ch 25, §2(p68)
Marking and return of ballot, Ch 14, §80(p39)
Misconduct in general, penalty, Ch 14, §115(p44)
Number of ballots to be delivered, Ch 14, §61(p37)
Oaths administered by judges, Ch 14, §25(p32)
Oath of judges, how administered, Ch 14, §71, 72(p33)
Oath in case of challenge for voting, Ch 14, §77(p39)
Official neglect or misconduct, penalty, Ch 14, §109(p43)
Polls, time of opening and closing, Ch 14, §70(p38)
Order at polls, how preserved, Ch 14, §110-112(p43)
Preserving ballots and application, Ch 16, §16(p52)
Prohibited ballot, instruction, Ch 14, §83(p39)
Qualifications required of judges, Ch 14, §12-14(p30)
Additional members, how chosen, Ch 14, §15-17(p31)
Rejection of double ballots, Ch 15, §3(p45)
Result of canvass of votes, Ch 15, §9(p46)
Return and preservation of ballots, Ch 15, §10(p46)
Return of remaining poll and registration book, Ch 15, §15(p47)
Return of spoiled ballots, Ch 14, §96(p41)
Return of remaining poll and registration books, Ch 15, §14(p47)
Vacancy nominee, insertion of name, Ch 14, §55-59(p36)
Voters ballot, delivery, Ch 16, §18(p53)
Voting challenged, Ch 14, §75(p39)
Voters name on alphabetical list, Ch 16, §27(p54)
Voter to receive one ballot, indorsement, Ch 14, §78(p39)

JUDICIAL CONVENTION:

Penal provisions, Ch 14, §118(p45)

ELECTIONS - continued

NOMINATIONS:

Promise of position or influence, penalty, Ch 14, §116-118(p44)
Publication of nomination, Ch 14, §69(p38)
Requirement of statement, expenses of candidate, Ch 18, §2(p56)
Statement of election expenses of candidate, Ch 18, §1-7(p56)
Notice of election by sheriff, Ch 11, §5,6(p20)

PENAL PROVISIONS:

Acts declared unlawful, penalty, Ch 14, §107,108(p43)
Bribery, Ch 175, §1(p788)
Electioneering near polls, Ch 14, §103,104(p42)
Employees intimidated by employer, Ch 14, §105,106(p43)
Misconduct at elections, Ch 14, §109,115(p43)
Prohibited acts on election day, Ch 14, §103(p42)
Promise of influence or position, Ch 14, §116-118(p44)
Place of voting, Ch 14, §9(p30)
Polling place, notice of change required, Ch 14, §21-a2(p31)
Precinct boundaries established, Ch 14, §11(p30)

POLICE:

Compensation, Ch 14, §113(p44)
Disorderly persons arrested, Ch 14, §102(p42)
Number to serve at voting precinct, Ch 14, §110(p43)
Requirements to preserve order, Ch 14, §112(p44)

POLITICAL PARTY CONVENTION:

Call for meeting, Ch 12, §2(p21)
Delegates to state judicial convention, election of, Ch 12, §3(p22)
District central committee, membership of, Ch 12, §7(p22)
District judicial convention, call for meeting, Ch 12, §9(p22)
Nominations to state judicial convention, Ch 12, §6(p22)
Number of delegates to state judicial convention, Ch 12, §4(p22)
Procedure state judicial convention, Ch 12, §5(p22)
State judicial convention, time of holding, Ch 12, §1(p21)
Time for holding district judicial convention, Ch 12, §8(p22)

POLL BOOKS:

Ballot envelopes preserved, Ch 16, §28(p54)
Ballots rejected, Ch 16, §20(p53)
Canvass by judges, Ch 15, §1(p45)
Casting of ballots, Ch 16, §21(p53)
Excess ballots, Ch 15, §6(p46)
Number and time of delivery, Ch 15, §14(p47)
Recording voters names, Ch 14, §79(p39)

POLLING PLACES:

Arrangement and construction of booths, Ch 14, §23(p31)
Ballot, taking from polling place prohibited, Ch 14, §83(p39)
Building, by whom provided, Ch 14, §21,22(p31)
Change of polling place, notice required, Ch 14, §21-a2(p31)
Delivery of additional ballots, Ch 14, §63(p37)
Delivery of ballots to judges, Ch 14, §82(p36)
Manner of preserving ballot and application, Ch 16, §16(p52)
Packing and delivery of ballots, Ch 14, §62(p37)
Oath, how administered, Ch 14, §71,72(p38)
Opening of absent voters ballot envelope, Ch 16, §22(p53)
Opening and closing hours, Ch 14, §70(p38)
Persons permitted, Ch 14, §100(p42)
Prohibited acts on election day, Ch 14, §103(p42)
School house as polling place, Ch 14, §22(p31)

ELECTIONS - continued

POLLING PLACES: - concluded

Supervisors provide, certain cases, Ch 14, §10(p30)

Voting booth requirements, Ch 14, §23(p31)

PRECINCTS:

Affidavit constitutes registration, Ch 16, §26(p54)

Ballot envelope preserved, Ch 16, §28(p54)

Ballots furnished by judges of election, Ch 14, §73(p38)

Ballots in excess of poll list, Ch 15, §6-8(p46)

Boundaries recorded, Ch 14, §11(p30)

Candidates on ballots, exception, Ch 14, §28(p32)

Casting of ballots, Ch 16, §21(p53)

Changes of precinct, Ch 14, §8(p30)

City, council may change, Ch 14, §5(p30)

Combination, how effected, Ch 14, §6-8(p30)

Counting boards, duties, Ch 14, §99-al(p43)

Change in precincts by supervisors, Ch 14, §4(p29)

Declaration of election by judges, Ch 15, §2(p45)

Delivery of ballots, Ch 14, §52(p36)

Delivery of official ballots, Ch 16, §17(p53)

Effect of error on state office, Ch 15, §8(p46)

Number of ballots delivered, Ch 14, §61(p37)

Oath in case of challenge, Ch 14, §77(p39)

Policemen employed during election, Ch 14, §110(p43)

Poll books and supplies furnished by auditor, Ch 14, §26(p32)

Preserving ballot and application, Ch 16, §16(p52)

Receiving boards, duties, Ch 14, §99-al(p43)

Registration required for voting, Ch 14, §74(p38)

Rejected ballot, how handled, Ch 16, §24(p54)

Rejecting ballots, Ch 16, §23(p53)

Reserve supply of ballots, Ch 14, §63, 64(p37)

Residence in precinct, Ch 16, §(5)(p50)

Return of poll and registration books, Ch 15, §14, 15(p47)

Selection of officials to assist voters, Ch 14, §85(p40)

Township offices, omission of candidates, Ch 14, §49(p35)

Voting machines, registration of absent voters ballots, Ch 16, §22(p53)

PRESIDENTIAL ELECTIONS:

Canvass of votes for candidates, Ch 17, §3(p55)

Certification of nominees, Ch 17, §5(p55)

Electors, how chosen, number, Ch 17, §1, 2(p55)

Nonpolitical parties, status, Ch 17, §4(p55)

Organization of contest court, Ch 19, §4(p57)

PRIMARY ELECTIONS:

Absent voter, right to vote, Ch 16, §1(p49)

Candidates expenses, limitation, penalty, Ch 18, §7, 8(p57)

Contest of election, statement of expenses, Ch 18, §1(56)

Destruction of ballots, Ch 15, §12(p46)

Election boards, Ch 14, §12, 18(p30)

Party affiliation, when shown, Ch 16, §7(p51)

Promise of influence prohibited, penalty, Ch 14, §117, 118(p44)

Promise of position, prohibited, Ch 14, §116(p44)

QUESTION SUBMITTED TO VOTERS:

Buildings, erection or repair, Ch 91, §2(p420)

County hospitals, public, Ch 95, §2, 3(p429)

Expenditures for improvements, when vote necessary, Ch 91, §1(p420)

ELECTIONS - continued

QUESTION SUBMITTED TO VOTERS: - concluded

- Expenditure in special cases, Ch 91, §1-al(p420)
- Manner of submitting questions, Ch 91, §4(p421)
- Rescission of tax or contract prohibited, Ch 91, §10-12(p421)
- Results of vote published, Ch 91, §9(p421)
- Tax levies for depreciated warrants, Ch 91, §3(p420)
- Tax levy to pay bonds, Ch 91, §8(p421)
- Tax levy, rate, Ch 91, §6(p421)
- Tax surplus, disposition, Ch 91, §13(p422)
- Vote required at special election, Ch 95, §4-al(p430)
- Voting of tax, when required, Ch 91, §5(p421)
- Refusal to obey order, penalty, Ch 14, §115(p44)

REGISTRATION OF VOTERS:

- Alphabetical list of registration, Ch 13, §23, 24(p26)
- Appointment of registers, Ch 13, §2(p24)
- Books and supplies furnished, Ch 13, §5(p24)
- Certification and copying of list, Ch 13, § 26(p27)
- Certificates of registration delivered to judges, Ch 13, §34(p28)
- Certification to proper ward or precinct, Ch 13, §35, 36(p28)
- Compensation of register of voters, Ch 13, §9(p24)
- Consolidation of precincts, Ch 13, §4(p24)
- Corrections of registry book & lists, Ch 13, §25, 29(p27)
- Effect of consolidation, Ch 13, §6(p24)
- Form of registration of voters, Ch 13, §12(p25)
- General penalty clauses, Ch 13, §42(p29)
- Granting of registration certificates on election day, Ch 13, §32(p28)
- Hearing on correction of lists, Ch 13, §29(p27)
- New registry book, Ch 13, §38(p28)
- Notice of registration, Ch 13, §10, 11(p24)
- Oath of registers, Ch 13, §8(p24)
- Qualification of registers, Ch 13, §7(p24)
- Questions for applicant, Ch 13, §20(p26)
- Registry books, keeping, Ch 13, §22(p26)
- Right of registration, oath, Ch 13, §18, 19(p26)

Registry Books:

- Clerk to preserve, Ch 13, §41(p29)
- Correction by registers, Ch 13, §25(p27)
- Delivery by clerk to registers, Ch 13, §40(p28)
- Method of keeping, Ch 13, §22(p26)
- Expenses, Ch 13, §13(p25)
- Names transferred to new books, Ch 13, §38, 39(p26)
- New books in presidential election year, Ch 13, §37(p28)
- Public inspection, Ch 13, §14(p25)

Register of voters:

- Appointment by council, Ch 13, §2(p54)
- Books and supplies furnished, Ch 13, §5(p24)
- Certification of duplicate registrations, Ch 13, §35(p28)
- Completion of registration, Ch 13, §21(p26)
- Consolidation of precincts, Ch 13, §4(p24)
- Division of alphabetical list, Ch 13, §26-al(p27)
- Duration of meetings, Ch 13, §17(p26)
- Effect of consolidation, Ch 13, §6(p24)
- Meeting place, Ch 13, §15(p25)
- Notice of registration, Ch 13, §10(p24)
- Oath taken by register, Ch 13, §8(p24)
- Penalty violation of duty, Ch 13, §42(p29)
- Qualifications, Ch 13, §7(p24)

ELECTIONS - continued

REGISTRATION OF VOTERS: - concluded

Register of Voters:

- Records furnished by clerk, Ch 13, §40(p28)
- Registration of voting required, Ch 14, §74(p38)
- Striking of names, Ch 13, §36(p28)
- Term of office and compensation, Ch 13, §9(p24)
- Time of meetings, Ch 13, §16(p26)
- Time of publication of registration, Ch 13, §11(p25)
- Vacancies filled by mayor, Ch 13, §3(p24)
- Registration on election day how granted, Ch 13, §31(p27)
- Registration required, Ch 13, §1(p24)
- Return of alphabetical lists, Ch 13, §28(p27)
- Right of registration, Ch 13, §18(p26)
- Sick voters, how registered, Ch 13, §30(p27)
- Striking of applicant from registration, Ch 13, §33(p28)
- Term of office of registration, Ch 13, §9(p24)
- Use of lists at election, Ch 13, §27(p27)
- Vacancies, how filled, Ch 13, §3(p24)
- Requirement of statement for election expenses of candidate, Ch 18, §2(p56)
- Revision of constitution, proclamation, Ch 11, §3,4(p19)
- Statement of expenses of candidates, Ch 18, §3-5(p56)
- SCHOOLS: see main head SCHOOLS AND SCHOOL DISTRICTS, subhead ELECTIONS
- Sex no disqualification for holding office, Ch 11, §23(p21)

SPECIAL ELECTIONS:

- Absent voter, right to vote, Ch 16, §1(p49)
- Books and supplies furnished, Ch 13, §5(p24)
- Compensation of register of voters, Ch 13, §9(p24)
- Consolidation of precincts, Ch 13, §4(p24)
- Effect of consolidation, Ch 13, §6(p24)
- Effect of error on county- township offices, Ch 15, §7(p46)
- Effect of error - tie vote, Ch 15, §8(p8)
- Election expenses paid by county, Ch 14, §114(p44)
- Form of registry books, Ch 13, §12(p25)
- Method of holding, Ch 11, §2(p19)
- Notice of election by sheriff, Ch 11, §16(p20)
- Notice of registration, Ch 13, §10(p24)
- Oath of registers, Ch 13, §8(p24)
- Penalty for promise of influence or position, Ch 14, §116-118(p44)
- Qualification of registers, Ch 13, §7(p24)
- Questions submitted to voters, see subhead QUESTIONS SUBMITTED TO VOTERS, above
- Term of office of registers of voters, Ch 13, §9(p24)
- Time of meeting of registers, Ch 13, §16(p26)
- Time of publication of register of voters, Ch 13, §11(p25)
- United States senators, Ch 11, §10(p20)
- Statement of election expenses of candidates, Ch 18, §1(p56)
- Terms of office, Ch 11, §8(p20)
- Term of office of railroad commissioners, Ch 11, §13(p20)
- Term of office of state senator, Ch 11, §15(p20)
- Term of office of state representatives, Ch 11, §16(p20)
- Term of office of the justice of the peace and constable, Ch 11, §20(p21)
- Time of choosing officers, Ch 11, §7(p20)

ELECTIONS - continued

Time of holding for railroad commissioners, Ch 11, §13(p20)
Time of holding for state senators, Ch 11 §15(p20)
Time of holding for state representatives, Ch 11, §16(p20)
Time of holding for county officers, Ch 11, §17(p20)
Time of holding for township trustees, Ch 11, §18(p21)
Time of holding for board of supervisors, Ch 11, §18(p21)
Time of holding for justice of the peace and constables, Ch 11, §20(p21)
Township assessor, Ch 11, §22(p21)

TOWNSHIP:

Appointment of constable, Ch 14, §111(p44)
Arrangement and number of polling places and booths, Ch 14, §23(p31)
Authority to change precincts, Ch 14, §4(p29)
Combination of precincts, Ch 14, §6(p30)
Effect of error in excess ballots, Ch 15, §7(p46)
First election in new township, Ch 100, §10-12(p443)
Judges and clerk in township precincts, Ch 14, §14, 17(p30)
Polling places, Ch 14, §21(p31)
Publication of list of nominations, Ch 14, §69(p38)
Publication of notice of election, Ch 15, §19(p47)
Return of poll and registration books, Ch 15, §15(p47)
Went of compliance, effect, Ch 21, §5(p59)

Vacancies, how filled, Ch 14, §18(p31)

VOTING:

Assisting voters, Ch 14, §84-86(p40)
Ballot received to be used, Ch 14, §83(p39)
Blank application furnished, Ch 16, §3(p50)
Challenges, Ch 14, §75-77(p39)
Counting boards, duties, Ch 14, §99-al(p42)
Counting of defective ballots, Ch 14, §98(p41)

County:

Change in precinct by supervisors, Ch 14, §4-8(p29)
Combination of precincts, Ch 14, §6(p30)
Designation of election judges, Ch 14, §13(p30)
Notice of boundaries of precincts, Ch 14, §11(p30)
Organization and procedure in selecting delegates, Ch 12 §12(p22)
Refusal to return ballots, penalty, Ch 16, §33(p54)
Delegates to judicial convention, Ch 12, §11(p22)
Supervisors choose additional members of election board, Ch 14, §15
(p31)
Delivery of ballots and supplies, receipt, Ch 16, §17-19(p53)
Defective ballot not rejected, Ch 14, §97-99(p41)l)
Depositing ballots in box Ch 14, §81(p39)

District:

Call for meeting, Ch 12, §9, 10(p22)
District central committee, membership, Ch 12, §7(p22)
District judicial convention, holding, Ch 12, §8(p22)
Effect of error on state office, tie vote, Ch 15 §8(p46)
Failure to vote, return of ballot, Ch 14, §82(p39)
Limitation on time of voting, Ch 14, §84(p40)
Marking ballots, method, Ch 14, §88-93, Ch 14, §80(p40)
Number of ballots received by voter, Ch 14, §96(p41)
Number of candidates for same office, Ch 14, §89(p40)
Persons permitted at polling places, Ch 14, §100(p42)
Receiving boards, duties, Ch 14, §99-al(p43)
Rejection of ballots, Ch 14, §94(p41)
Removal of ballot from polling place prohibited, Ch 14, §83(p39)

ELECTIONS - concluded

VOTING: - concluded

Return of ballot, Ch 14, §80(p39)

Spoiled ballots, another allowed, Ch 14, §96(p41)

Stats:

Call for meeting, Ch 12, §2(p21)

Certification and nomination of judges, Ch 12, §14(p23)

Delegates to state judicial convention, certified by, Ch 12, §3(p22)

Nomination of judges for supreme court, Ch 12, §6(p22)

Number of delegate qualified for convention, Ch 12, §4(p22)

Procedure, organization and voting of delegates, Ch 12, §5(p22)

Time for holding state judicial convention, Ch 12, §1(p21)

Time allowed, limitation, Ch 14, §84(p40)

Voter to receive one ballot, indorsement by judge, Ch 14, §78(p39)

Voting under registration, Ch 14, §74(p38)

Writing name of candidate on ballot, Ch 14, §95(p41)

Wrong ballots, how counted, Ch 14, §99(p41)

EMBALMERS

Enforcement provisions of practice acts, Ch 167, §87 - 92-a9(p759)

Embalmers defined, Ch 167, §139(p770)

EXAMINATIONS FOR LICENSE TO PRACTICE:

Applications, Ch 167, §28(p751)

Candidates, list of names, Ch 167, §33(p752)

Certification of applicants, Ch 167, §38(p752)

Clerk, duties and expenses, Ch 167, §37(p752)

List of accredited schools kept, Ch 167, §29,30(p751)

Notice of time and place, Ch 167, §28-a1(p751)

Partial examinations, rules, Ch 167, §39-40(p752)

Professional schools, data furnished, Ch 167, §31(p751)

Quorum for conducting, Ch 167, §36(p752)

Records, preservation, Ch 167, §41(p753)

Rules for conducting and grading, Ch 167, §34,35(p752)

Time and place, Ch 167, §32(p751)

EXAMINING BOARD:

Appointment by governor, Ch 167, §11(p749)

Compensation, Ch 167, §23,24(p750)

Composition of examining board, Ch 167, §13(p749)

Continuation of present rules and regulations, Ch 167, §154(p772)

Definition, Ch 167, §1(p747)

Designation of examining board, Ch 167, §12(p749)

New members appointed by governor, Ch 167, §142(p771)

Nomination of examiners, Ch 167, §19(p750)

Qualifications of examiners, Ch 167, §14-17(p749)

Quarters furnished by executive council, Ch 167, §26(p750)

Supplies, Ch 167, §25(p750)

Surrender of public records upon taking effect of this chapter, Ch 167, §100,151(p772)

Term of examiners, Ch 167, §18(p749)

Term of office, Ch 167, §143(p771)

Transaction of business, Ch 167, §22(p750)

Vacancies, Ch 167, §20(p750)

EMBALMERS - concluded

LICENSE:

Age and character qualifications, Ch 167, §3(p748)
Certificate presumptive evidence of right to practice, Ch 167, §6(p748)
Display of license, Ch 167, §7(p748)
Existing licenses renewed, Ch 167, §152(p772)
Fees for licenses, Ch 167, §79-82(p758)
Forgery and fraud, penalty, Ch 167, §84-86(p759)
Grounds for refusing, Ch 167, §4(p748)
License required, Ch 167, §2(p748)
Notice of change of residence, Ch 167, §9(p748)
Reciprocal agreements, continuation, Ch 167, §153(p772)
Reciprocal licenses, Ch 167, §42-52(p753)
Record, open to public inspection, Ch 167, §8(p748)
Renewal of licenses, Ch 167, §10, 10-a1(p748)
Required for practice, Ch 167, §83(p759)
Revocation of license, grounds Ch 167, §53-69(p755)
Requirements for license, Ch 167, §140(p770)
Use of titles and degrees, Ch 167, §70, 71(p757)

EMINENT DOMAIN

Acquisition of land by United States, Ch 1, §1(pl)
Acquisition of site for memorial, Ch 10, §5(pl6)
Interurban railways, Ch 138, §1-21(p613)
Interurban railway, water supply by condemnation, Ch 138, §16-21(p616)
Municipal Corporation, see main head MUNICIPAL CORPORATION, subhead

EMINENT DOMAIN

PROCEEDINGS TO CONDEMN:

Application for condemnation, Ch 128, §10(p580)
Application for condemnation, filing, Ch 128, §21(p581)
Commission to assess damages:
Appointment by chief justice, Ch 128, §22(p581)
Appointment by sheriff except when state is condemnor,
Ch 128, §22(p581)
Appraisalment of damages, Ch 128, §32-40(p583)
Assessment of damages, Ch 128, §26-31(p582)
Manner of qualifying as commissioner, Ch 128, §25(p582)
Number on commission, Ch 128, §22(p581)
Vacancies, how filled, Ch 128, §23(p581)
Condemnor's right to possession, Ch 128, §41(p584)
Costs and attorney fees, Ch 128, §48(p585)
Deposit pending appeal, Ch 128, §43-45(p584)
Form of record, certificate, Ch 128, §52(p585)
Payment of damage by public bodies, Ch 128, §46(p584)
Persons allowed to conduct proceeding, Ch 128, §20(p581)

RAILROAD CORPORATIONS:

Abandoned right of way, Ch 128, §15-18-a1(p580)
Access of landowners to water, Ch 128, §12(p580)
Cemetery lands exempt, Ch 128, §7(p579)
Change in stream beds, Ch 128, §13, 14(p580)
Procedure, see also proceedings to condemn, above, Ch 128, §10(p580)
Purposes in general, Ch 128, §9(p579)
Right conferred, Ch 128, §6(p579)
Right-of-way, limitation, Ch 128, §8(p579)
Water stations, Ch 128, §11(p580)
Record filed by sheriff and clerk, Ch 128, §50, 51(p585)
Recorder's record, fee, liability, Ch 128, §53-55(p585)
Recording, presumption as to condemnor's title, Ch 128, §56(p585)

EMIRENT DOMAIN - concluded

Refusal to pay final award, Ch 128, §49(p585)
Reversion of condemned land, Ch 128, §57-60(p586)
Shariff's liability for failure to record, Ch 128, §55(p585)
STATES POWER:

Authority of state to exercise, Ch 128, §1(p578)
Executive councils power to institute proceedings, Ch 128, §2(p578)
Exercise of power for federal government, Ch 128, §3(p578)
Power to condemn includes right to purchase, Ch 128, §5(p579)

EMPLOYMENT

Employment agencies, private, see main head STATE OFFICERS AND DEPARTMENTS
subhead LABOR BUREAU, also main head LABOR LAWS, subhead BUREAU OF LABOR
Employment bureaus, state, see main head UNEMPLOYMENT COMPENSATION
Employment insurance, see main head UNEMPLOYMENT COMPENSATION
Workmen's compensation act, see main head WORKMEN'S COMPENSATION

ENGINEERS

BOARD OF EXAMINERS:

Annual report to governor, Ch 42, §9(pl79)
Appointment and qualifications of members, Ch 42, §2,3(pl78)
Attorney general to assist, Ch 42, §6(pl79)
Certificate of registration issued, Ch 42, §13(pl80)
Compensation allowed, how paid, Ch 42, §7(pl79)
Engineering examiners fund, Ch 42, §11(pl79)
Expenses allowed, how paid, Ch 42, §7(pl79)
Fees collected, to engineering examiners fund, Ch 42, §11(pl79)
Meetings, when held, quorum, Ch 42, §8(pl79)
Organization of board, Ch 42, §8(pl79)
Quorum, what constitutes, Ch 42, §8(pl79)
Rules and by laws adopted, Ch 42, §5(pl78)
Secretary, who required to act, Ch 42, §8(pl79)
Secretary, duties in general, Ch 42, §10(pl79)
Seal of board, use required, Ch 42, §5(pl78)
Seal of registrants, board prescribes, Ch 42, §12(pl79)
Term of office, Ch 42, §3(pl78)
Vacancies filled by governor, Ch 42, §4(pl78)

CIVIL:

Certificate issued, Ch 42, §13(pl80)
Certificate, revocation of, Ch 42, §10(pl79)
Registration required, Ch 42, §1(pl78)
Revocation of certificate, Ch 42, §10(pl79)
Seal of registrants, board prescribes, Ch 42, §12(pl79)

LAND SUEVEYOR:

Certificates issued, Ch 42, §14(pl80)

EPILEPTICS

Commitment, procedure, see main head INSANITY
Hospital for epileptics, see main head STATE INSTITUTIONS

ESCAPES, see main head CRIMES, subhead ESCAPES

ESTATES, see main head REAL PROPERTY

ESTRAYS

Animals, for detailed index see main head ANIMALS, subhead ESTRAY ANIMALS

EVIDENCE

Civil cases, for detailed index see main head CIVIL PROCEDURE, subhead
EVIDENCE

EXAMINING BOARDS, see the particular profession or vocation

EXECUTIVE COUNCIL, see main head STATE OFFICERS AND DEPARTMENTS, subhead
EXECUTIVE COUNCIL

EXECUTORS AND ADMINISTRATORS, for detailed index see main head PROBATE LAW
EX-COPYRIGHTS, see main head PAIRS

EXPRESS COMPANIES

RATES AND CHARGES:

- Certain acts prohibited, Ch 137, §13(p612)
- Change in schedule, Ch 137, §14-18(p612)
- Definitions, Ch 137, §1(p611)
- Inspection by public, Ch 137, §5(p611)
- Partial schedules, Ch 137, §9(p612)
- Posting, Ch 137, §6(p611)
- Power to revise rates, Ch 137, §19(p613)
- Rates effective, when, Ch 137, §22(p613)
- Revised schedules, posting, filing, Ch 137, §23(p613)
- Schedules, changes, Ch 137, §10(p612)
- Schedules, filing and publication, Ch 137, §2(p611)
- Schedules, form, Ch 137, §7(p612)
- Schedules, interstate commerce, Ch 137, §8(p612)
- Schedules, joint tariff, Ch 137, §11(p612)
- Schedules, printing, Ch 137, §4(p611)
- Schedules, requirements, details, Ch 137, §3(p611)
- Suspension of rates, Ch 137, §20(p613)

FAIRS

- Control of fair grounds, by society, Ch 45, §23(p191)
- County aid, how secured, Ch 45, §32, 33(p192)
- County aid, tax for fair ground fund, Ch 45, §36(p193)
- County supervisors' powers, Ch 45, §33(p192)
- Definition, Ch 45, §21(p191)
- Fair ground fund, expenditure, report, Ch 45, §37, 38(p193)
- Financial statement published, Ch 45, §28(p191)
- Obstructions on grounds, removal, Ch 45, §26, 27(p191)
- Permits to sell articles, issuance, Ch 45, §24(p191)
- Police appointed, peace officer, powers, Ch 45, §25(p191)
- Purchase and management, Ch 45, §34(p192)
- Societies for holding, powers, Ch 45, §22(p191)
- State aid, how obtained, amount, Ch 45, §29-31(p191)

STATE FAIR:

- Auditing of accounts, report, Ch 45, §20, 20-a1(p190)
- Biennial appropriation to board for fair, Ch 45, §19(p190)
- Certification of state aid associations, Ch 45, §3(p188)
- Compensation allowed elective members of board, Ch 45, §8(p189)
- Compensation of board, Ch 45, §1, 5-7(p188)
- Convention to elect board, Ch 45, §2(p188)
- Executive committee meeting of board, Ch 45, §13(p189)
- Fair board, how composed, Ch 45, §1(p188)
- Favors institute in connection with convention, Ch 45, §2(p188)
- Maintenance of state fair, Ch 45, §16(p190)
- Management of state fair, Ch 45, §15(p190)
- Payment of claims, rules prescribed by board, Ch 45, §17, 18(p190)
- Powers and duties of board, Ch 45, §14(p190)
- Report to governor, Ch 45, §20-a2(p191)
- Secretary of board, term and salary, Ch 45, §9, 10(p189)
- Treasurers, term, duties and salary, Ch 45, §11, 12(p189)

FARM AID ASSOCIATIONS

Agricultural experts, power to employ, Ch 45, §54(p195)
Articles of incorporation, requirements, Ch 45, §49(p194)
By laws, power to adopt, Ch 45, §54(p195)
County aid, conditions, limitations, Ch 45, §55, 56(p196)
Debts, members property exempt, Ch 45, §53(p195)
Dividends, diversion of funds forbidden, Ch 45, §61(p196)
Expenditures, how made, Ch 45, §58(p196)
False certificates, penalty, Ch 45, §62(p196)
Federal aid, Ch 45, §57(p196)
Federal aid reported to supervisors, Ch 45, §57(p196)
Gifts, powers to accept, Ch 45, §54(p195)
Officers, compensation forbidden, Ch 45, §60(p196)
Powers of associations, Ch 45, §54(p195)
Records open to inspection, Ch 45, §63(p197)
Reports made annually, contents, Ch 45, §63(p197)
Seal, Ch 45, §53(p195)
Schools, power to establish, Ch 45, §54(p195)
Short courses, prizes, Ch 45, §54(p196)
Treasurers bonds, Ch 45, §59(p196)

FARMERS INSTITUTE

Biennial appropriation, Ch 45, §44(p193)
Certification for state aid, Ch 45, §3, 40(p188)(p193)
Delegates to state conventions, Ch 45, §2(p188)
Farmers institute fund, Ch 45, §42(p193)
Proceedings published in Iowa year book of agriculture, Ch 44, §17(p186)
State aid, conditions, certification, Ch 45, §39-41(p193)
State aid for short courses, conditions, certification, payment, Ch 45, §45-47(p194)

FEEBLE-MINDED PERSONS

Admission of voluntary patients, Ch 55, §134(p287)
Commitment proceedings, Ch 55, §134-139, 158(p287)(p289)
Communications of patients in institutions, Ch 55, §175(p291)
Costs, against whom taxed, Ch 55, §180-182(p292)
Court docket and records, duty to keep, Ch 55, §192(p293)
Criminal court may institute commitment proceedings, Ch 55, §184(p292)
Criminal proceedings suspended, Ch 55, §184, 185(p292)
Discharge, clothing and money furnished, Ch 55, §189(p293)
Discharge proceedings, Ch 55, §168-174(p291)
Escapes from institutions, return, Ch 55, §190 - 190-a1(p293)
Guardians, see main head GUARDIANS, subhead FEEBLE MINDED PERSONS
Inability of institution to receive patient, Ch 55, §163(p290)
Institution for feeble-minded, for detailed index see main head STATE INSTITUTIONS, subhead INSTITUTION FOR FEEBLE MINDED
Juvenile court may institute commitment proceedings, Ch 55, §183(p292)
Leaves of absence from institutions, Ch 55, §176(p291)
Modification of order placing feeble-minded person under guardianship, notice, Ch 55, §162(p290)
Recapture, expense, Ch 55, §191(p293)
Records of commitments kept by board of control, Ch 55, §193(p293)
Sudden or mysterious death, inquest held, Ch 55, §177(p292)
Transfer of patients, Ch 55, §186, §(p293)
Transfer from private institution to state, Ch 55, §188(p293)
Wards committed to hospital for insane, Ch 55, §187(p293)
Warrant of commitment, procedure, Ch 55, §164-167(p290)
Witnesses fees in commitment hearing allowed, Ch 55, §179(p292)
Wrongful commitment, penalty, Ch 55, §178(p292)

FEE DS FOR ANIMALS. see main head ANIMALS, subhead FEE DS FOR ANIMALS

FEE DS

- Advance payment in enjoining actions, Ch 35, §117(p149)
- Appraisers fees, when payable, Ch 23, §2(p69)
- Attorney fees, liquor nuisance abatement actions, Ch 35, §101(p147)
- Attorney fees, see main head ATTORNEYS AT LAW, subhead FEE DS
- Chiropractors, license and examination fees, Ch 167, §79-82(p758)
- Cold storage plant license, Ch 47, §51-53(p231)
- Dead animal disposal plant, license fee, Ch 46, §120, 122, 125(p217)
- Dentists, license and examination fees, Ch 167, §79-82(p758)
- Deposit of state fees, Ch 26, §4(p69)
- District court fees in general, Ch 171, §23, 24(p786)
- Embalmers examination and license fees, Ch 167, §79-82(p758)
- Fees for selling of property from abated premises, Ch 35, §112(p148)
- Fees paid for fires reported to fire marshal, Ch 37, §32(p160)
- Motor vehicle license, see main head MOTOR VEHICLES, subhead LICENSES
- Nurses, license and examination fees, Ch 167, §79-82(p758)
- Optometry, license and examination fees, Ch 167, §79-82(p758)
- Osteopathy, license and examination fees, Ch 167, §79-82(p758)
- Pharmacists, license and examination fees, Ch 167, §79-82(p758)
- Physicians, license and examination fees, Ch 167, §79-82(p758)
- Podiatry, license and examination fees, Ch 167, §79-82(p758)
- Virus and serum for hog cholera, manufacturers and dealers permit fees, Ch 46, §88, 100-al(p213)(p215)
- Vital statistics, state registrar, accounting for fees, Ch 164, §234(p706)
- Witness fees, when payable, Ch 26, §3(p69)

FERTILIZERS

- Affidavit of items on label, Ch 165, §112(p726)
- Bulk sales, Ch 165, §114(p726)
- Dealers license required, fee, Ch 165, §110(p726)
- Labeling, Ch 165, §113(p726)
- Retailers exempted, Ch 165, §111(p726)

FINES

- Copies of executive orders, Ch 55, §519-522(p340)
- Governors power to remit, Ch 55, §518(p340)
- Remission, copies in duplicate, Ch 55, §519(p340)

FIRE AND FIRE PROTECTION

FIRE ESCAPES:

- Building defined, Ch 31, §2(p121)
- Building inspectors, what officers constitutes, Ch 31, §14(p124)
- Buildings required to be equipped with escapes, Ch 31, §1(p121)
- Classes of fire escapes defined, Ch 31, §5(p122)
- Classes of fire escapes required in different buildings, Ch 31, §7(p123)
- Construction and arrangement requirements, Ch 31, §6(p123)
- Construction requirements, Ch 31, §5(p122)
- Doors to open outward in certain buildings, Ch 31, §8(p124)
- Duties of labor commissioner in re rules and regulations, Ch 31, §13 (p124)
- Fastening of escapes to building, requirements, Ch 31, §8, 9(p124)
- Inspectors orders reviewed by labor commissioner, Ch 31, §18(p125)
- Inspectors to notify owners, Ch 31, §17(p125)
- Location and exits, Ch 31, §4(p122)
- Number and size of exits, inspection, Ch 31, §9(p124)
- Number required, Ch 31, §3(p121)
- Penalty for violation of commissioners orders, Ch 31, §19(p125)

FIRES AND FIRE PROTECTION - concluded

FIRE ESCAPES: - concluded

Penalty for violation of fire escape laws, Ch 31, §19(p125)

Powers and duties of inspection officers, Ch 31, §15, 16(p125)

Right of appeal of owners, Ch 31, §18(p125)

Standard specifications, Ch 31, §12(p124)

Supervision of fire escape by labor commissioner, Ch 31, §11(p124)

FIRE MARSHAL, STATE; see main head STATE OFFICERS AND DEPARTMENTS, sub-

head FIRE MARSHAL

Hotel requirements, Ch 47, §36-49(p229)

FISCAL

Biennial fiscal term, defined, Ch 9(p15)

FISH AND GAME, see also main head STATE OFFICERS AND DEPARTMENTS, see subhead

CONSERVATION COMMISSION

Fish and game protection fund, Ch 38, §13(p162)

GAME WARDEN:

Deputy and assistant, authority to make arrests, Ch 38, §9(p162)

Deputy and assistant wardens, Ch 38, §8(p162)

Duty to seize unlawful game, devices, Ch 38, §10, 11(p162)

Financial report to state board of audit, Ch 38, §7-al(p161)

Fish hatcheries, and game farms, control by game warden, Ch 38, §6(p161)

Reports to governor, Ch 38, §7(p161)

Search warrants for game violations issued by court, Ch 38, §12(p162)

State game warden, appointment, term of office, Ch 38, §5(p161)

LAWS:

Amending chapters 38, §57, Ch 39, §1(p174)

Attorney general and county attorneys duty regarding violations, Ch 38, §79(p174)

Birds and fowls not protected, Ch 38, §65(p171)

Buying or selling game prohibited, Ch 38, §58(p170)

Cage birds, sale permitted, Ch 38, §66(p171)

Catch limits on fish, Ch 38, §23(p164)

Closed seasons on fish, Ch 38, §22(p164)

Closed season for game birds and animals, Ch 38, §56(p169)

Collection for scientific purposes, certificate of permission, Ch 38, §68(p172)

Condemning property for fish dams, Ch 38, §33(p166)

Dams and fish ways, regulations, Ch 38, §32, 32-al(p165)

Deer, regulations for killing or capture, Ch 38, §54(p159)

Definition of terms, Ch 38, §52(p169)

Explosives drugs, use prohibited, Ch 38, §29(p165)

Firearms, regulations for carrying in motor vehicles, Ch 38, §61(p171)

Fishing through ice, regulations, Ch 38, §30(p165)

Fishing in stocked waters prohibited, Ch 38, §31(p165)

Fur bearing animals, trapping regulations, Ch 38, §55(p169)

Legal sizes of mussels, restricted areas prescribed, Ch 38, §43-51 (p168)

Manner of taking mussels regulated, Ch 38, §47(p168)

Minnows for bait, definition, conditions for use, Ch 38, §27(p165)

Mussel license, reports, Ch 38, §44, 46(p168)

Parrots and canaries, sale authorized, Ch 38, §66(p171)

Possession and sale of black bass prohibited, Ch 38, §43(p167)

Possession of unlawful devices, Ch 38, §26(p165)

Presumptive evidence of violations, Ch 38, §81(p174)

Prosecutions for violations of law, Ch 38, §80(p174)

Protection of deer, elk and goat, Ch 38, §53(p169)

Protection of nests and eggs, Ch 38, §64(p171)

FISH AND GAME - concluded

LAWSE - concluded

Protection of nongame birds, sale of plumage prohibited, Ch 38, §63(p171)
Regulations on killing game birds, Ch 38, §69(p170)
Seining undesirable fish, Ch 38, §35, 36(p166)
Size limits of fish when using net or seine, Ch 38, §40(p167)
Size limits on fish, Ch 38, §24(p164)
Stocking provisions, Ch 38, §34(p166)
Swivel gun and poison prohibited for killing game, Ch 38, §60(p170)
Tackle restrictions, Ch 38, §25(p165)
Transportation for sale prohibited, Ch 38, §69(p172)
Transportation regulations and restrictions, Ch 38, §70-75(p172)
Traps, nets and snares, use prohibited for game birds, Ch 38, §62(p172)
Trolling from launches and steamboats prohibited, Ch 38, §28(p165)
Trot lines, Ch 38, §25(p165)
Use of birds as targets prohibited, Ch 38, §67(p171)
Violations by common carrier, penalty, Ch 38, §78(p173)
Violations relating to fish and game, penalty, Ch 38, §76(p173)
Violations relating to dams, penalty, Ch 38, §77(p173)
Wholesale fish market license, reports, required, Ch 38, §41, 42(p167)

LICENSE:

Fish and game license, Ch 38, §14-21(p163)
Net and sein license for certain streams, conditions, Ch 38, §37, 39(p166)
Private bird and animal preserves, license from state game warden,
Ch 38, §3(p161)
Private fishing preserve, Ch 38, §4(p161)
State ownership, Ch 38, §12(p160)
Zoning of state fair for game purposes, Ch 38, §21-a1(p164)

FLAGS

Display at public and private schools, Ch 60, §2(p341)

FLOOD PROTECTION IN CITIES, see main head MUNICIPAL CORPORATIONS, subhead

FLOOD PROTECTION

FOOD ESTABLISHMENT

Additional sanitary requirements for slaughter houses, Ch 47, §18(p227)
Cold storage plant, definition, Ch 47, §50(p230)
Cold storage plants, for detailed index, see main head COLD STORAGE PLANTS
Common drinking cup not permitted, Ch 47, §20(p227)
Cuspidors disinfected daily, Ch 47, §22(p227)
Definition of terms, Ch 47, §1(p224)
Diseased persons not to be employed, Ch 47, §24(p227)
Expectorating only in cuspidors, Ch 47, §22(p227)
Floors and ceilings to be clean, Ch 47, §10, 11(p226)
Fruit polishing to be sanitary, Ch 47, §26(p228)

LICENSES:

Application for license, Ch 47, §3(p225)
Expiration date for license, Ch 47, §2(p225)
License fees, Ch 47, §5(p225)
Operation without license, Ch 47, §4(p225)
Revocation of license, Ch 47, §6(p335)

Lighting and ventilation, Ch 47, §16(p226)

SANITARY CONSTRUCTION:

Cesspools when no sewage system, Ch 47, §8(p226)
Floors, material to be approved, Ch 47, §10(p226)
Lavatories adjacent to toilet rooms, Ch 47, §15(p226)
Screens on doors and windows, exemptions, Ch 47, §12, 13(p226)
Sewers connections required, Ch 47, §7(p225)
Toilet rooms, ventilation flues, Ch 47, §14(p226)

Sanitary regulations, Ch 47, §17(p226)

Sleeping room in food establishment, prohibited, Ch 47, §23(p227)

FOOD ESTABLISHMENT - continued

- Street display of foods, regulations, Ch 47, §25(p227)
- Tableware and linen to be clean, Ch 47, §21(p227)
- Towel requirements, Ch 47, §19(p227)
- Violations of law, penalty, duty of county attorney, Ch 47, §47-49(p230)
- Walls and ceilings, painting required, Ch 47, §11(p226)

FOOD LAWS

- Additional standards, set by department, Ch 165, §33(p716)

ADELTERATION:

- Bandy, adulteration, Ch 165, §38(p716)
- Coloring imitation butter or cheese, Ch 165, §36(p716)
- Coloring vinegar, Ch 165, §37(p716)
- Definitions and standards, Ch 165, §32(p713)
- Handling of adulterated articles, Ch 165, §15(p711)
- Milk and cream adulterated by certain flats, Ch 165, §35, 35-a1(p716)
- Possession of adulterated articles, Ch 165, §16(p711)
- Standards required, Ch 165, §34-36(p716)
- Agricultural department, duties in general, Ch 165, §2(p709)
- Agricultural seeds, see main head SEEDS

BUTTER:

- Container, definition, Ch 165, §66(p720)
- State trademark, Ch 165, §60-64(p719)
- Commercial feeds, see main head ANIMALS, subhead FEEDS FOR ANIMALS
- Dairy products, see main head DAIRY PRODUCTS
- Definitions used in food law, Ch 165, §1(p709)

EGGS:

- Candling defined, Ch 165, §79(p721)
- Candling requirements, Ch 165, §80-84(p721)
- Certificate of candling, record, Ch 165, §81(p721)
- Dealers, equipment required, Ch 165, §78(p721)
- Fee for dealers license, Ch 165, §75(p721)
- License for dealers, exemption, Ch 165, §73, 74(p720)
- Sale when unfit for human consumption, Ch 165, §76, 77(p721)
- Enforcement of law, Ch 165, §25 - 27-a1(p712)

INSPECTION:

- Samples obtained by agriculture department, Ch 165, §3-8(p710)

LABELING:

- Baking powder and vinegar, labeling, Ch 165, §43(p717)
- False labels, defacement, Ch 165, §13, 14(p711)
- General labeling requirements, Ch 165, §9, 40(p710)(717)
- Imitation products, notice of sale, Ch 165, §42(p717)
- Imitations, labeled as such, Ch 165, §11, 41(p717)
- Mixtures, blends, marked as such, Ch 165, §11(p711)
- Small packages, size of label, Ch 165, §10(p711)
- Trade formulas not required on labels, Ch 165, §12(p711)
- License regulations, Ch 165, §17, 18(p711)

MILK AND CREAM:

- Brand on mark, adoption, Ch 165, §68(p720)
- Butter milk to be pasteurized, Ch 165, §49, 49-a1(p718)

Dealer's licenses:

- Exemptions, Ch 165, §45(p718)
- Expiration of license, Ch 165, §46(p718)
- Fee, Ch 165, §46(p718)
- Milk license required, Ch 165, §44(p717)
- Requirements as to milk wagons, Ch 165, §48(p718)
- Requirements of licensee, contents of license, Ch 165, §47(p718)
- Milk bottles marked, Ch 165, §67(p720)
- Milk dealers, sanitary regulations, Ch 165, §50(718)

FOOD LAWS - concluded

MILK AND CREAM: - concluded

Milk wagons, requirements, Ch 165, §48(p718)
Registered mark, use, Ch 165, §72(p720)
Return of marked bottles, Ch 165, §69, 70(p720)
Skimmed milk to be pasteurized, Ch 165, §49(p718)
Stray containers, Ch 165, §71(p720)

Testers licenses:

Bottles and pipettes, Ch 165, §53(p719)
Examination of applicants, Ch 165, §52(p718)
False tests, evidence, Ch 165, §57-59(p718)
Fees, Ch 165, §54(p719)
License required, Ch 165, §51(p718)
Standard measure for testing, Ch 165, §53(p718)
Substitute tester, Ch 165, §56(p719)

SALES:

Contracts in violation of law invalid, Ch 165, §30(p715)
Fees paid into state treasury, Ch 165, §31(p713)
Goods for sale in other states exempt, Ch 163, §29(p712)
Reports by dealers, Ch 165, §29(p713)
Sale by false name, Ch 165, §39(p716)

FOOT AND MOUTH DISEASE

Killing animals infected, Ch 46, §40(p207)

FORECLOSURE

Chattel mortgages, see main head CHattel MORTGAGES
Real estate mortgages, see main head MORTGAGES ON REAL ESTATE

FOREMEN

COAL MINE FOREMAN:, see main head COAL, subhead MINES

FOREST, see main head TREES

FORFEITURES

Copies of executive orders, Ch 55, §519-523(p340)
Governors power to remit, Ch 55, §518(p340)
Real estate contracts, Ch 173, §1-6(p787)

FRATERNITIES, see main head SCHOOLS and SCHOOL DISTRICTS, subhead FRATERNITIES

FRAUDS, STATUTE OF

Contracts required to be in writing, Ch 172, §1, 2(p786)

FRUIT

FRUIT TREE RESERVATION:

Tax exemption provided, Ch 44, §20(p187)

FUNDS, PUBLIC

Cities and towns, see main head MUNICIPAL CORPORATIONS, subhead FUNDS
Erection and equipment of memorial building and monuments, Ch 10, §6(p16)
Fair grounds funds, county, Ch 45, §36-38(p193)
Farmers' institute fund, Ch 45, §42, 43(p193)
Fish and game protection fund, Ch 38, §15(p162)

STATE:

Deposits, accounts kept by treasurer and auditor, Ch 26, §6(p70)
Deposit of funds, Ch 26, §4(p69)
Statement to auditor of state, Ch 26, §5(p69)
Swamp land indemnity, duties, Ch 4, §3(p6)

FUNGICIDES, see main head INSECTICIDES AND FUNGICIDES

GAME, see main head FISH AND GAME

GAZEMEMENT

Failure to appear, Ch 182, §1(p824)

GASOLINE, see main head PETROLEUM PRODUCTS

GENERAL ASSEMBLY

Report of governor on suspension of state officers, Ch 34, §3(p132)
Secretary of state sends acts to court clerks, Ch 2, §1(pl)

GEOLOGY

Appropriation for geological survey, Ch 78, §10(p397)
Board members, Ch 78, §1(p396)
Cooperation with other surveys, Ch 78, §7(p397)
Maps and reports to be made, Ch 78, §6(p397)
State geologist, Ch 78, §1-10(p396)
Survey, by state geologist and board, Ch 78, §1(p396)
Survey, scope and extent, Ch 78, §3-5(p396)

GIRLS, see main head MINORS

GLANDERS

Animal affected not permitted in public, Ch 46, §45(p207)
Defined as infectious and contagious disease, Ch 46, §27-a1(p205)
Stallion with glanders not to be registered, Ch 46, §8(p203)

GOLD AND GOLD ALLOY

Fraudulent marking as to fineness, Ch 43, §1(pl80)
Marking gold-plated or gold-filled articles, Ch 43, §7(pl82)
Penalty for violation of law, Ch 43, §9(pl82)
Tests for fineness, Ch 43, §2(pl81)

GOVERNOR, see main head STATE OFFICERS AND DEPARTMENTS

GRAND ARMY OF THE REPUBLIC

Commissioners appointed for building memorial Ch 10, §9, 10(pl6)
Petition for erection and equipment of memorial, Ch 10, §2(pl6)

GRANTEE AND GRANTOR, see main head REAL PROPERTY

GUARDIANS, SEE ALSO MAIN HEAD PROBATE LAW

Application for guardianship, notice not required, Ch 162, §6-a4, 6-a5:
(p664)

FEEBLE-MINDED PERSONS:

Appointment of guardian in lieu of commitment of ward, Ch 55, §158,
159(p290)
County attorney's duties, Ch 55, §142(p288)
Definition, Ch 55, §141(p287)
Feeble-mindedness adjudicated, Ch 55, §143-157(p288)
Powers of guardian, Ch 55, §160(p290)
Termination of guardianship, Ch 55, §161(p290)
Guardian of persons, bond and oath required, Ch 162, §1(p663)
Guardian of property, surety bond, lesser amount required, Ch 162, §2(p664)
Guardian of property, bond and oath required, Ch 162, §1(p663)
Persons who may apply for a guardianship, Ch 162, §6-a4(p664)
Petition for appointment, Ch 162, §4-6-a2(p664)
Petition for appointment, trial, Ch 162, §7 - 7a3(p665)
Sale or mortgage of real estate of deceased persons, Ch 162, §8-10(p665)

GUNS, see main head WEAPONS

HEALTH, see also main head STATE OFFICERS AND DEPARTMENTS, subhead HEALTH

Appliances, see main head LABOR LAWS, subhead HEALTH AND SAFETY APPLIANCE

COMMISSIONERS: see main head STATE OFFICERS AND DEPARTMENTS

Dead bodies, see main head DEATH, subhead DEAD BODIES

Housing laws, Ch 164, §15(p674)

LOCAL BOARD OF HEALTH:

Abatement of nuisance, closing premises, Ch 164, §48-52(p680)

Chairman of local board, duties, Ch 164, §38(p679)

Clerk of local board, duties, Ch 164, §39(p679)

Contagious and infectious diseases, for detailed index see main head

DISEASES

HEALTH - concluded

LOCAL BOARD OF HEALTHS - concluded

- Duties of local board, Ch 164, §43(p679)
- Health officer, general duties, Ch 164, §45-47(p680)
- Health officer, of local board, Ch 164, §40(p679)
- Inspection of maternity hospital, Ch 164, §188(p698)
- Jurisdiction over detention hospitals, Ch 164, §73(p683)
- Meetings, time, Ch 164, §42(p679)
- Organization, Ch 164, §37(p679)
- Publication of rules, Ch 164, §44(p680)
- Rules and orders, peace officers to enforce, penalty, Ch 164, §53-55 (p681)
- Sanitation and quarantine officers, appointment, Ch 164, §41(p679)
- Supplies and services to quarantined persons authorized, Ch 164, §82 (p684)

NURSES:

- Duties, Ch 164, §168(p696)
- Local boards may employ, Ch 164, §166, 167(p696)
- Officers to examine venereals, Ch 164, §120(p689)
- Physicians and surgeons, see also main head PHYSICIANS AND SURGEONS
- Plumbing regulations, Ch 164, §14-a1 - 14-a4(p674)
- State board, see main head STATE OFFICERS AND DEPARTMENTS, subhead HEALTH BOARD, STATE
- State department, see main head STATE OFFICERS AND DEPARTMENTS
- Venereal diseases, see main head DISEASES

HEIRS

- See main head PROBATE LAW, subhead HEIRS

HIGHWAYS

- Commission, state, for detailed index, see main head STATE OFFICERS AND DEPARTMENTS

DRAINAGE DISTRICTS:

- Applicable statute, Ch 126, §175-a10(p555)
- Assessment for benefit, Ch 126, §175-a5(p554)
- Condemnation of right of way, Ch 126, §175-a9(p555)
- Costs, apportionment, payment, Ch 126, §175-a6-a8(p555)
- Engineer, appointment, compensation, duties, Ch 126, §175-a3-a4(p554)
- Establishment, procedure, costs, Ch 126, §175-a1 - 175-a3(p554)
- Powers of board, Ch 126, §175-a1-a2(p554)
- Powers of district, Ch 126, §175-a1(p554)
- Survey and reports, contents, Ch 126, §175-a4(p554)
- Trees, condemnation, removal, Ch 126, §175-a11-a12(p555)
- Improvement associations, Ch 84, §1(p409)
- Improvements in cities, cost, how paid, Ch 113, §27(p478)
- Interurban railways authorized to use, Ch 138, §1(p614)

MAINTENANCE PATROLMEN:

- Appointment, Ch 80, §1(p399)
- Bond for faithful performance required, Ch 80, §3(p399)
- Duties, Ch 80, §5(p400)
- Equipment furnished by supervisors, Ch 80, §4(p400)
- Tenure and salary, Ch 80, §2(p399)
- Used law, Ch 82, §1-11(p405)

OBSTRUCTIONS ON HIGHWAYS:

- Billboards and signs, Ch 83, §11-14(p408)

HIGHWAYS - concluded

OBSTRUCTIONS ON HIGHWAYS: - concluded

- Deemed public nuisance, Ch 83, §8(p408)
- Duty of county attorney in actions, Ch 83, §10(p408)
- Fences, removal, notice, costs, Ch 83, §2-6(p407)
- Injunction to restrain, Ch 83, §9(p408)
- Penalty for wilful obstruction, Ch 83, §8(p408)
- Removal required, Ch 83, §1(p407)
- Road officers duty, Ch 83, §7(p408)
- Transmission lines, removal, cost, Ch 83, §2-6(p407)

TOWNSHIP ROAD SYSTEM:

- Annual settlements, Ch 81, §25(p404)
- Bridges on roads, duty of superintendent, removal of obstructions, Ch 81, §12(p402)
- Clerk compensation, Ch 81, §27(p404)
- Clerk, duties, Ch 81, §21(p403)
- Clerk, qualification and bond, Ch 81, §28(p404)
- Days work defined, Ch 81, §10(p402)
- Definition, Ch 81, §1(p400)
- Drag fund, Ch 81, §16, 17(p403)
- Dragging roads, Ch 81, §6(p401)
- Drainage fund, Ch 81, §18(p403)
- Duty of trustees in re roads, Ch 81, §2(p401)
- Highway tax levy, Ch 81, §14(p402)
- Levies certified by clerk, Ch 81, §19(p403)
- Payment for dragging, Ch 81, §6(p401)
- Poll road tax list, Ch 81, §9-al(p402)
- Report by clerk on road work, Ch 81, §22(p404)
- Report by superintendent, Ch 81, §24(p404)
- Shade trees - drainage of roads, duty of superintendent, Ch 81, §11(p402)
- Streets of villages as part of system, Ch 81, §3(p401)
- Superintendent, qualification and bond, Ch 8, §28(p404)
- Superintendents duties, Ch 81, §9(p401)
- Superintendent of roads, employment, compensation, Ch 81, §8(p401)
- Survey of roads, Ch 81, §13(p402)
- Taxes paid to clerk by county treasurer, Ch 81, §20(p403)
- Township line roads, apportionment, Ch 81, §4(p401)
- Township work, Ch 81, §13(p402)
- Trustees annual report, Ch 81, §23(p404)
- Trustees compensation, Ch 81, §26(p404)
- Weeds, Ch 81, §5(p401)

USE OF HIGHWAYS:

- Cattleways permitted, Ch 85, §1(p409)
- Penalty for failure to comply with conditions of grant, Ch 85, §5(p410)
- Utility mains, sidewalks, cattleways, grant, petition, conditions, Ch 85, §1-5(p409)

Use of, see subhead USE OF HIGHWAYS, above

Weed law, Ch 82, §1-11(p405)

HISTORICAL

Department, state, see main head STATE OFFICERS AND DEPARTMENTS, subhead LIBRARY AND HISTORICAL DEPARTMENT

HOMESTEAD

Tax exemptions, war veterans, Ch 125, §1-3(p513)

HORTICULTURE

Society, state, see main head ASSOCIATIONS, IOWA ENTERPRISES

HOSPITALS

CITY:

Appropriation, limitation on city, Ch 110, §1(p470)

Trustees, election, tenure, Ch 110, §2(p470)

Contagious diseases, see main head DISEASES, subhead contagious diseases

COUNTY HOSPITALS:

Bonds:

Issuance, sale, maturity, general provisions, Ch 95, §4(p430)

Petition to establish, Ch 95, §1(p429)

Special election, vote required, Ch 95, §4-al(p430)

Submission to voters, Ch 95, §2(p429)

Tax levy, Ch 95, §5(p430)

City ordinances, when applicable, Ch 95, §17(p432)

Discrimination prohibited, Ch 95, §15, (p432)

Doctors and nurses, discrimination, Ch 95, §15(p432)

Patients:

Patients, who may be, terms, Ch 95, §14(p432)

Tubercular persons, Ch 95, §20-26(p433)

Private hospitals, county wards, Ch 95, §18, 19(p432)

Trustees:

Accounts, duty to collect, Ch 95, §14-al(p432)

Compensation and expenses, Ch 95, §16(p432)

Election and tenure, Ch 95, §7(p430)

Organization, meetings, Ch 95, §9(p430)

Pecuniary interest prohibited, Ch 95, §13(p432)

Powers and duties, Ch 95, §11, 12(p431)

Vacancies, how filled, Ch 95, §8(p430)

Tuberculosis Hospitals:

Allowance for care, amount Ch 95, §20, 23(p433)

Commitment, refractory patients, Ch 95, §25(p435)

Construction, separate ward, Ch 95, §21, 22(p433)

Forcible detention and segregation, Ch 95, §26(p433)

DETENTION HOSPITAL:

County:

Bonds to erect, issuance and sale, Ch 95, §4(p430)

Bonds to erect, tax levy, Ch 95, §28(p434)

Petition to establish, Ch 95, §1(p429)

MATERNITY HOSPITAL:

Articles of adoption required, Ch 164, §183, §(p698)

Assumed names and description, use of, Ch 164, §181(p698)

Definition, Ch 164, §169(p697)

Examination of location, Ch 164, §175(p697)

General hospitals exempt from provisions of this chapter, Ch 164, §170(p697)

Hospital register, Ch 164, §179(p698)

Inspection, Ch 164, §184, 185(p698)

License:

Application, Ch 164, §173, 174(p697)

Fees, tenure, renewal, Ch 164, § 177(p697)

Form of license, Ch 164, § 176(p697)

Required for operation, Ch 164, §171(p697)

Revocation of license, Ch 164, §178(p698)

Location, places prohibited, Ch 164, §172(p697)

Penalty for violations, Ch 164, §187(p698)

Reports, open to inspection, Ch 164, §182(p698)

Reports to state department, Ch 164, §180(p698)

Unlawful operation, Ch 164, §186 (p698)

HOTELS AND INNS

Bedding requirement, Ch 47, §27(p228)
Cesspools regulated, Ch 47, §8(p226)

FIRE PROTECTION:

Elevator shafts, requirements, Ch 47, §43(p230)
Fire escapes, requisites, Ch 47, §36-46(p229)
Fire protection requirements, Ch 47, §36-46(p229)
Free use of locked toilets, Ch 47, §32(p228)
Hotel keepers, liability for baggage, Ch 141, §70-75(p629)
Hotel keepers lien on baggage, Ch 141, §70-75(p629)
Hotelkeepers liens, Ch 141, §64-69(p628)
License, tenure, fee, revocation, Ch 47, §2-6(p225)
Lighting and ventilation, Ch 47, §16(p226)
Rooms, list and rates to be posted, Ch 47, §34, 35(p228)
Sanitary regulations, Ch 47, §17(p226)

SANITATION REQUIREMENTS:

Bedding, Ch 47, §27(p228)
Cuspidors, regulations, Ch 47, §22(p227)
Drinking cups, Ch 47, §20(p227)
Employment of diseased person forbidden, Ch 47, §24(p227)
Expectorating forbidden, Ch 47, §22(p227)
Floors in kitchen, requirements, Ch 47, §10(p226)
Interior finish of kitchens, Ch 47, §11(p226)
Plumbing requirements, Ch 47, §7(p225)
Sleeping apartments, ventilation, Ch 47, §30(p228)
Tableware and linen to be clean, Ch 47, §21(p227)
Toilet rooms, Ch 47, §14(p226)
Towel requirements, Ch 47, §19(p227)
Towels, Ch 47, §29(p228)
Vermin, extermination, Ch 47, §28(p228)
Screens and doors and windows, requirements, Ch 47, §12(p226)
Sleeping apartments, ventilation, Ch 47, §30(p228)
Use kitchen as sleeping room, prohibited, Ch 47, §23(p227)
Violation of law, penalty, duty of county attorney, Ch 47, §47-49(p230)
Water-closets, regulations, Ch 47, §33(p228)

HOUSES OF ILL FAME

Abatement, Ch 36, §10(p154)
Assessment of tax against enjoined property, Ch 36, §12-14(p154)
Defined as nuisance, Ch 36, §1(p152)
Equipment declared nuisance, Ch 36, §1(p152)
Injunction procedure, notice of trial, Ch 36, §2-9(p152)
Keeping house of ill fame, Ch 36, §1(p152)
Leasing house for prostitution, Ch 36, §1(p152)
"Owner" defined, Ch 36, §4(p153)
Sale of abated property, Ch 36, §10(p154)
Temporary injunction, Ch 36, §5(p152)
Violation of injunction, Ch 36, §11(p153)
Writ of injunction, how served, Ch 36, §6(p153)

IMPROVEMENTS

Public improvements, see main head PUBLIC IMPROVEMENTS

INDEBTEDNESS

Cities and towns, for detailed index see main head MUNICIPAL CORPORATIONS,
subhead INDEBTEDNESS

INDICTMENTS

Continuance or delay of trial, Ch 177, §5(p791)

DEMURRER:

Failure constitutes waiver of defects, Ch 177, §7(p791)

Former conviction, Ch 35, §34, 36(pl38)

Grounds, Ch 177, §8(p790)

Indictments alleging several offense, Ch 35, §33(pl38)

Indictments, see main head CRIMINAL PROCEDURE, subhead INDICTMENTS

Miscellaneous violations, prohibition law, Ch 35, §44(pl39)

Pleading former convictions, prohibition law violations, Ch 35, §45
(pl39)

Second and subsequent conviction, penalty, prohibition laws, Ch 35,
§43(pl39)

Second conviction, definition, Ch 35, §35(pl38)

Unnecessary allegations, Ch 35, §32(pl38)

INDIGENTS

County hospitals, see main head HOSPITALS

Hospital for(Iowa City), see main head STATE INSTITUTIONS, subhead
INDIGENTS HOSPITAL

INDUSTRY

WORKMENS COMPENSATION, see main head WORKMENS COMPENSATION

INFORMATION, see main head CIVIL PROCEDURE, subhead INFORMATION

INJUNCTION PROCEEDINGS

Houses of ill fame, Ch 36, §2(pl52)

Nuisances, Ch 35, §95-118-a3(pl46)

INSANITY

Commission of inquiry, duty, Ch 55, §304-307(p308)

COMMISSION OF INSANITY:

Appeal from finding of commission, Ch 55, §293(p307)

Application for admission to hospitals, form, Ch 55, §277(p305)

Appointment and term of members, Ch 55, §268(p303)

Appointment in lieu of sheriff to execute warrant, Ch 55, §289(p307)

Blanks for warrants and certificates furnished commission, Ch 55, §296
(p307)

Care by county, Ch 55, §299(p308)

Care of private patients by relatives or friends, Ch 55, §298(p308)

Clerk of district court to act as clerk, Ch 55, §269(p303)

Clerk's duties, Ch 55, §271(p304)

Compensation and expenses of members, Ch 55, §274(p304)

Costs of commitments, how paid, Ch 55, §275(p304)

Custody outside state hospitals, Ch 55, §300(p308)

Custody pending appeal, Ch 55, §294(p307)

Custody prior to admittance, Ch 55, §273(p304)

Discharge from custody on recovery, Ch 55, §303(p308)

Examining physicians, duty, Ch 55, §282-284(p305)

Females accompanied by female attendant, Ch 55, §290, 292(p307)

Final order on appeal, Ch 55, §295(p307)

Findings and order of commitments, Ch 55, §285(p306)

Hearing, custody of patient, Ch 55, §278(p305)

Hearings on commitments, Ch 55, §280, 281(p305)

Insane defined, Ch 55, §213(p309)

Neglected insane provided for, Ch 55, §301(p308)

Notices given, how served, Ch 55, §272(p304)

Number of members, Ch 55, §266(p303)

Oaths, power to administer, Ch 55, §279(p305)

Organization, Ch 55, §269(p303)

Person accused of crime. record, Ch 55, 288(p306)

Personnel of commission, Ch 55, §267(p303)

INSANITY - concluded

COMMISSION OF INSANITY: - concluded

- Physician for examination, Ch 55, §287(p303)
- Relative given preference in executing warrants of commitment, Ch 55, §291(p307)
- Subpoenas, power to issue, Ch 55, §279(p305)
- Temporary custody, Ch 5, §297(p307)
- Transfers from county and private asylums, Ch 55, §302(p308)
- Transportation expenses of patient, Ch 55, §276(p304)
- Vacancy temporarily filled, Ch 55, §270(p304)
- Warrant of commitment, execution, Ch 55, §286, 287, 289-291(p306)
- Commitments to epileptics hospital made under insanity laws, Ch 55, §201 (p295)
- Commitment of drug addicts under insanity laws, Ch 55, §208(p296)
- Compensation of commissioners of inquiry, Ch 55, §308(p309)
- Costs of commitment, Ch 55, §324-333(p311)

COUNTY AND PRIVATE HOSPITALS:

- Appropriation for inspection, Ch 55, §253(p301)
- Authority for confinement in private asylum, Ch 55, §265(p303)
- Care for insane of other counties, Ch 55, §264(p303)
- Compensation of inspectors, Ch 55, §252 (p301)
- Complaints of patients, hearing, Ch 55, §251(p301)
- Cost of removal or transfer of patients, Ch 55, §255(p302)
- Decision as to removal of patients, Ch 55, §262(p303)
- Discharge of transferred patient, Ch 55, §263(p303)
- Inspection by board of control, Ch 55, §250(p301)
- Notice to guardian of violation of rules, Ch 55, §257(p302)
- Removal of patients by board, Ch 55, §255(p302)
- Rules made by board of control, Ch 55, §254(p302)
- Sanity investigations, Ch 55, §258(p302)
- Supervision by board of control, Ch 55, §249(p301)
- Transfers between institutions, Ch 55, §259-261(p302)
- County insane fund, Ch 55, §337(p313)
- County liability for support of insane, Ch 55, §314(p309)
- Duty of county auditor and treasurer, Ch 55, §334(p312)
- Habeas corpus, right when confined, Ch 55, §310(p309)
- Legal settlement of insane determined, Ch 55, §315-332(p310)
- Non-resident insane persons, Ch 55, §318-320(p310)
- Notice of action, service on persons insane, Ch 147, §2(p642)
- Penalty for counties nonpayment, Ch 55, §335(p312)
- Persons liable for support of insane, Ch 55, §328-332(p312)
- Report to county of hospital expenses, Ch 55, §333(p312)
- State hospitals, see main head STATE INSTITUTIONS, subhead INSANE HOSPITALS
- State liability for support of insane, Ch 55, §314(p309)
- Tax for hospital support fund, Ch 55, §336(p313)
- Transfer of insane patient, expenses, Ch 55, §321-323(p311)

INSECTICIDES AND FUNGICIDES

- Adulteration, Ch 165, §133(p727)
- Definitions, Ch 165, §130(p726)
- Labeling, Ch 165, §132(p726)
- Spray solutions, Ch 165, §134(p727)

INSTITUTES, COUNTY, see main head FARMERS INSTITUTES

INSTRUMENTS

Affecting real property, for detailed index see main head REAL PROPERTY
Chattel mortgages, for detailed index see main head CHATTEL MORTGAGES

INSURANCE

COMPENSATION, LIABILITY INSURANCE:

Benefit insurance, Ch 28, §111(pl12)
Commission for reinsurance, Ch 28, §109(pl12)
Compensation policy, requirements, Ch 28, §116(pl13)
Failure to insure, employees right, Ch 28, §119, 120, 121(pl13)
Insolvency clause prohibited, Ch 28, §114(pl13)
Insurance of liability required of employer, Ch 28, §107(pl11)
Mutual companies, Ch 28, §110(pl12)
Notice of failure to insure, penalty, Ch 28, §108(pl12)
Relief of employer from insurance, proof of solvency, Ch 28, §117(pl13)
Revocation of release from insurance, Ch 28, §118(pl13)
Termination of benefit plans by industrial commissioner, Ch 28, §113
(pl12)

Workmens lien on proceeds, Ch 28, §115(pl13)

State department, see main head STATE OFFICERS AND DEPARTMENTS, subhead
INSURANCE DEPARTMENT

INTERURBAN RAILROADS, for detailed index see main head RAILROADS

INTOXICATED PERSONS

Liability for care, Ch 35, §119(pl50)

INTOXICATING LIQUORS

ACTIONS, CIVILS

Abatement after judgment, Ch 35, §114(pl48)
Abatement before judgment, Ch 35, §115(pl48)
Abatement bonds, liens on real estate, Ch 35, §116-a1, -a2(pl48)
Action for damages resulting from intoxication, Ch 35, §120-123(pl50)
Attorney fee, Ch 35, §31(pl38)
Attorney fees in liquor nuisance abatement actions, Ch 35, §101(pl47)
Bad faith in prosecution, liquor nuisance abatement, Ch 35, §104(pl47)
Bond, liability of principal and surety, Ch 35, §123(pl51)
Care of intoxicated person, Ch 35, §119(pl50)
Costs in actions for abatement of nuisance, Ch 35, §118(pl50)
County attorney's duty, Ch 35, §30(pl37)
County attorney's duty to prosecute forfeitures of abatement bonds,
Ch 35, §116-a9(pl49)
Dismissal of liquor nuisance abatement action, Ch 35, §102(pl47)
Evidence in action for abatement of liquor nuisance, Ch 35, §100(pl46)
Fees, advance payments in enjoining actions, Ch 35, §117(pl49)
Fees for selling of property from abated premises, Ch 35, §112(pl48)
First conviction, violation of liquor nuisance injunction, penalty,
Ch 35, §107(pl47)
Forfeiture of abatement bond, procedure, trial, judgment, appeal, Ch 35,
§116-a3 - 116-a8(pl49)
Former conviction, Ch 35, §34, 36(pl38)
Indictment alleging several offenses, Ch 35, §33(pl38)
Indictments, Ch 35, §32(pl38)
Injunction against bootleggers, Ch 35, §109(pl49)
Judgment of abatement, Ch 35, §110(pl48)
Judgment lien, Ch 35, §40-42-a1(pl38)
Miscellaneous violations, Ch 35, §44(pl39)
Nulot tax imposed against liquor nuisance, Ch 35, §118-a1 - a3(pl50)
Notice of action to enjoin, Ch 35, §97(pl46)
Nuisance, action to enjoin, Ch 35, §95(pl46)

INTOXICATING LIQUORS - concluded

ACTIONS, CIVIL: - concluded

- Peace officer as witness, Ch 35, §39(pl38)
 - Peace officers duty, expenses, Ch 35, §26-29(pl37)
 - Pleading former convictions, Ch 35, §45(pl39)
 - Proceeds from sale of personal property in abatement proceedings, how applied, Ch 35, §113(pl48)
 - Proof of sale, Ch 35, §37(pl38)
 - Purchaser as witness, Ch 35, §38(pl38)
 - Recovery of liquor as its value, Ch 35, §126(pl51)
 - Recovery of payments on illegal contracts, Ch 35, §124-129(pl51)
 - Release of property by abatement, effect, Ch 35, §116(pl48)
 - Second and subsequent conviction for violation of injunction, Ch 35, §108(pl47)
 - Second and subsequent conviction, penalty, Ch 35, §43(pl39)
 - Second conviction defined, Ch 35, §35(pl38)
 - See also main head CIVIL PROCEDURE
 - Service of papers by peace officers, Ch 35, §117-al(pl49)
 - Temporary injunction, abatement of nuisance, Ch 35, §96(pl46)
 - Termination of lease, Ch 35, §130(pl52)
 - Trial, abatement of liquor nuisance, time, delay, method, Ch 35, §99, 103, 106(pl46)
 - Unnecessary allegations, in indictment, Ch 35, §32(pl38)
 - Violation of liquor nuisance injunction, Ch 35, §105, 111(pl47)
 - Conveyance defined, Ch 35, §80(pl44)
 - Forfeiture, optional procedure, Ch 35, §86 - 86-a2, 88(pl44)
- GENERAL PROHIBITIONS:

- Accessories to violations of liquor laws, Ch 35, §4(pl34)
 - Bootlegger defined, Ch 35, §7(pl34)
 - Clubrooms, penalty for use, Ch 35, §13(pl35)
 - Damages, immunity from, in relation to compliance to this chapter, Ch 35, §24(pl37)
 - Definition of intoxicating liquor, Ch 35, §2(pl34)
 - Delivery, conditions, proof of right to receive, Ch 35, §23(pl36)
 - Drinking on trains, Ch 35, §17(pl36)
 - False statements to carrier, penalty, Ch 35, §14(pl35)
 - First conviction, penalty, Ch 35, §5(pl34)
 - Illegal transportation of liquor, Ch 35, §18(pl36)
 - Inspection of shipping records, Ch 35, §21(pl36)
 - Interpretations in harmony with federal statutes, Ch 35, §25(pl37)
 - Intoxication, penalty, Ch 35, §11(pl35)
 - Intoxication, when penalty remitted, Ch 35, §12(pl35)
 - Labeling legal shipments, Ch 35, §16(pl36)
 - Manufacture, sale, or keeping for sale, Ch 35, §3(pl37)
 - Nuisance, abatement, penalty, Ch 35, §9, 10(pl35)
 - Record of shipments, Ch 35, §20(pl36)
 - Sale, where made, Ch 35, §8(pl34)
 - Search of packages in transit, Ch 35, §15(pl36)
 - Shipments for lawful purposes, Ch 35, §19(pl36)
 - Unlawful delivery by carriers, Ch 35, §23(pl37)
- Information and return filed, form, Ch 35, §85, 87(pl44)

PERMITS:

MANUFACTURERS:

- Application for permit, contents, Ch 185, §73(p841)
- County attorney to appear at hearing, Ch 185§74(p841)
- Delivery to sheriff, Ch 185, §78-a2(p842)
- Destruction of undelivered shipments, Ch 185, §78-a3(p842)

INTOXICATING LIQUORS - concluded

PERMITS--concluded

Manufacturers:

Granting permit, bond, Ch 185, §75(p841)
Medicines, authority to manufacture, Ch 185, §72(p841)
Record of permit kept by clerk of court, Ch 185, §77(p841)
Term of permit, Ch 185, §76(p841)
Transportation, consignee, right to receive, Ch 185, §78-a1(p841)
Violations, penalty, Ch 185, §78(p841)

Pharmacists:

Bond of permit holder, sureties, Ch 185, §13(p828)
Change of location of permit holder, Ch 185, §23(p831)
Clerk's acts deemed those of permit holder, Ch 185, §45(p835)
Conviction in federal court, Ch 185, §25-a7(p833)
Cost paid by applicant, Ch 185, §28(p833)
Death of holder, continuation of permit, Ch 185, §47(p835)
Destruction of liquor, Ch 185, §35(p834)
Effect of suspension for violation of liquor law, Ch 185, §25-a6(p833)
Evidence admissible, Ch 185, §36(p834)
Existing permits affected by law, Ch 185, §48-a1(p835)
False oath, penalty, Ch 185, §29(p835)
False return, Ch 185, §30(p833)
Form of request, Ch 185, §22-a2(p830)
Identification of purchaser, Ch 185, §22-a6(p831)
Issuance of permit, Ch 185, §19(p829)
Liability of permit holder, Ch 185, §34(p834)
Limitation of sales, Ch 185, §22(p829)
Notice of application, publication, Ch 185, §5(p827)
Notice of hearing, to county attorney, Ch 185, §24(p832)
Oath of applicant, Ch 185, §18(p828)
Oath of physician when filing records, Ch 185, §25-a4(p832)
Partner without permit restricted same as clerk, Ch 185, §46(p835)
Penalty for false oath by permit holder, Ch 185, §22-a7(p831)
Permits authorized, Ch 185, §1(p826)
Petition for permit, required contents, Ch 185, §2-12(p826)
Prescription prohibited, Ch 185, §25-a1(p832)
Prices fixed by pharmacy examiner, Ch 185, §21-a1(p829)
Production of books and papers, Ch 185, §37(p834)
Record, entry of order kept by clerk, Ch 185, §42(p834)
Records kept by clerk of the court, Ch 185, §27(p833)
Record of prescriptions by physician, filing, Ch 185, §25-a2, 25-a3.
(p833)
Refusal of request for liquor, Ch 185, §22-a5(p831)
Remonstrance, filing limit, Ch 185, §11(p827)
Request by applicant for liquor, Ch 185, §22-a1(p830)
Revocation of permit to practice pharmacy, Ch 185, §26(p833)
Revocation of permit by court, Ch 185, §38(p834)
Revocation when pharmacy license ceases, Ch 185, §44(p835)
Service of complaint, Ch 185, §39(p834)
Suspension of license for violation of liquor law, Ch 185, §25-a5
(p832)
Suspension of permit during trial, Ch 185, §40(p834)
Trial for law violation, Ch 185, §41(p834)
Verification of petition, Ch 185, §4(p827)
Violation, penalties, Ch 185, §25(p832)

Wholesale druggist:
Application for permit, contents, Ch 185, §49-a1(p835)

INTOXICATING LIQUORS - concluded

PERMITS - concluded

Wholesale dramgiat: - concluded

Corporation defined, Ch 185, §67-al (p840)
Delivery of liquor, Ch 185, §80-al, 65 - 65-a3 (p839)
Form of request to buy, Ch 185, §88 (p837)
Good faith requested of purchaser, Ch 185, §54 (p837)
Limitation on sales, Ch 185, §56 (p837)
Permit, authority thereunder, Ch 185, §53 (p836)
Procedure to obtain same as pharmacist, Ch 185, §80 (p836)
Reports by permit holder, Ch 185, §60-a2 - 62 (p838)
Requests by purchaser, Ch 185, §60 (p838)
Sale made only on written request, Ch 185, §57 (p837)
Sales under prior statutes, Ch 185, §67-a2 (p840)
Shipping requirements, Ch 185, §63 - 64-al (p838)
Substitute for pharmacist, Ch 185, §51-al (p836)
Violations by permit holder, Ch 185, §66 (p839)
Violations by purchaser, Ch 185, §67 (p839)
Wholesale drug corporation, Ch 185, §49 (p835)
Wholesalers report of liquor received, Ch 185, §68 - 70-al (p840)

Release of conveyances, Ch 35, §84 (pl44)

Replevin not available, in re vehicles, Ch 35, §82 (pl44)

SEARCH WARRANTS:

Appeal by state, Ch 35, §82 (pl42)

Appeal from judgment of forfeiture, Ch 35, §61 (pl42)

Appeal, stay of proceedings, Ch 35, §63 (pl42)

Condemned liquors, how used, Ch 35, §70-72 (pl42)

Costs of proceedings, Ch 35, §60 (pl41)

Delivery of seized articles to sheriff, Ch 35, §67 (pl42)

Destruction defined, Ch 35, §79 (pl43)

Disposition of seized articles, writ, Ch 35, §74-76 (pl42)

Execution of warrant by peace officer, Ch 35, §51 (pl40)

Forfeiture on default, Ch 35, §64 (pl42)

Information by resident, Ch 35, §47, 48 (pl39)

Issuance for probable cause, Ch 35, §50 (pl40)

Judgment docketed, effect, Ch 35, §67 (pl42)

Judgment of forfeiture, Ch 35, §59, 68 (pl41-145)

Notice of hearing, service, Ch 35, §52, 53, 88 (1) (pl40, 145)

Restoration of seized articles, Ch 35, §68, 69 (pl42)

Right to contest forfeiture, procedure, Ch 35, §54, 55 (pl41)

Right to jury trial, Ch 35, §56, (pl41)

Shipments, Ch 35, §77, 78 (pl43)

Transcript of judgment of forfeiture to district, Ch 35, §65 (pl42)

Trial proceedings, burden of proof, Ch 35, §57 (pl41)

Seizure of conveyance by officer, Ch 35, §81 (pl44)

TRANSPORTATION:

Action, criminal, defense and venue, Ch 35, §122-a2, 122-a3 (pl51)

Custody of conveyance seized, Ch 35, §83 (pl44)

Duty of secretary of state in re notice of forfeiture, prohibition violations, Ch 35, §89 (pl45)

Illegal transportation, Ch 35, §122-al (pl51)

Liens, priority, judgment of forfeiture, Ch 35, §91 (pl46)

Return of conveyance, permissible claimant, Ch 35, §90 (pl45)

Sale of seized vehicles, distribution of proceeds, Ch 35, §92, 93 (pl46)

INTOXICATION

Action for care of intoxicated person, Ch 35, §119(p150)
Civil action for damages, Ch 35, §120, 122(p150)
Commitments to institution, Ch 35, §207(p296)
Penalty, Ch 35, §11(p135)
Penalty remitted, Ch 35, §12(p135)

ITINERANTS

Chiropractors, law applicable, Ch 167, §72-78(p757)
Optometrist, law applicable, Ch 167, §72-78(p757)
Osteopath, law applicable, Ch 167, §72-78(p757)
Physician, law applicable, Ch 167, §72-78(p757)

JUDGES, see main head COURT; also main head ELECTIONS

JUDGMENTS

Civil cases, see main head CIVIL PROCEDURE

JUDGMENT LIENS, see main head LIENS

Prohibition law violations, Ch 35, §40-42-a1, 91, 92(p138, 146)

JUDICIAL

Conventions, see main head ELECTIONS, subhead POLITICAL PARTY CONVENTIONS

JURY

FEE AND MILEAGE:

Clerk to certify attendance for fee, Ch 170, §6(p776)
Courts of record, Ch 170, §5.1(p776)
Justice of the peace court, Ch 170, §5.2(p776)
Mayor court same as justices, Ch 170, §5.2(p776)
Summons, mileage, Ch 144, §34(p637)

JURORS:

Challenges:

For cause, grounds, Ch 170, §60-62(p784)
Preemptory challenges, Ch 144, §35(p637), Ch 184, §1.2(p825)
Competency, qualifications of jurors, Ch 170, §1(p776)
Excused from serving, Ch 170, §3(p776)
Exemption from duty, Ch 170, §2(p776)
False excuses, Ch 170, §4(p776)

JURY COMMISSIONS:

Additional jurors drawn, Ch 170, §46(p782)
Appointment, Ch 170, §7-10(p777)
Assistants, Ch 170, §15(p778)
Cancellation for illegality, new jurors drawn, Ch 170, §44(p782)
Compensation and expenses, Ch 170, §14(p777)
Instructions, Ch 170, §13(p777)
Notice to meet, Ch 170, §59(p783)
Qualifications, tenure, Ch 170, §12(p777)
Vacancy filled, Ch 170, §11(p777)

JURY LISTS:

Certification, Ch 170, §22(p779)
Correction of illegality in originals, Ch 170, §57(p783)
Filing lists, Ch 170, §23, 24(p780)
Powers of board of supervisors, Ch 170, §21-a4(p779)
Powers of election judges, Ch 170, §21-a3(p779)
Preparation of lists, Ch 170, §16-21-a2(p779)

Municipal court, see main head COURTS, subhead MUNICIPAL COURT

PANEL, PETITE JURY:

Appointment to election precincts, Ch 170, §21-a1(p779)
Ballot boxes, sealed, custody, Ch 170, §27(p779)
Ballots, disposition, Ch 170, §52-54(p783)
Ballots prepared, Ch 170, §25(p780)
Commission to draw names, Ch 170, §32, 49(p781, 783)
Delinquency of officers in selecting jury, Ch 170, §56(p783)

JURY - concluded

PANEL, ENTIRE JURY: - concluded

- Discharge of penal, Ch 170, §47(p782)
- Names rejected, Ch 170, §26, 50(p780)(p783)
- Number minimum, Ch 170, §28(p781)
- Services maximum required, Ch 170, §29(p781)
- Talesmen drawn, summons, Ch 170, §49-51(p783)
- Time, notice detail of drawing, Ch 170, §30, 31, 34(p781)

TALESMEN:

- Special venire, Ch 170, §55(p783)
- Summons, Ch 170, §51(p783)
- Talesmen at large, by consent, Ch 170, §53(p783)

JURAT, see main head ACKNOWLEDGMENTS

JUSTICE, see main head STATE OFFICERS AND DEPARTMENTS, subhead ATTORNEY GENERAL

JUSTICE OF THE PEACE, see main head COUNTY OFFICERS AND DEPARTMENT

JUVENILE COURT

- Clerk of court, duties, Ch 55, §348(p314)
- Clerk, who shall act, Ch 55, §344(p313)
- Court always open, Ch 55, §342(p313)
- Creation, how constituted, Ch 55, §339(p313)
- Judges designated, effect, Ch 55, §340, 341(p313)
- Jurisdiction, Ch 55, §338(p313)
- Physicians and nurses, Ch 55, §346(p314)
- Powers and duties of probation officers, Ch 55, §347(p314)
- Probation officers, salary, Ch 55, §345(p314)
- Records kept, Ch 55, §343(p313)
- Salaries of appointees, how paid, Ch 55, §349(p314)

KINDERGARTEN

- Establishment in public schools authorized, Ch 70, §27(p379)

LABELS, MARKS AND BRANDS

- Butter, see main head FOOD, subhead BUTTER

LABOR AND MATERIALS ON PUBLIC IMPROVEMENTS, see main head PUBLIC IMPROVEMENTS

LABOR LAWS

BUREAU OF LABOR:

Commissioner of labor:

- Appointment, tenure, Ch 32, §2(p126)
- Definition of terms, Ch 32, §14(p129)
- Destruction of records, when permitted, Ch 32, §13(p129)
- Duties in general enumerated, Ch 32, §3, 4(p126)
- Expenses allowed, Ch 32, §7(p128)
- Factory inspectors appointed, Ch 32, §5, 6(p127)
- Free employment office, Ch 33, §1(p130)
- Health and safety provisions, duty to enforce, Ch 29, §1(p114)
- Information obtained confidential, Ch 32, §12(p128)
- Investigation of private employment agencies, Ch 33, §9(p131)
- Power to secure evidence, Ch 32, §9(p128)
- Prosecutions for violations of labor laws, Ch 32, §10(p128)
- Reports and records preserved, Ch 33, §13(p129)
- Right of entry to premises, Ch 32, §8(p128)
- Vacancy, how filled, Ch 32, §2-al(p126)
- Witnesses subpoenaed, fees, Ch 32, §9(p128)
- Woman inspector appointed, duties, Ch 32, §6(p217)

Employment Agencies, Private:

- Copy of agreement or contract furnished applicant, Ch 33, §6(p130)
- Failure to procure employment, fee returned, Ch 33, §5(p130)
- Fees, division between agency and employer prohibited, Ch 33, § 7(p131)
- Investigation by labor commission, Ch 33, §9(p131)
- Penalties for violations, Ch 33, §10(p131)
- Records required of agencies, Ch 33, §8(p131)

LABOR LAWS - concluded

BUREAU OF LABOR:- concluded

Employment Bureau, State:

Law applicable, for detailed index see main head UNEMPLOYMENT COMPENSATION, subhead EMPLOYMENT SERVICE

Penalties for violations of provisions, Ch 32, §15(pl29)

Reports made to bureau, Ch 32, §11(pl28)

Violations, penalties, Ch 32, §15(pl29)

CHILD LABOR:

Age limit, exception, Ch 30, §1(pl17)

Billiard halls, employment prohibited, Ch 30, §10(pl19)

Boot blacking, restrictions, Ch 30, §11,12(pl19)

Bowling alleys, child labor prohibited, Ch 30, §10(pl19)

Child labor permits filed, Ch 30, §8(pl19)

Cleaning machinery prohibited, Ch 30, §4(pl17)

Enforcement, duties of officers, Ch 30, §9,15(pl19,120)

Hours of labor, restrictions, Ch 30, §2,3(pl17)

Newspaper and magazines peddling, Ch 30, §11,12(pl19)

Night delivery work prohibited, Ch 30, §13(pl20)

Operating dangerous machinery, regulated, Ch 30, §4(pl17)

Operating elevator prohibited, Ch 30, §4(pl17)

Peddling circulars, Ch 30, §11,12(pl19)

Penal provisions, Ch 30, §14(pl20)

Permit filing with labor commissioner, Ch 30, §5(pl17)

Permit to child, how obtained, Ch 30, §6(pl18)

Permit to employ issuance, Ch 30, §5(pl17)

Prohibited industries, Ch 30, §1,10-12(pl17,119)

Schools, districts, having part time, age and hour restrictions, Ch 30, §3(pl17)

Superintendent of schools, duties, Ch 30, §6(pl18)

CONVICT LABOR:

State prisoners:

Commitments at hard labor, Ch 55, §462(p331)

Leasing prison labor prohibited, Ch 55, §461-a7(p330)

Prices of labor, Ch 55, §461-a2, a3(p331)

Road work, Ch 55, §461-a8, 461-a9(p331)

Types of employment allowed, Ch 55, §461(p330)

EMPLOYER:

Compensation liability insurance, see main head INSURANCE, subhead COMPENSATION LIABILITY INSURANCE

Liability:, see main head WORKMENS COMPENSATION, also main head INSURANCE

HEALTH AND SAFETY APPLIANCES:

Blowers, types required for dust, Ch 29, §8(pl15)

Notice of violations, Ch 29, §9-a1(pl16)

Penalty for violations, Ch 29, §12(pl16)

Pipes and flues for gases, Ch 29, §9(pl16)

Records of accidents, Ch 29, §10(pl16)

Removal of appliances for special work, Ch 29, §7(pl15)

Report of accidents, Ch 29, §11(pl16)

Safety appliances on machines required, Ch 29, §6(pl15)

Seats furnished female employees, Ch 29, 4(pl15)

Steam boilers, safety gauges and valves, Ch 29, §5(pl15)

Washing facilities for employees, Ch 29, §3(pl15)

Water closets for employees, number, Ch 29, §2(pl14)

Workmens compensation, see main head WORKMENS COMPENSATION

LAND

Land grants, see main head REAL PROPERTY, subhead LAND GRANTS
Land surveys, for detailed index see main head SURVEYS
State land, see main head REAL PROPERTY

LANDLORDS LIEN

For detailed index see main head LIENS, subhead LANDLORDS LIEN

LAW SCHOOLS

Admission to bar requirements, Ch 157, §14(p655)

LETTERS

Administration, see main head PROBATE LAW, subhead EXECUTORS AND ADMINISTRATORS

LEVEES

County levees, see main head DRAINAGE AND LEVEE DISTRICTS

LIBRARY

PUBLIC LIBRARY:

Cities and towns, establishment, Ch 109, §1(p468)
Condemnation of land by cities and towns, Ch 120, §3(p496)
Contract for use by other corporations, Ch 109, §2-6(p469)
Law relative to, shall apply to special charter cities, Ch 124, §12 (p509)
Method of use under contract, Ch 109, §3(p469)
State libraries, see main head STATE OFFICERS AND DEPARTMENTS, subhead LIBRARY AND HISTORICAL DEPARTMENT

LICENSE

Chiropractors, Ch 167, §2-86(p748)
Cold storage plant licenses, Ch 47, §51-53(p231)
Dentists, Ch 167, §2-86(p748)
Dog license, for detailed index see main head ANIMALS, subhead DOGS
Embalmers, Ch 167, §2-86(p748)
Individual licenses, see appropriate main heads
Liquor, see main head INTOXICATING LIQUOR, subhead PERMITS
Marriage, Ch 142, §1-8(p630)
Motor vehicle license, see main head MOTOR VEHICLES, subhead REGISTRATION
Nurses, Ch 167, §2-86(p748)
Optometrist, Ch 167, §2-86(p748)
Osteopath, Ch 167, §2-86(p748)
Pharmacist, Ch 167, §2-86(p748)
Physicians and surgeons, Ch 167, §2-86(p748)
Podiatrists, Ch 167, §2-86(p748)
Veterinary license, Ch 46, §139-182(p219)

LIENS

Animals, license for care, Ch 141, §60-63(p627)
Artisan's lien, Ch 141, §58, 59(p627)

BONDS TO RELEASE LIENS:

Action on bond, where brought, Ch 176, §4(p789)
Effect of bond, Ch 176, §3(p789)
Liens subject to release, Ch 176, §1(p789)
Requirements and amount of bond, Ch 176, §2(p789)

CARRIER'S LIEN:

Definitions, Ch 141, §40(p624)
Enforcement of lien, Ch 141, §42(p625)
Lien of common carrier, Ch 141, §41(p625)
Notice of sale, Ch 141, §43-45(p625)
Sale of property, Ch 141, §46-48(p625)
Satisfaction of lien, recovery of property, Ch 141, §49-55(p626)
Commission merchants lien, Ch 141, §56, 57(p627)
Forwarding merchants lien, Ch 141, §56, 57(p627)

LIENS

- Hotel keeper's lien, Ch 141, §64-69(p620)
- Judgment liens, see main head JUDGMENT LIENS
- Judgment liens, municipal court, Ch 144, §40(p638)

LANDLORDS LIEN:

- Additional property encumbered, Ch 141, §5(p620)
- Enforcement, attachment, levy, Ch 141, §4(p620)
- Nature, duration, Ch 141, §1,2(p619)
- Sale under judicial process, effect, Ch 141, §3(p620)
- Tenant's suit to recover, Ch 141, §6-9(p620)

MECHANIC' LIEN:

- Actions to enforce lien, Ch 141, §33-38(p624)
- Collateral security, effect on lien, Ch 141, §12,13(p621)
- Definition and construction, Ch 141, §10(p620)
- Discharge of subcontractor's lien, Ch 141, §24(p622)
- Extent of lien, Ch 141, §14-16(p621)
- Foreclosure when prior lien on land, Ch 141, §30(p623)
- Owner's liability to subcontractor, Ch 141, §23(p622)
- Perfection of lien, filing, notice, Ch 141, §17,18(p621)
- Persons entitled to lien, Ch 141, §11(p621)
- Priority, Ch 141, §25(p623)
- Priority over garnishments of owner, Ch 141, §28(p623)
- Priority over other liens, Ch 141, §27,29(p623)
- Record of claim, Ch 141, §31(p623)
- Rules of construction, Ch 141, §25(p623)
- Satisfaction acknowledged or penalty, Ch 141, §32(p624)
- Subcontractor's lien after sixty days, Ch 141, §19-21(p622)

- Minor's lien, Ch 141, §39(p624)

LIGHTS

- Motor vehicle, for detailed index see main head MOTOR VEHICLES, subhead LIGHTS AND LIGHTING EQUIPMENT

LIQUOR, see main head INTOXICATING LIQUOR

LOANS

- Chattel mortgages, for detailed index see main head CHATEL MORTGAGES

LOST PROPERTY

- Advertising of lost property, Ch 41, §2,5(pl76)
- Advertising, responsibility of finder, Ch 41, §1-9(pl76)
- Bank notes and money, advertisement, vesting of title, Ch 41, §3 -6-a2 (pl76)
- Boats, logs, lumber, advertisement by finder, effect if not claimed, Ch 41, §7(pl77)
- Costs and charges assessed, Ch 41, §9(pl77)
- Proceeds of sale, disposition, Ch 41, §2(pl76)
- Reward to finder, Ch 41, §8(pl77)

MAGISTRATES

- Definition, Ch 159, §1(p658)
- Designation as officers of justice, Ch 159, §4(p658)
- Powers and duties, Ch 159, §2(p658)

MANUAL TRAINING

- Taught in public schools, Ch 70, §26(p379)

MAPS

MINE:

- Custody of maps, Ch 27, §17(p75)
- Duties of operator, Ch 27, §15(p74)
- Failure of operator to furnish map, effect, Ch 27, §16(p75)

MARINES, see main head SOLDIERS, SAILORS AND MARINES

MARRIAGE

Age requirements, Ch 142, §2(p630)
Certificate given after solemnization, return, Ch 142, §4(p630)
Incest defined, punishment, Ch 142, §7(p631)

LICENSES:

Issuance, grounds for refusal, Ch 142, §1(p630)
Return blank issued with license, Ch 142, §3(p630)
Minority, period of, Ch 142, §8(631)
Returns made to clerk, Ch 142, §5(p630)
Void marriages, Ch 142, §6(p631)

MATERIALS, see main head PUBLIC IMPROVEMENTS

MATERNITY

Hospitals, see main head HOSPITALS

MATRON, POLICE, see main head MUNICIPAL CORPORATION, subhead POLICE DEPARTMENT

MATRESS FACTORIES

Comfort defined, Ch 165, §169-a1(p732)
Insanity material not to be used, Ch 165, §169-a2(p732)
Inspection of factories, fees, Ch 165, §169-a6(p733)
Label of remade mattresses, Ch 165, §169-a8(p733)
Labeling mattresses, Ch 165, §169-a3 - 169-a4(p733)
Mattress defined, Ch 165, §169-a1(p732)
Registration of manufacturers with agricultural department, Ch 165, §169-a5
(p733)

MATRESSES

Definition in mattress factory law, Ch 165, §169-a1(p732)

MEASURES AND WEIGHTS, see main head WEIGHTS AND MEASURES

MECHANICS' LIEN, for detailed index see main head LIENS, subhead MECHANICS'

LIEN

MEDICAL

Examiners, state board, see main head PHYSICIANS AND SURGEONS

MEMORIAL HALLS AND MONUMENTS, see main head SOLDIERS, SAILORS, AND MARINES

MERCHANTS

Taxation, Ch 125, §7(p516)

MILK AND CREAM

Food law, see main head FOODS

MILL DAMS AND RACES, see main head WATERS AND WATERCOURSES

MINERALS

Land, drainage, Ch 126, §257-265(p572)

MINES AND MINING

Drainage of mineral lands, Ch 126, §257-265(p572)

COALS, see main head COAL

EXAMINERS, STATE, see main head STATE OFFICERS AND DEPARTMENTS, subhead MINING

EXAMINERS BOARD

INSPECTORS, see main head STATE OFFICERS AND DEPARTMENTS, subhead MINE

INSPECTORS

Permit for construction from department of health, Ch 164, §16(p675)

MINORS

ADOPTION:

Consent, when required, Ch 143, §1(p633)
Instrument of adoption, contents, Ch 143, §2(p633)
Damages due to violation of prohibition law, Ch 35, §122(p150)
DEPENDENT, DELINQUENT AND NEGLECTED CHILDREN:

Adoption, Ch 55, §371-373(p317)
Aid to widow in care of child, Ch 55, §374, 375(p317)
Applicability of law, Ch 55, §350(p314)
Arrest of parties, Ch 55, §361(p316)
Attorney to represent child, appointment, Ch 55, §364(p316)
Child defined, Ch 55, §353(p315)

MINORS

DEPENDENT, DELINQUENT AND NEGLECTED CHILDREN: - concluded

Commitment of child, Ch 55, §366, 370, 372, 373(p316)
Contributing to delinquency, penalty, Ch 55, §389-a1 - 389-a4(p320)
Custody pending hearing, Ch 55, §363(p316)
Delinquent child defined, Ch 55, §352(p315)
Dependent children defined, Ch 55, §351(p315)
Detention home, county, Ch 55, §385, 386(p319)
Discharge from custody, Ch 55, §382, 383(p319)
Guardianship while committed, Ch 55, §371(p317)
Hearings, time and place, Ch 55, §356, 362(p315)
Information charging crime, Ch 55, §365(p316)
Institution defined, Ch 55, §353(p315)
Institutions designated for commitment, Ch 55, §378, 379, 387(p318)
Juvenile court prosecutions, Ch 55, §369(p317)
Neglected children defined, Ch 55, §351(p315)
Notice of hearing, service, Ch 55, §357-359(p315)
Parent defined, Ch 55, §353(p315)
Petitions, Ch 55, §354, 355(p315)
Private hearing, discretion of court, Ch 55, §368(p317)

Private Institutions:

Children under eighteen years of age committed, Ch 55, §390(p320)
Commitment of children over eighteen years, Ch 55, §394(p321)
Commitments in lieu of jail sentence, Ch 55, §405(p322)
Commitment subsequent to jail sentence, Ch 55, §406(p322)
Definition of terms, Ch 55, §392(p321)
Female delinquents, surrender to court, Ch 55, §407(p322)
Female delinquents, release on bond, Ch 55, §408(p323)
Foreign institutions, Ch 55, §400-403(p322)
Institution defined, Ch 55, §410(p323)
Institutions under supervision of board of control, Ch 55, §397(p321)
Labor to be performed by female delinquent, Ch 55, §409(p323)
Monthly allowance from county, Ch 55, §404(p322)
Powers revoked by district court, Ch 55, §391(p321)
Private unincorporated institutions, subject to supervision of board of control, Ch 55, §411-a1(p323)
Reports to board of control, Ch 55, §398, 399(p321)
Revocation of commitment by juvenile court, conditions, Ch 55, §396(p321)
Schooling of children, Ch 55, §395(p321)
Surrender of child, by whom, Ch 55, §393(p321)
Visitation by board of control, Ch 55, §411(p323)
Prosecution of misdemeanor cases, transfer to juvenile court, Ch 55, §367(p316)
Refusal to surrender child, Ch 55, §360(p316)
Reports by courts and institutions, Ch 55, §388(p319)
Report of judge to superintendent, Ch 55, §384(p319)
Support by parents compiled, Ch 55, §376, 377(p318)
Term of commitment, Ch 55, §381(p319)
Transfer of child, power of board of control, Ch 55, §380(p319)

Juvenile court, see main head JUVENILE COURT

Marriage, Ch 142, §8(p631)

MORPHINE, see main head DRUGS

MORTGAGES ON CHATTEL, see main head CHATTEL MORTGAGES

MORTGAGES ON REAL PROPERTY

Acknowledgments, for detailed index see main head ACKNOWLEDGMENTS

FORECLOSURE:

Attorney fees, when allowed, Ch 155, §1(p652)

Bill of sale, Ch 155, §2-3(p652)

Satisfaction of mortgage, release, Ch 155, §5(p652)

MOTOR VEHICLES

ACCIDENTS:

Accident to property, Ch 180, §207(p821)

Assaults and homicide, Ch 180, §219(p823)

Form of judgment, Ch 180, §204-206(p821)

Information and aid, Ch 180, §200(p820)

Operator defined, Ch 180, §203(p821)

Reporting accidents, Ch 180, §201, 202(p820)

ANTI-THEFT LAW:

Disposition of stolen vehicles, Ch 180, §220(p823)

Presumptive evidence, Ch 180, §221(p823)

COLLECTION OF FEES:

Collection by sheriff, Ch 180, §70-76(p805)

Cost of publication, Ch 180, §68, 69(p804)

Methods of collection, Ch 180, §64(p804)

Monthly penalty, Ch 180, §65, 66(p804)

Publication of delinquents, Ch 180, §67(p804)

CRIMINAL PROCEDURES:

Assaults and homicide, Ch 180, §219(p823)

Definitions, applicable to the section, Ch 180, §1(p793)

DEPARTMENT, STATE:

General Administrative Duties:

Audit by department, Ch 180, §148(p814)

Blanks to county treasurers, Ch 180, §138-141(p813)

Duty and liability of county treasurers, Ch 180, §143-145(p814)

Enforcement, Ch 180, §149(p814)

Index required, Ch 180, §142(p814)

Publication of law, Ch 180, §150(p815)

Reports by department, Ch 180, §146(p814)

Rules and regulations, Ch 180, §136, 137(p813)

ENGINE NUMBERS:

Fraudulent alteration, Ch 180, §208-211(p821)

Fees, see subhead REGISTRATION, below

GARAGES:

Duty to hold certain vehicles, Ch 180, §125(p811)

Record, garage owners to keep, Ch 180, §122-124(p810)

LICENSES:

Annual fee required, Ch 180, §38, 42-45, 47, 48(p800)

Chauffeurs License:

Application, Ch 180, §79-81(p806)

Assignment of number, Ch 180, §83, 84(p806)

Badges, Ch 180, §85, 86(p806)

License required, Ch 180, §77, 78(p805)

License to minor, Ch 180, §82(p806)

Loss of certificate or badge, Ch 180, §88(p807)

Negligence of minor, Ch 180, §94(p807)

Production of license, Ch 180, §87(p806)

Renewals of license, Ch 180, §93(p807)

Revocation of license, Ch 180, §91, 92(p807)

Unlawful use of license, Ch 180, §89, 90(p807)

Exemption from license fee, Ch 180, §56, 57(p803)

MOTOR VEHICLES - concluded

LICENSES: - concluded

Expiration of certificate, Ch 180, §5(p795)
Fees in lieu of taxes, Ch 180, §61(p804)
Fractional part of year, Ch 180, §59-41(p800)
Government owned vehicles, Ch 180, §4-a1(p796)
Lien of license fee, Ch 180, §62, 63(p804)
Motorcycle fee, Ch 180, §46(p801)
Nonresident owners, Ch 180, §3, 4(p795)
Refunds of fees, Ch 180, §58, 59(p803)
Reimbursement fund to cover refunds, Ch 180, §60(p803)
Trailers, fees, Ch 180, §54, 55(p802)
Trucks, fees, Ch 180, §47-55(p801)
When required, Ch 180, §2(p795)

LAW OF THE ROAD: see subhead USE OF HIGHWAYS

Lights and lenses, inspection and approval by highway commission, Ch 180, §119-121(p810)

LIGHTS AND LIGHTING EQUIPMENT:

Candlepower, Ch 180, §184(p818)
Elevation of lights, Ch 180, §181, 182(p818)
Emission of steam or smoke, Ch 180, §191(p819)
Failure of lights, Ch 180, §180(p818)
Headlights, Ch 180, §176(p817)
Motorcycle lights, Ch 180, §179(p818)
Muffler required, Ch 180, §192, 193(p819)
Parking, Ch 180, §186, 190(p819)
Sale without lights, Ch 180, §215(p832)
Spotlights, Ch 180, §183(p818)
Stationary unlighted vehicle, Ch 180, §185-a1, a2(p818)
Tail lights, Ch 180, §177(p818)
Trailer lights, Ch 180, §178(p818)
Turning off lights to avoid arrest, Ch 180, §185(p818)

MANUFACTURERS:

Department prepares annual statement, Ch 180, §106(p808)
Executive council to fix values and weights, Ch 180, §107, 108(p809)
License fee in exceptional cases, Ch 180, §105(p808)
Schedule of values and weights, Ch 180, §102-104(p808)

PEACE OFFICER, PROVISIONS:

Local authorities, power to regulate, Ch 180, §126-127, 129-131(p811)

PENAL PROVISIONS:

Failure to report accidents, Ch 180, §202(p821)
Law of the road, see subhead USE OF HIGHWAYS
Serial numbers, see subhead ENGINE NUMBERS
Police to direct movement, Ch 180, §194(p819)

REGISTRATION:

Application, Ch 180, §6(p796)
"Care in transit" cards, Ch 180, §18-21(p797)
Fraudulent application, Ch 180, §216(p822)
License applied for, cards, Ch 180, §16, 17, 20, 21(p797)
License plates, Ch 180, §10-15, 22, 23(p797)
Nonresident, Ch 180, §19(p798)

Penal Provisions:

Apportionment of primary road fund, Ch 180, §133(p813)
Disposition of funds, Ch 180, §132(p812)
Fraudulent registration, Ch 180, §217(p822)

MOTOR VEHICLES - concluded

REGISTRATION: - concluded

Penal Provisions:

Motor vehicle department fund, Ch 180, §132-al(p812)
Operation while certificate revoked or suspended, Ch 180, §214(p822)
Operation without registration or plates, Ch 180, §213(p822)
Unexpended balances, Ch 180, §134, 135(p813)

Plates and Containers:

Account of plates, Ch 180, §115(p810)
Bond to state by bidder, Ch 180, §110(p809)
Certificate containers, Ch 180, §118(p810)
Contracts for plates, Ch 180, §109(p809)
Delivery of plates, Ch 180, §113, 114(p809)
Manufacture by state, Ch 180, §111(p809)
Plates for exempt vehicles, Ch 180, §116(p810)
Prohibited plates, certificates, badges, Ch 180, §212(p822)
Specifications for plates, Ch 180, §112(p809)
Title to plates, Ch 180, §117(p810)
Public inspection of record, Ch 180, §8-al(p796)
Refusal to register, Ch 180, §7(p796)
Registration by treasurer, Ch 180, §8(p796)

Size, Weight and Load:

Maximum load, Ch 180, §195(p819)
Width of tire, load limited, Ch 180, §196(p820)
Width of vehicle, load, Ch 180, §197(p820)

Special Plates:

Application by dealers and manufacturers, Ch 180, §24-26, 32(p798)
Display of plates, Ch 180, §27, 31(p798)
Limitation on use, Ch 180, §28-30(p799)
Suspension or revocation, Ch 180, §218(p823)
Triplicate receipts, Ch 180, §9(p796)

Transfer of ownership:

Notice to county treasurer, Ch 180, §95(p807)
Penalty, Ch 180, 101(p808)
Purchaser, duty, Ch 180, §96(p807)
Registration and fee, Ch 180, §97, 98(p807)
Treasurer to notify department, record, Ch 180, 99, 100(p808)

USE OF HIGHWAY:

Control of vehicles, Ch 180, §199-al(p820)

Equipment:

Projections on wheels, Ch 180, §198, 199(p820)

Law of the Road:

Age limit of operator, Ch 180, §157(p815)
Brakes, Ch 180, §171(p817)
Burden of proof, Ch 180, §156, (p815)
Care in operation, Ch 180, §160(p815)
Control of vehicle, Ch 180, §163(p816)
Crossing from side to side, Ch 180, §166(p817)
Failure to recognize signal, Ch 180, §165(p815)
Intersection, Ch 180, §167, 168(p817)
Liability for damages, Ch 180, §158(p815)
Meeting and turning to right and left, Ch 180, §152-154(p815)
Operating vehicle while intoxicated, Ch 180, §159(p815)
Signaling devices, use, Ch 180, §172-175(p817)
Speed restrictions, Ch 180, §161, 162(p816)
Stopping at street cars, Ch 180, 169(p817)

MOTOR VEHICLES - concluded

USE OF HIGHWAY: - concluded

Law of the Road:- concluded

Stopping, turning or changing course, Ch 180, §164(p816)

Traveling on right hand side, Ch 180, §151(p815)

Turning to right or left into highway, Ch 180, §165(p816)

Unattended vehicles, Ch 180, §170(p817)

Local authorities, power to regulate, Ch 180, §126-131(p811)

Used motor vehicles, purchase or sale, relative duties, Ch 180, §53-37
(p799)

MOTOR VEHICLES CARRIERS:

RATES AND CHARGES:

Certain acts prohibited, Ch 137, §13(p612)

Change in schedule, Ch 137, §14-18(p612)

Definitions, Ch 137, §1(p611)

Inspection by public, Ch 137, §5(p611)

Partial schedules, Ch 137, §9(p612)

Posting, Ch 137, §6(p611)

Power to revise rates, Ch 137, §19(p613)

Rates effective, when, Ch 137, §22(p613)

Revised schedules, posting and filing, Ch 137, §23(p613)

Schedules, changes, Ch 137, §10(p612)

Schedules, filing and publication, Ch 137, §2(p611)

Schedules, form, Ch 137, §7(p612)

Schedules, interstate commerce, Ch 137, §8(p612)

Schedules, joint tariff, Ch 137, §11(p612)

Schedules, printing, Ch 137, §4(p611)

Schedules, requirements, details, Ch 137, §3(p611)

Suspension of rates, Ch 137, §20(p613)

SEIZURE AND SALE:

Custody of conveyance, seized under prohibition laws, Ch 35, §84(pl44)

Duty of secretary of state in re, notice of forfeiture, prohibition
violation, Ch 35, §89(pl45)

Release of conveyance seized under prohibition laws, Ch 35, §84(pl44)

Replevin not available, under liquor law, Ch 35, §82(pl44)

Return of conveyance permissible claimant, Ch 35, §90(pl45)

Sale of seized vehicles, distribution of proceeds, Ch 35, §92, 93(pl46)

Transporting liquor, Ch 35, §81(pl44)

NUISANCE TAX

Building used as liquor nuisance, Ch 35, §118-a1-a3(pl50)

Payment before permit to sell cigarettes issued, Ch 163, §11-17(p667)

MUNICIPAL CORPORATIONS:

Accounts examined by state checkers, Ch 3, §4-16(p2)

Action for nonpayment of tax, Ch 113, §59-60(p484)

ANNEXATION PROCEEDINGS:

Consolidation of towns, manner, election, effect, Ch 101, §6(p448)

Election, fixing of date, Ch 101, §6(p448)

Filing of records by clerk, Ch 101, §8-a6(p450)

Platted territory, Ch 101, §8-8-a4(p448)

Question submitted to voters, proceedings thereafter, Ch 101, §7(p448)

Unplatted territory, Ch 101, §8-a1(p448)

Applicability of law for voting machines used, Ch 16, §31(p54)

Appointment of constable in city, Ch 14, §111(p44)

Appointment of registers for election, Ch 13, §2(p24)

Authority to spend funds for memorials previously initiated, Ch 10, §15(pl8)

Authority to purchase memorial sites, Ch 10, §5(pl6)

MUNICIPAL CORPORATIONS - continued

BONDS:

- Bank bonds on deposits, Ch 102, §10(p452)
- Bonds on certificates in anticipation of special taxes, Ch 123, §7(p506)
- Certificates, how denominated, Ch 123, §8(p506)
- Delivery of bonds, Ch 123, §5(p506)
- Exchange of bonds for payment of indebtedness, Ch 123, §4(p506)
- Form of bond, Ch 123, §1(p505)
- Improvement bonds, Ch 115, §3-6(p486)
- Interest on bonds, when due, Ch 122, §12(p504)
- Issuance of bonds, Ch 123, §3(p506)
- Issued for payment of indebtedness, Ch 122, §11(p504)
- Law applicable to special charter cities, Ch 124, §17(p510)
- Limitation of action on bonds, Ch 124, §18(p510)
- Payment of bonds, Ch 122, §13(p504)
- Sewer bonds, resolution of necessity for issuance, Ch 113, §13-16(p476)
- Signing and numbering of bonds, Ch 123, §2(p506)
- Smoke regulations, Ch 124, §19(p510)
- Streets and alleys, resolution of necessity for issuance, Ch 113, §13-16(p476)
- Taxes levied to pay bonds, Ch 123, §6(p506)
- Treasurer's bond, expense paid by city, Ch 124, §5-al(p509)
- Treasurers bond, Ch 102, §13(p453)
- Waterworks trustees, bonds, Ch 118, §4(p494)
- Bonds of deputy officers, amounts fixed, Ch 21, §13(p61)
- Bonds, limitation for erection of memorials, Ch 10, §6(p16)
- Bond not required, Ch 21, §1(p59)
- Bonds, requirements, Ch 21, §12(p61)
- Bridges, see main head BRIDGES AND CULVERTS, subhead MUNICIPAL BRIDGES

BUILDINGS AND GROUNDS:

- Cost of improvements, Ch 112, §2(p471)
- Granting franchise, questions submitted, Ch 112, §4(p472)
- Permanent sidewalks, power to construct, Ch 112, §6(p472)
- Public grounds, establishment and improvement, Ch 112, §1(p471)
- Soldier, sailor and marines memorial building, law relative to, to apply to special charter cities, Ch 124, §13(p509)

CITY HALL:

Civil service, for detailed index see main head CIVIL SERVICE

CLASSIFICATION OF CITIES:

- Change of class by loss of population, Ch 102, §1,2(p451)
- Conditions for laying tracks on paved street, Ch 113, §61(p484)
- Consolidation, see ANNEXATION PROCEEDINGS, below

COUNCILS:

- Appointment of civil service commission, Ch 103, §1,2(p456)
- Change of compensation during term of prohibited, Ch 102, §17(p455)
- Composition, Ch 102, §6(p452)
- Election of council, Ch 102, §6(p452)
- Election of officers, Ch 102, §16(p454)
- Meetings, Ch 102, §16(p454)
- Officers elected by entire electorate, Ch 102, §7(p452)
- Organization, Ch 102, §16(p454)
- Police force established, Ch 102, §16(p454)
- Powers, Ch 102, §16(p454)
- Powers of council, Ch 102, §15(p453)
- Quorum, Ch 102, §16(p454)

MUNICIPAL CORPORATIONS continued

COURTS

Municipal court, for detailed index see main head COURTS, subhead

MUNICIPAL COURTS

Destroying general election ballots, Ch 15, §11(p46)

Disbursement of funds, authority to use, Ch 10, §11(p18)

Discontinuance of city or town, Ch 101, §5(p447)

DOCKS AND WHARVES:

Cost of improvements, Ch 112, §2(p471)

Establishment, improvement, Ch 112, §1(p471)

Granting franchise, questions submitted, Ch 112, §4(p472)

Permanent sidewalks, power to construct, Ch 112, §6(p472)

ELECTIONS:

Consolidation of two cities or towns, Ch 101, §7(p448)

Contesting elections, Ch 102, §5(p452)

Election duties of commissioners, Ch 101, §1(p447)

Election of council, Ch 102, §6(p452)

Franchise, question submitted, notice, ballots, expenses, Ch 112, §5
(p472)

Granting of franchise, question submitted to voters, Ch 112, §4(p472)

Indebtedness purposes, Ch 122, §4-10(p503)

Officers elected, Ch 101, §10(p450)

Qualifications of officers, Ch 102, §5(p452)

Qualifications of voters, Ch 102, §3, 3-a1(p451)

Regular election of officers, Ch 102, §3(p451)

Terms of officers, Ch 101, §4(p447)

Tie votes, Ch 102, §4(p453)

Township assessor, Ch 11, §22(p21)

EMINENT DOMAIN:

General procedure to condemn, see main head EMINENT DOMAIN, subhead

PROCEEDINGS TO CONDEMN

Gravel pits, Ch 120, §2(p496)

Library purposes, Ch 120, §3(p496)

Procedure, Ch 116, §8-10(p491)

Public utility plant with expired franchise, Ch 116, §6(p491)

Public utility plants, land to establish, Ch 116, §5(p490)

Purposes for which condemnation proceedings may be used, Ch 120, §1
(p495)

EMPLOYEES:

Civil service, for detailed index see main head CIVIL SERVICE

Ex officio member, for memorial buildings, Ch 10, §10-a5(p18)

Filing of bonds and official oath of cities and towns, Ch 21, §21(p52)

FIRE DEPARTMENT:

Chiefs:

Civil service appointment, Ch 103, §9(p457)

FLOOD PREVENTION:

Authority for assessments, Ch 114, §3(p486)

Authority for improvement, Ch 114, §1(p486)

Bonds for payment of indebtedness, Ch 114, §6(p487)

Certificate of levy filed, Ch 114, §5(p487)

Cost of improvements, manner of payment, Ch 114, §4(p487)

Estimate or cost of improvements, Ch 114, §2(p486)

Petition for improvement, Ch 114, §2(p486)

Plans of improvements, Ch 114, §2(p486)

Flat of improvements, Ch 114, §2(p486)

Form of proposition for erecting memorial, Ch 10, §5(p16)

MUNICIPAL CORPORATIONS - continued

FUNDS:

- Action on bond, brought by treasurer, Ch 102, §10(p453)
 - Assessments and taxes certified by clerk to county auditor, Ch 121, §12 (p501)
 - Bank deposits, Ch 102, §9(p500)
 - Bridge fund, annual tax levy, Ch 121, §2(p497)
 - Collection by county treasurer, Ch 121, §14(p501)
 - Consolidated tax levy in lieu of separate levies, Ch 121, §11(p501)
 - Deposits in banks, Ch 102, §9(p500)
 - Deposit of city funds by treasurer, Ch 124, §5(p508)
 - Diversion, penalty, Ch 121, §18(p502)
 - Failure of local bank to accept funds, Ch 102, §11(p453)
 - Fines and penalties recovered, Ch 124, §8-a(p508)
 - Interest and deposits, Ch 102, §9(p452)
 - Limitation of right to transfer, Ch 121, §10(p501)
 - Main sewer fund tax levy, Ch 121, §7(p500)
 - Park tax levy, Ch 121, §8(p500)
 - Reports, Ch 105, §23-30(p465)
 - Road dragging fund, annual tax levied, Ch 121, §1(p497)
 - Sewer fund, Ch 124, §31(p511)
 - Street improvement fund, Ch 124, §39(p511)
- Gifts and bequests may be accepted by commissioners, Ch 10, §12(pl8)
- Hospitals, see main head HOSPITALS

INCORPORATION:

- Discontinuance of city or town, Ch 101, §5(p447)
- District court jurisdiction, Ch 101, §2(p447)
- First election of officers, notice, Ch 101, §1(p447)
- Notice of election published, Ch 101, §1(p447)
- Report of commissioners, Ch 101, §2(p447)

INDEBTEDNESS:

- Anticipation of revenues, limit on borrowing, Ch 122, §1.3(p502)
 - Bonds issued to pay, Ch 122, §11(p504), see also main head MUNICIPAL CORPORATIONS, subhead BONDS
 - Election to exceed limit, Ch 122, §4-10(p503)
 - Purposes, Ch 122, §2(p502)
 - Inscription of memorials by commission, Ch 10, §14(pl8)
 - Judges of election, Ch 14, §13(p30)
 - Law relative to courts, shall apply to special charter cities, Ch 124, §9 (p509)
 - Libraries, for detailed index see main head LIBRARY, subhead PUBLIC LIBRARIES
 - Limitation, for registration of voting, Ch 13, §1(p24)
 - Liquidation of bonds for memorials, Ch 10, §7(pl7)
 - Manner of preserving ballot, Ch 16, §16(p53)
- MARKETS:**
- Cost of improvements, Ch 112, §2(p47)
 - Establishment, improvement, Ch 112, §1(p471)
 - Granting franchise, questions submitted, Ch 112, §4(p472)
 - Permanent sidewalks, power to construct, Ch 112, §6(p472)
- Marshal, see subhead POLICE DEPARTMENT, below
- Membership of election board, Ch 14, §16(p31)
 - Memorial monument commissioners appointed, Ch 10, §9(pl7)
 - Memorial named by commission, Ch 10, §13(pl8)
- MOTOR VEHICLE REGULATION:**
- Local authority, power to regulate, Ch 180, §126-127(p811)
 - Speed restrictions, Ch 180, §162(p816)

MUNICIPAL CORPORATIONS - continued

OFFICERS:

Aldermen:

Bond not required, Ch 21, §6(p60)

Auditor:

Recording of official bonds, Ch 21, §23(p62)

Clerk:

Application for ballot, Ch 16, §2(p49)

Ballot envelope preserved, Ch 16, §28(p54)

Ballots rejected, Ch 16, §20(p63)

Copies of instructions for voting furnished, Ch 14, §66(p38)

Copies of instructions for voting to be printed, Ch 14, §67(p38)

Election duties given to secretary of school board, Ch 16, §2-al(p49)

Limited authority to administer oaths, Ch 25, §2(p68)

Nominations, form of publication, Ch 14, §69(p38)

Notice, election, Ch 15, §19(p47)

Penalty for refusal to return ballot, Ch 16, §34(p55)

Preservation of books, filing, Ch 15, §18(p47)

Printing of ballots, Ch 14, §50(p35)

Recording of official bonds, Ch 21, §22(p62)

Records of polling places and booths, Ch 14, §23(p21)

Return of remaining poll and registration books, Ch 15, §16(p47)

Vacancy nominee placed on ballots, Ch 14, §55(p32)

Council:

Approval of bonds, Ch 21, §17(p61)

Bond not required, Ch 21, §1(p59)

Bonds of deputy state, county, city and town officers, Ch 21, §13(p61)

Composition, election, Ch 102, §6,7(p452)

Method of removal of officers, Ch 23, §26(p67)

Powers, Ch 102, §15(p453)

Effect on city, by dismissal of petition for removal of public officer,
Ch 23, §21(p66)

Effect of action for dismissal of officers without cause, Ch 23, §22(p66)

Election, Ch 101, §1(p446)

Manager Cities:

Political activity of manager, penalty, Ch 186, §1(p842)

Mayor:

Approval of bonds, Ch 21, §17(p61)

Bonds, amount, Ch 21, §12(p61)

Filing of bonds and official oath of cities and towns, Ch 21, §21(p62)

Limited authority to administer oaths, Ch 25, §2(p68)

Officers appointed, Ch 102, §8(p452)

Method of removal by council, Ch 23, §26(p67)

Officers appointed by mayor, Ch 102, §8(p452)

Officials of city, election, record, Ch 101, §3(p447)

Park commissioner, special charter cities, Ch 124, §35(p512)

Payment of costs, Ch 101, §3(p447)

Powers, Ch 102, §15(p453)

Removal by council, grounds, Ch 23, §25(p67)

Temporary officer during suspension, Ch 23, §17(p66)

Terms of office, Ch 101, §4(p447)

Opening of polls, time, Ch 14, §70(p38)

ORDINANCES AND RESOLUTIONS:

Adoption, majority vote required, Ch 104, §2(p460)

Adoption of ordinances, Ch 104, §1(p460)

MUNICIPAL CORPORATION: - continued

ORDINANCES AND RESOLUTIONS: - concluded

- Fines for violations, action to recover, Ch 124, §6-a(p508)
- Improvement fund, Ch 124, §50(p511)
- Ordinances, procedure, Ch 124, §6(p508)
- Passage of resolutions relative to improvements, Ch 124, §29(p511)
- Prosecutions for violations, procedure, limitations, Ch 124, §8(p509)
- Publication required, Ch 104, §4(p460)
- Recording by clerk, Ch 104, §3(p460)
- Sewer fund, Ch 124, §31(p511)
- Organization, see subhead INCORPORATION
- Payment of election expenses, Ch 14, §114(p44)
- Petition for erection and equipment of memorial, Ch 10, §2(p16)

PLAYGROUNDS:

- Appointment of superintendent, Ch 107, §2(p467)
- Authorization of cities, Ch 107, §1(p467)
- City hall, construction authorized, Ch 108, §1(p468)
- Commission, appointment and duties, Ch 107, §1-al(p467)
- Construction authorized, Ch 107, §1(p467)
- Cooperation with school board, Ch 107, §1-a2,3(p467)
- Establishment, Ch 107, §1(p467)
- Law relative to playgrounds shall apply to special charter cities, Ch 124, §10(p509)

POLICE DEPARTMENT:

Chief of police:

- Civil service appointment, Ch 103, §9(p467)

Marshal:

- Duties, Ch 102, §14(p453)

- Police matrons appointment, compensation, Ch 124, §3(p503)

- Powers in general, Ch 105(p461)

- Public utilities, for detailed index see main head PUBLIC UTILITIES

- Railways, see main head RAILROADS, subhead TRACKS

- Registers, filling of vacancies, Ch 13, §3(p24)

REPORTS:

- Accounting officers, Ch 106, §23(p465)

- Annual financial report, Ch 106, §22-30(p465)

- Road way in assessment district, levy, payment from road fund, Ch 113, §48-53(p482)

- Severance of territory, Ch 101, §8-a5(p449)

SEWERS:

- Appeals, perfecting, trial upon, Ch 133, §66-69(p485)

- Assessments, Ch 113, §9(p475)

- Assessment of cost, how paid, Ch 113, §30(p479)

- Bonds and certificates, Ch 124, §34(p512)

- Bonds for improvements, Ch 115, §3-6(p488)

Certificates:

- Bearer's rights, Ch 115, §2(p488)

- Certificates authorized by council, Ch 115, §1(p487)

- Certificates of levies, Ch 124, §32(p511)

- Condemnation or purchase of land, Ch 113, §11(p475)

- Contracts for repair, Ch 113, §17-22(p477)

- Cost at intersections, Ch 113, §24(p478)

- Cost of improvements, how paid, Ch 113, §25(p478)

- Cost of sewers, Ch 113, §28(p479)

- Cross sewers, cost, how proportioned, Ch 113, §12(p476)

- Exemption of ex-soldiers, Ch 113, §32(p479)

MUNICIPAL CORPORATIONS: - continued

SEWERS: - concluded

- Installment payments, Ch 113, §41, 42, 44(p480)
- Lateral sewers, cost, how proportioned, Ch 113, §12(p476)
- Laws applicable to special charter cities, Ch 124, §26(p511)
- Levy and certification for sewer fund, Ch 113, §54(p483)
- Levy of assessment, Ch 113, §37, 38, 40(p480)
- Objections to assessments, Ch 113, §39(p480)
- Objections waived, Ch 113, §41(p480)
- Flat and schedule prepared prior to assessments, Ch 113, §34(p479)
Ch 124, §37(p511)
- Power to construct or repair, Ch 113, §7(p475)
- Rate of assessment, Ch 113, §33(p479)
- Relief when original assessment invalid, Ch 113, §62-65(p484)
- Resolution of necessity, Ch 113, §13-16(p476)
- Sale for assessment, Ch 113, §45(p491)
- Sewers, city may construct or repair, Ch 113, §7(p475)
- Sewer outlets and purifying plants, construction by cities, Ch 113, §8
(p475)
- Special assessment tax lien on property, Ch 113, §23(p478)
- Special charter cities, power to construct, Ch 124, §33(p512)
- State buildings, use of city facilities, Ch 113, §10(p475)

SIDE WALKS:

- Location by special charter cities, Ch 124, §22(p510)
- Permanent sidewalks constructed, Ch 112, §6(p472)
- Railway assessments, Ch 113, §26(p478)
- Rights and liabilities under sidewalk certificate, Ch 112, §7(p472)
- Temporary sidewalks, Ch 112, §8(p473)
- Special charter cities, Ch 124, §1(p508)
- Special charter cities power to regulate utility lines, Ch 124, §23(p510)
- Special taxes, purposes levied, Ch 121, §5(p497)

STREETS AND ALLEYS:

- Appeals, perfecting, trial upon, Ch 113, §66-69(p485)
- Assessment of cost, Ch 113, §3(p474)
- Bonds for improvements, Ch 115, §3-6(p486)

Certificates:

- Bearer's rights, Ch 115, §2, §486)
- Certificates authorized by council, Ch 115, §1(p486)
- Certificates of levies, Ch 124, §32(p511)
- Contracts for repair, Ch 113, §17-22(p477)
- Cost at intersections, Ch 113, §24(p478)
- Cost of improvements, Ch 112, §2(p471)
- Cost of improvements, how paid, Ch 113, §25(p478)
- Cost of repairs, how paid, Ch 113, §29(p479)
- Deficiencies paid from general fund, Ch 113, §46(p481)
- Engineer to assist in estimates, Ch 113, §36(p480)
- Establishment, improvement, Ch 112, §1(p471)
- Establishment, power of cities, Ch 112, §1(p471)
- Exemption of ex-soldiers, Ch 113, §32(p479)
- Granting franchise, question submitted, Ch 112, §4(p472)
- Installment payments, Ch 113, §41, 42, 44(p480, 481)
- Laws applicable to special charter cities, Ch 124, §26(p511)
- Levy of assessment, Ch 113, §40(p480)
- Levy for improvement fund, Ch 113, §47(p482)
- Limitation on cost of improvement, Ch 113, §2(p474)
- Notice of assessment, publication, Ch 113, §37, 38(p480)

MUNICIPAL CORPORATIONS - concluded

STREETS AND ALLEYS: - concluded

- Notice of assessment to common carrier, Ch 113, §38(p480)
- Objections to assessments, Ch 113, §39(p480)
- Objections waived, Ch 113, §41(p480)
- Oiling, report of cost, Ch 113, §35(p480)
- Paving streets, salvage material, owner may sell, Ch 113, §3(p474)
- Paving road, limit on cost, how paid, Ch 113, §27(p478)
- Permanent sidewalks, power to construct, Ch 112, §6(p472)
- Plat and schedule prepared prior to assessments, Ch 113, §34(p479),
Ch 124, §27(p511)
- Power of city to establish improvement districts, Ch 113, §1(p474)
- Railway assessments, Ch 113, §58, 59(p484), Ch 113, §26(p478)
- Rate of assessment, Ch 113, §33(p479)
- Relief when original levy invalid, Ch 113, §62-65(p484)
- Resolution of necessity, Ch 113, §13-16(p476)
- Roads within corporate limits, Ch 112, §3(p472)
- Sale for assessments, Ch 113, §45(p481)
- Underground utility connections, Ch 113, §4-6(p474)
- Street Railways, for detailed index see main head STREET RAILWAYS
- Tax exempt property, Ch 121, §3(p497)
- Tax levy for memorial bonds, Ch 10, §8(p17)

THEASURER:

- Bond, expense paid by city, Ch 124, §5-a1(p508)
- Bond of treasurer, expense paid by city, Ch 102, §13(p453)
- Funds:
 - Deposit in banks, Ch 102, §9-11(p452), Ch 124, §5(p508)
 - Private use prohibited, Ch 102, §12(p453)
- Voters ballot, mailing, Ch 16, §18(p53)
- Waterworks, for detailed index see main head PUBLIC UTILITIES, subhead MUNICIPAL PLANTS

MUNICIPAL COURTS, see main head COURTS, subhead MUNICIPAL

NAMES

- Change of name, Ch 101, §9(p450)
- Change of name of township, Ch 100, §13-15(p443)
- Change of name of village, Ch 98, §1-3(p440)

NAPHTHA, see main head PETROLEUM PRODUCTS

NARCOTICS, see main head DRUGS

NEWSPAPERS

OFFICIAL COUNTY NEWSPAPERS:

- Appeal from decision of Board of supervisors, Ch 97, §10-12(p438)
- Application by publisher for selection, Ch 97, §4(p437)
- Compensation, Ch 97, §14(p439)
- Cost of official publication, Ch 97, §16(p439)
- Designation of newspapers for certain publications, Ch 97, §17(p439)
- Fraudulent lists, effect, Ch 97, §8(p438)
- New date fixed in case of rejection of all applicants, Ch 97, §9(p438)
- Number to be selected, Ch 97, §3(p437)
- Proceedings and reports published, Ch 97, §15(p439)
- Publication pending appeal contest of selection, Ch 97, §13(p438)
- Publications to be in English, penalty, Ch 97, §18, 19(p439)
- Selection, Ch 97, §1(p437)
- Selection determined by subscription, Ch 97, §6(p437)
- Selection in case of tie, Ch 97, §7(p438)
- Source of selection, Ch 97, §2(p437)
- Verified statements of subscribers submitted by publishers, Ch 97, §5
(p437)
- Publication of notice, examinations for mine inspectors, Ch 27, §3(p71)

NEWSPAPERS - concluded

Publication of notice of municipal improvements, Ch 124, §28(p511)

Selection and conditions for publication, Ch 26, §8-10(p70)

NOMINATIONS, see main head ELECTIONS

NOTARIES PUBLIC

Oath, authority to administer, Ch 25, §1(p68)

NOTICE

Action for injunction to abate houses of ill fame, Ch 36, §3,4(pl53)

Assessment of costs of publication, Ch 26, §12(p70)

Notice of action to abate nuisance, Ch 35, §97(pl46)

Notice of examinations for mine inspector, Ch 27, §3(p71)

Notice of termination of lease, prohibition violations, Ch 35, §130(pl52)

Posting of notices, compensation, Ch 26, §11(p70)

Publication, conditions of and selection of newspapers, Ch 26, §7,8(p70)

Publication in newspaper, selection, compensation, Ch 26, §7,8(p70)

Publication of notice of municipal improvements, Ch 124, §28(p511)

Tax sale redemption, notice of expiration, Ch 125, §24-28(p521)

NUISANCES

ABATEMENT AND PREVENTION:

Abatement after judgment, Ch 35, §114(pl48)

Abatement before judgment, Ch 35, §115(pl48)

Abatement bonds, liens on real estate, Ch 35, §116-a1, a2(pl48)

Action to enjoin, liquor nuisances, Ch 35, §95(pl46)

Attorney fees for liquor nuisance actions, Ch 35, §101(pl47)

Bad faith in prosecution, Ch 35, §104(pl47)

Costs, Ch 35, §118(pl50)

County attorneys duty to prosecute forfeitures of abatement bonds,
Ch 35, §118-a9(pl49)

Dismissal, Ch 35, §102(pl47)

Evidence in action against liquor nuisance, Ch 35, §100(pl46)

Fees, advance payment in enjoining actions, Ch 35, §117(pl49)

Fees for selling property from abated premises, Ch 35, §112(pl48)

First conviction, violations of injunction, penalty, Ch 35, §107(pl47)

Forfeiture of abatement bond, procedure, trial, judgment, appeal, Ch 35,
§116-a3 - 116-a8(pl49)

Houses of ill fame, Ch 36, §10(pl54)

Injunction against bootleggers, Ch 35, §118-a1, a2, a3(pl50)

Judgment of abatement, Ch 35, §110(pl48)

Levee and drainage districts, Ch 126, §130-132(p546)

Liquor nuisances, mulct tax imposed, Ch 35, §118-a1, a2, a3(pl50)

Notice of action, liquor nuisances, Ch 35, §97(pl46)

Proceeds, from sale of personal property in a batement proceedings,
how applied, Ch 35, §113(pl48)

Release of property by abatement, effect, Ch 35, §116(pl49)

Second and subsequent convictions for violation of injunction, Ch 35,
§108(pl47)

Service of papers by peace officers, Ch 35, §117-a1(pl49)

Temporary injunction, liquor nuisance, Ch 35, §96(pl46)

Time of trial, abatement of liquor nuisance, Ch 35, §99(pl46)

Trial time, delay, method, Ch 35, §99, 103, 106(pl46)

Violation of injunction, procedure, warrant, Ch 35, §105, 111(pl47)

NURSES

Definition, Ch 167, §116, 117(p766)

Enforcement provisions of practice acts, Ch 167, §87 - 92-a9(p759)

Public health nurses, Ch 164, §186-168(p696)

Schools, requirements for approval, Ch 167, §119(p766)

Use of titles and degrees, Ch 167, §70, 71(p757)

Use of titles and degrees, Ch 167, §70-71(p757)

NURSES

EXAMINATION FOR LICENSE TO PRACTICE:

- Applications, Ch 167, §23(p751)
- Candidates, list of names, Ch 167, §33(p752)
- Certification of applicants, Ch 167, §38(p752)
- Clerk, duties and expenses, Ch 167, §37(p752)
- List of accredited schools kept, Ch 167, §29, 30(p751)
- Notice of time and place, Ch 167, §28-al(p751)
- Partial examinations, rules, Ch 167, §39, 40(p752)
- Professional schools, data furnished, Ch 167, §31(p751)
- Quorum for conducting, Ch 167, §36(p752)
- Records, preservation, Ch 167, §41(p753)
- Rules for conducting and grading, Ch 167, §34, 35(p752)
- Time and place, Ch 167, §32(p751)

EXAMINING BOARD:

- Appointment by governor, Ch 167, §11(p749)
- Continuation of present rules and regulations, Ch 167, §154(p772)
- Compensation, Ch 167, §23, 24(p750)
- Composition, Ch 167, §13(p749)
- Definition, Ch 167, §1(p747)
- Designation of examining board, Ch 167, §12(p749)
- New members appointed by governor, Ch 167, §142(p771)
- Nomination of examiners, Ch 167, §19(p750)
- Qualifications of examiners, Ch 167, §14-17(p749)
- Quarters furnished by executive council, Ch 167, §26(p750)
- Supplies, Ch 167, §25(p750)
- Surrender of public records upon taking effect of this chapter, Ch 167, §150, 151(p772)
- Term of office, Ch 167, §143(p771)
- Time title takes effect, Ch 167, §155(p773)
- Transaction of business, Ch 167, §22(p750)
- Vacancies, Ch 167, §20(p750)

LICENSES:

- Age and character qualification, Ch 167, §3(p748)
- Certificate presumptive evidence of right to practice, Ch 167, §6(p748)
- Display of license, Ch 167, §7(p748)
- Existing licenses renewed, Ch 167, §152(p772)
- Fees for license, Ch 167, §79-82(p758)
- Forgery and fraud, penalty, Ch 167, §84-86(p759)
- Grounds for refusing, Ch 167, §4(p748)
- License required, Ch 167, §2(p748)
- Notice of change of residence, Ch 167, §9(p748)
- Reciprocal agreements, continuation, Ch 167, §153(p772)
- Reciprocal licenses, Ch 167, §42-52(p753)
- Record, open to public inspection, Ch 167, §8(p748)
- Renewal of license, Ch 167, §10, 10-al(p748)
- Required for practice, Ch 167, §83(p759)
- Requirements for license, Ch 167, §118(p766)
- Revocation of license, grounds, Ch 167, §53-69(p755)

OATHS

- Authority to administer, Ch 25, §1(p68)
- Jurat to oath signed by deputy, Ch 25, §3(p68)
- Limited authority to administer oaths, Ch 25, §2(p68)

OBSTRUCTIONS

- Drains, see main head DRAINS AND LEVEE DISTRICTS, subhead COUNTY DISTRICTS

OCCUPYING CLAIMANTS, see main head REAL PROPERTY, subhead OCCUPYING CLAIMANTS

OFFENSES, see main head CRIMES

OFFICERS, see main head PUBLIC OFFICERS

OFFICIAL

Newspapers, see main head NEWSPAPERS

OILS

Fuel oils, see main head PETROLEUM PRODUCTS

Paints and oils, see main head PAINTS AND OILS

OPTOMETRY

Definition, Ch 167, §129(p768)

Enforcement provisions of practice acts, Ch 167, §87-92-a9(p759)

EXAMINATION FOR LICENSE TO PRACTICE:

Applications, Ch 167, §28(p751)

Candidates, list of names, Ch 167, §33(p752)

Certification of applicants, Ch 167, §38(p752)

Clerk, duties and expenses, Ch 167, §37(p752)

List of accredited schools kept, Ch 167, §29, 30(p751)

Notice of time and place, Ch 167, §28-al(p751)

Partial examinations, rules, Ch 167, §39, 40(p752)

Professional schools, data furnished, Ch 167, §31(p751)

Quorum for conducting, Ch 167, §36(p752)

Records, preservation, Ch 167, §41(p753)

Rules for conducting and grading, Ch 167, §34, 35(p752)

Time and place, Ch 167, §32(p751)

EXAMINING BOARD:

Appointment by governor, Ch 167, §11(p749)

Compensation, Ch 167, §23, 24(p750)

Composition of examining board, Ch 167, §13(p749)

Continuation of present rules and regulations, Ch 167, §154(p772)

Definition, Ch 167, §1(p747)

Designation of examining board, Ch 167, §12(p749)

New members appointed by governor, Ch 167, §143(p771)

Nomination of examiners, Ch 167, §19(p750)

Qualifications of examiners, Ch 167, §14-17(p749)

Quarters furnished by executive council, Ch 167, §26(p750)

Supplies, Ch 167, §25(p750)

Surrender of public records upon taking effect of this chapter, Ch 167, §150, 151(p772)

Term of examiners, Ch 167, §18(p749)

Term of office, Ch 167, §143(p771)

Time title takes effect, Ch 167, §155(p773)

Transaction of business, Ch 167, §22(p750)

Vacancies, Ch 167, §20(p750)

LICENSE:

Age and character qualifications, Ch 167, §3(p748)

Certificate presumptive evidence of right to practice, Ch 167, §6(p748)

Display of license, Ch 167, §7(p748)

Existing license renewed, Ch 167, §152(p772)

Fees for license, Ch 167, §79-82(p758)

Forgery and fraud, penalty, Ch 167, §84-86(p759)

Grounds for refusing, Ch 167, §4(p748)

Itinerant, law applicable, Ch 167, §72-78(p757)

License required, Ch 167, §2(p748)

Notice of change of residence, Ch 167, §9(p748)

Reciprocal agreements, continuation, Ch 167, §153(p772)

Reciprocal license, Ch 167, §42-52(p753)

Record open to public inspection, Ch 167, §8(p748)

Renewal of license, Ch 167, §10, 10-al(p748)

OPTOMETRY - concluded

LICENSE: - concluded

- Required for practice, Ch 167, §83(p759)
- Requirements for license, Ch 167, §131(p768)
- Revocation of license, grounds, Ch 167, §53-69(p755)
- Persons not engaged in practice, Ch 167, §130(p768)
- School, requirements for approval, Ch 167, §132(p769)
- Use of titles and degrees, Ch 167, §70, 71.(p757)

ORDINANCES

For detailed index see main head MUNICIPAL CORPORATIONS

ORIGINAL NOTICE, see main head CIVIL PROCEDURE, subhead ORIGINAL NOTICE

OSTEOPATHY

Enforcement provisions of practice acts, Ch 167, §87 - 92-a9(p759)

EXAMINATIONS FOR LICENSE TO PRACTICE:

- Applications, Ch 167, §28(p751)
- Candidates, list of names, Ch 167, §33(p752)
- Certification of applicants, Ch 167, §38(p752)
- Clerk, duties and expenses, Ch 167, §37(p752)
- Educational requirements, preliminary, Ch 167, §107(p754)
- List of accredited schools kept, Ch 167, §29-30(p751)
- Notice of time and place, Ch 167, §28-a1(p751)
- Partial examinations, rules, Ch 167, §39, 40(p752)
- Professional schools, data furnished, Ch 167, §31(p751)
- Quorum for conducting, Ch 167, §36(p752)
- Records, preservation, Ch 167, §41(p753)
- Rules for conducting and grading, Ch 167, §34-35(p752)
- Time and place, Ch 167, §32(p751)

EXAMINING BOARD:

- Appointment by governor, Ch 167, §11(p749)
- Compensation, Ch 167, §23, 24(p750)
- Composition of examining board, Ch 167, §13(p749)
- Continuation of terms of present examiners, Ch 167, §146(p771)
- Continuation of present rules and regulations, Ch 167, §154(p772)
- Definitions, Ch 167, §1(p747)
- Designation of examining board, Ch 167, §12(p749)
- Nomination of examiners, Ch 167, §19(p750)
- Qualifications of examiners, Ch 167, §14-17(p749)
- Quarters furnished by executive council, Ch 167, §26(p750)
- Supplies, Ch 167, §25(p750)
- Surrender of public records upon taking effect of this chapter, Ch 167, §150, 151(p772)
- Term of examiners, Ch 167, §18(p749)
- Time title takes effect, Ch 167, §155(p773)
- Transaction of business, Ch 167, §22(p750)
- Vacancies, Ch 167, §20(p750)

LICENSE:

- Age and character qualifications, Ch 167, §3(p748)
- Certificate presumptive evidence of right to practice, Ch 167, §6(p748)
- Display of license, Ch 167, §7(p748)
- Existing licenses renewed, Ch 167, §152(p772)
- Fees for licenses, Ch 167, §79-82(p758)
- Forgery and fraud, penalty, Ch 167, §84-86(p759)
- Grounds for refusing, Ch 167, §4(p748)
- Itinerant law applicable, Ch 167, §72-78(p757)
- License required, Ch 167, §2(p748)
- Notice of change of residence, Ch 167, §9(p748)

OSTEOPATHY - concluded

LICENSE: - concluded

- Reciprocal agreements, continuation, Ch 167, §153(p772)
- Reciprocal licenses, Ch 167, §42-52(p753)
- Record, open to public inspection, Ch 167, §8(p748)
- Renewal of license, Ch 167, §10, 10-al(p748)
- Required for practice, Ch 167, §83(p759)
- Requirements for license, Ch 167, §105, 106(p768)
- Revocation of license, grounds, Ch 167, §53-69(p755)
- Persons engaged in practice, Ch 167, §103, 104(p768)
- Prescriptions barred, Ch 167, §109(p768)
- Schools, requirements for approval, Ch 167, §108(p769)
- Use of titles and degrees, Ch 167, §70, 71(p757)

PAINTS AND OILS

- Definitions, Ch 165, §135(p728)
- Labeling oils, Ch 165, §137(p729)
- Labeling paints, Ch 165, §136(p729)
- Labeling substitutes for oils, Ch 165, §138(p729)

PARKS

- BONDS:, see main head MUNICIPAL CORPORATIONS, subhead BONDS
- CITY PARKS:, see main head MUNICIPAL CORPORATIONS, subhead PARKS
- STATE PARKS:, for general supervision see main head STATE OFFICERS AND DEPARTMENTS, subhead CONSERVATION COMMISSION

- Abandonment of gifts, Ch 40, §4(pl75)
- Gifts of land accepted by conservation commission, Ch 40, §2(pl75)
- Gift to state, conditions, Ch 40, §3(pl75)
- Landscaping, Ch 40, §6(pl75)
- Private improvements, Ch 40, §5(pl75)
- Title taken in name of state, Ch 40, §1(pl75)

PAROLES, see main head CRIMINAL PROCEDURE, subhead PAROLES

PARTNERSHIPS

LIMITED PARTNERSHIP LAW:

- Assets distributed, Ch 50, §42, 43(p248)
- Business permitted, Ch 50, §4(p244)
- Certificate of partnership:
 - Amendment, Ch 50, §10, 45(p248)
 - Cancellation of certificate, Ch 50, §44, 47-50(p248)
 - False statement, liability, Ch 50, §8(p244)
 - Requirements for amendment, Ch 50, §46(p249)
 - Sufficiency, Ch 50, §3(p244)
- Compensation of limited partners, Ch 50, §20(p246)
- Construction, extent and provisions, Ch 50, §53, 58(p250)
- Contributions of limited partners:
 - Amendment of certificate of formation, Ch 50, §45, 51(p242)
 - Assets of partnership distributed, Ch 50, §42, 43(p248)
 - Dissolution of firm if return not made, Ch 50, §24(p246)
 - Form of contribution, cash or property, Ch 50, §5(p244)
 - Liability for unpaid contribution, Ch 50, §25(p246)
 - Priority in return of contribution, Ch 50, §19(p246)
 - Return of contribution, Ch 50, §22(p246)
 - Withdrawal of contribution, Ch 50, §21(p246)
- Dissolution:
 - Assets distributed on dissolution, Ch 50, §42, 43(p248)
 - Limited partner, dissolution obtained, Ch 50, §24(p246)
- Definition of limited partnership, Ch 50, §1(p243)
- Formation of limited partnership, Ch 50, §2(p243)

PARTNERSHIPS - concluded

LIMITED PARTNERSHIP LAW: - concluded

General Partners:

- Additional partners, Ch 50, §10(p244)
- Amendment of certificate, Ch 50 §45(p248)
- Death or retirement, effect, Ch 50, §37(p248)
- Written partner, dual role, Ch 50, §15, 16(p245)
- Name, use in firm name, Ch 50, §6(p244)
- Rights, powers and liabilities, Ch 50, §11(p244)

Limited Partners:

- Amendment of certificate, Ch 50, §45(p248)
- Compensation, Ch 50, §20(p246)
- Creditors rights, Ch 50, §39, 40(p248)
- Death or retirement, effect, Ch 50, §38(p247)
- General partner dual role, Ch 50, §15, 16(p245)
- Interest in partnership, nature, Ch 50, §29(p247)
- Liability of limited partners, Ch 50, §9, 27, 28, 33(p244, 247, 248)
- Mistake in status, renunciation, Ch 50, §14(p245)
- Name used in firm name, Ch 50, §6, 7(p244)
- Profits, share, Ch 50, §13(p245)
- Rights, Ch 50, §12(p245)
- Substitution, assignee's rights, Ch 50, §30-35(p245)
- Transactions with limited partners, Ch 50, §17, 18(p245)
- Trustee relationship, Ch 50, §26(p247)
- Withdrawal of contribution, Ch 50, §21(p246)
- Name of limited partnership, Ch 50, §6, 7(p244)

PEACE OFFICERS

- Definition of peace officers, Ch 159, §3(p658)
- Designation as "officers of justice, Ch 159, §4(p658)
- Governor's power to call for aid, Ch 159, §9(p658)
- Magistrates, Ch 159, §1(p658)
- Motor vehicles laws enforced, see main head MOTOR VEHICLES, subhead PEACE OFFICER PROVISIONS

PENALTIES, see main head FINES

PENAL INSTITUTIONS, see main head STATE INSTITUTIONS

PENITENTIARY, see main head STATE INSTITUTIONS

PERIODICALS, see main head NEWSPAPERS

PERSONAL PROPERTY

- Taxation, see main head TAXATION, subhead PERSONAL PROPERTY

LIENS: see main head LIENS

PETROLEUM PRODUCTS

KEROSENE:

- Inspection, Ch 165, §141(p729)
- Labeling, Ch 165, §140(p729)
- Civil liability for law violation, Ch 165, §169(p732)
- Definitions, Ch 165, §139(p729)

GASOLINE:

- Containers, storage tanks, use, Ch 165, §142-144(p729)
- Inspection, Ch 165, §141(p729)
- Labeling, Ch 165, §140(p729)

Fuels:

- Definition, Ch 165, §201(p733)
- License, display, fee, Ch 165, §202-205(p739)

ILLUMINATING OIL:

- Adulteration, Ch 165, §149(p730)
- Brand, distraction on empty containers, Ch 165, §148(p730)
- False branding, penalty, Ch 165, §167, 168(p732)

PETROLEUM PRODUCTS - concluded

ILLUMINATING OIL: - concluded

- General standard, exceptions, Ch 165, §150, 151(p730)
- Inspection, branding, Ch 165, §145-147(p730)
- Lamps, approval, Ch 165, §153-155(p730)
- Notice by receiver of uninspected oils, Ch 165, §156, §(p731)
- Rebates, out of state sales, Ch 165, §161, 162(p731)
- Use on boats or trains, standard, Ch 165, §152(p730)

INSPECTION:

- Fees, Ch 165, §158-160(p731)
- Illuminating oil, Ch 165, §156-157(p731)
- Lamps, Ch 165, §153-155(p731)
- Record, Ch 165, §163(p732)

Labeling requirements, Ch 165, §140(p729)

NAPHTHA:

- Inspection, Ch 165, §141(p729)
- Labeling, Ch 165, §140(p729)

PHARMACY

- Abortifacients, Ch 166, §120-a20-a22(p745)
- Certificate presumptive evidence of right to practice, Ch 167, §6(p748)
- Definitions, Ch 167, §135(p769)
- Drug adulteration and labeling, authority to enforce law, Ch 166, §120-a29, a30(p746)
- Enforcement provisions of practice acts, Ch 167, §87 - 92-a9(p759)

EXAMINATIONS FOR LICENSE TO PRACTICE:

- Applications, Ch 167, §28(p751)
- Candidates, list of names, Ch 167, §33(p752)
- Certification of applicants, Ch 167, §38(p752)
- Clerk, duties and expenses, Ch 167, §37(p752)
- List of accredited schools kept, Ch 167, §29, 30(p751)
- Notice of time and place, Ch 167, §28-a1(p751)
- Partial examinations, rules, Ch 167, §39, 40(p752)
- Professional schools, data furnished, Ch 167, §31(p751)
- Quorum for conducting, Ch 167, §36(p752)
- Records, preservation, Ch 167, §41(p753)
- Rules for conducting and grading, Ch 167, §34, 35(p752)
- Time and place, Ch 167, §32(p751)

EXAMINING BOARD:

- Appointment by governor, Ch 167, §11(p749)
- Compensation, Ch 167, §23, 24(p750)
- Composition of examining board, Ch 167, §13(p749)
- Continuation of terms of members, Ch 167, §148(p771)
- Continuation of present rules and regulations, Ch 167, §154(p772)
- Definitions, Ch 167, §1(p747)
- Designation of examining board, Ch 167, §12(p749)
- Nomination of examiners, Ch 167, § 19(p750)
- Qualifications of examiners, Ch 167, §14-17(p749)
- Quarters furnished by executive council, Ch 167, §26(p750)
- Secretary to retain office, Ch 167, §148-a1(p772)
- Successors, appointment, Ch 167, §149(p772)
- Supplies, Ch 167, §25(p750)
- Term of examiners, Ch 167, §18(p749)
- Time title takes effect, Ch 167, §155(p773)
- Transaction of business, Ch 167, §22(p750)
- Vacancies, Ch 167, §20(p750)

PHARMACY - concluded

LICENSES:

- Age and character qualifications, Ch 167, §3(p748)
- Display of license, Ch 167, §7(p748)
- Existing licenses renewed, Ch 167, §152(p772)
- Fees for licenses, Ch 167, §79-82(p758)
- Forgery and fraud, penalty, Ch 167, §84-86(p759)
- Grounds for refusing, Ch 167, §4(p748)
- License required, Ch 167, §2(p748)
- Notice of change of residence, Ch 167, §9(p748)
- Reciprocal agreements, continuation, Ch 167, §153(p772)
- Reciprocal license, Ch 167, §42-52(p753)
- Record, open to public inspection, Ch 167, §8(p748)
- Renewal of license, Ch 167, §10, 10-a(p748)
- Required for practice, Ch 167, §83(p759)
- Requirements for license, Ch 167, §136(p769)
- Revocation of license, grounds, Ch 167, §53-69(p755)
- Liquor, see main head INTOXICATING LIQUORS, subhead PERMITS
- Persons engaged in practice, Ch 167, §133(p769)
- Persons not engaged in practice, Ch 167, §134(p769)
- Sale of drugs by unlicensed person, prohibited, Ch 167, §137(p770)
- Schools, requirements for approval, Ch 167, §128(p768)
- Use of titles and degrees, Ch 167, §70, 71(p757)

PHYSICAL EDUCATION

- Public schools, Ch 70, §26-a1, 26-a2(p379)

PHYSICIANS AND SURGEONS

- Enforcement provisions of practice acts, Ch 167, §87 - 92-a9(p759)

EXAMINATIONS FOR LICENSE TO PRACTICE:

- Applications, Ch 167, §28(p751)
- Candidates, list of names, Ch 167, §33(p752)
- Certificates of national board in lieu of, Ch 167, §96(p762)
- Certification of applicant, Ch 167, §38(p752)
- Clerk, duties and expenses, Ch 167, §37(p752)
- List of accredited schools kept, Ch 167, §29-30(p751)
- Notice of time and place, Ch 167, §28-a1(p751)
- Partial examinations, rules, Ch 167, §39, 40(p752)
- Professional schools, data furnished, Ch 167, §31(p751)
- Quorum for conducting, Ch 167, §36(p752)
- Records, preservation, Ch 167, §41(p753)
- Rules for conducting and grading, Ch 167, §34, 35(p752)
- Time and place, Ch 167, §32(p751)

EXAMINING BOARD:

- Appointment by governor, Ch 167, §11(p749)
- Compensation, Ch 167, §23, 24(p750)
- Composition of examining board, Ch 167, §13(p749)
- Continuation of present rules and regulations, Ch 167, §154(p772)
- Designation of examining board, Ch 167, §12(p749)
- Nomination of examiners, Ch 167, §19(p750)
- Qualifications of examiners, Ch 167, §14-17(p749)
- Quarters furnished by executive council, Ch 167, §26(p750)
- Supplies, Ch 167, §25(p750)
- Surrender of public records upon taking effect of this chapter, Ch 167, §150, 151(p772)

PHYSICIANS AND SURGEONS - concluded

EXAMINING BOARD:, concluded

Term of examiners, Ch 167, §18(p749)
Time title takes effect, Ch 167, §155(p775)
Transaction of business, Ch 167, §22(p750)
Vacancies, Ch 167, §20(p750)

LICENSE:

Age and character qualifications, Ch 167, §3(p748)
Certificate presumptive evidence of right to practice, Ch 167, §6(p748)
Display of license, Ch 167, §7(p748)
Existing licenses renewed, Ch 167, §152(p772)
Fees for licenses, Ch 167, §79-82(p758)
Forgery and fraud, penalty, Ch 167, §84-86(p759)
Grounds for refusing, Ch 167, §4(p748)
Itinerant law applicable, Ch 167, §72-78(p757)
License required, Ch 167, §2(p748)
Reciprocal agreements, continuation, Ch 167, §153(p772)
Reciprocal licenses, Ch 167, §42-52(p753)
Record open to public inspection, Ch 167, §8(p748)
Renewal of licenses, Ch 167, §10, 10-a(p748)
Required for practice, Ch 167, §83(p759)
Requirements for license, Ch 167, §95(p762)
Revocation of license, grounds, Ch 167, §53-69(p755)
Persons engaged in practice, Ch 167, §93, 94(p761)
Use of title and degrees, Ch 167, §70, 71(p757)
Venereal diseases, see main head DISEASES
Vital statistics registration duties, see main head VITAL STATISTICS

PISTOLS, see main head WEAPONS

PLATS

CITIES AND TOWNS:

Improvements, Ch 113, §34(p479), Ch 124, §27(p511)

PLAYGROUNDS

Cities and towns, see main head MUNICIPAL CORPORATIONS, subhead PLAYGROUNDS
Law relative to, shall apply to special charter cities, Ch 124, §10(p509)

PODIATRY

Amputations prohibited, Ch 167, §101(p763)
Enforcement provisions of practice acts, Ch 167, §87 - 92-a9(p759)

EXAMINATIONS FOR LICENSE TO PRACTICE:

Applications, Ch 167, §28(p751)
Candidates, list of names, Ch 167, §33(p752)
Certification of applicants, Ch 167, §38(p752)
Clerk, duties and expenses, Ch 167, §37(p752)
List of accredited schools kept, Ch 167, §29, 30(p751)
Notice of time and place, Ch 167, §28-a(p751)
Partial examinations, rules, Ch 167, §39, 40(p752)
Professional schools, data furnished, Ch 167, §31(p751)
Quorum for conducting, Ch 167, §36(p752)
Records, preservation, Ch 167, §41(p753)
Rules for conducting and grading, Ch 167, §34-35(p752)
Time and place, Ch 167, §32(p751)

EXAMINING BOARD:

Appointment by governor, Ch 167, §11(p749)
Compensation, Ch 167, §23, 24(p750)
Composition of examining board, Ch 167, §13(p749)

PODIATRY - concluded

EXAMINING BOARD: - concluded

Continuation of present rules and regulations, Ch 167, §154(p772)
Definition, Ch 167, §1(p747)
Designation of examining board, Ch 167, §12(p749)
New members appointed by governor, Ch 167, §142(p771)
Nomination of examiners, Ch 167, §19(p750)
Qualifications of examiners, Ch 167, §14-17(p749)
Quarters furnished by executive council, Ch 167, §26(p750)
Supplies, Ch 167, §25(p750)
Surrender of public records upon taking effect of the chapter, Ch 167, §150, 151(p772)
Term of examiners, Ch 167, §18(p749)
Term of office, Ch 167, §143(p771)
Time of title taking effect, Ch 167, §155(p773)
Transaction of business, Ch 167, §22(p750)
Vacancies, Ch 167, §20(p750)

LICENSE:

Age and character qualifications, Ch 167, §3(p748)
Certificate presumptive evidence of right to practice, Ch 167, §6(p748)
Display of license, Ch 167, §7(p748)
Existing licenses renewed, Ch 167, §152(p772)
Fees for licenses, Ch 167, §79-82(p758)
Forgery and fraud, penalty, Ch 167, §84-86(p759)
Grounds for refusing, Ch 167, §4(p748)
License required, Ch 167, §2(p748)
Notice of change of residence, Ch 167, §9(p748)
Reciprocal agreements, continuation, Ch 167, §153(p772)
Reciprocal licenses, Ch 167, §42-52(p753)
Record open to public inspection, Ch 167, §8(p748)
Renewal of licenses, Ch 167, §10, 10-a(p748)
Required for practice, Ch 167, §83(p759)
Requirements for license, Ch 167, §99(p762)
Revocation of license, grounds, Ch 167, §53-69(p755)
Persons engaged in practice, Ch 167, §97, 98(p762)
School, requirements for approval, Ch 167, §100(p762)
Title used by license, Ch 167, §102(p763)
Use of titles and degrees, Ch 167, §70-71(p757)

POISONS, see main head DRUGS

POLICE, see main head ELECTIONS, also main head MUNICIPAL CORPORATIONS

PARSONS:

Appointment, compensation, Ch 124, §3(p508)

POOR

Medical care, Ch 94, §12(p423)

OVERSEERS OF POOR:

Allowance of claims by board, Ch 94, §14(p423)
Application for relief, Ch 94, §13(p423)
Appointment by county supervisors, Ch 94, §10(p423)
Medical services, charges for, Ch 94, §12(p423)
Township trustees, duty, Ch 94, §10(p423)

RELATIVES, LIABILITY FOR SUPPORT:

Hearing and notice necessary, Ch 94, §1(p426)

RELIEF OF POOR:

Application for relief, Ch 94, §13(p423)
Application for relief, hearing, Ch 94, §1(p426)

Sanctuary of poor:

Contest between counties, trial, Ch 94, §8, 9(p428)

POOR - concluded

RELIEF OF POOR: - concluded

Domicile of poor:- concluded

Termination of settlement, Ch 94, §7(p427)

Settlement, how acquired, Ch 94, §6(p427)

Employment of poor, Ch 94, §11(p428)

Form of relief, Ch 94, §11(p428)

Labor as payment, Ch 94, §11(p428)

Liability for expenses:

Abandonment, property lien, Ch 94, §5(p427)

Abandonment, property seizure, Ch 94, §4(p427)

Application for order, notice, Ch 94, §1(p426)

POSTING, see main head NOTICE

PRECINCTS, see main head ELECTION, subhead PRECINCTS

PRISON

ESCAPES:, see main head CRIMES, subhead ESCAPES

PRISON MADE GOODS:

Price lists to public officials, Ch 55, §461-a3(p331)

Price to be comparable to other materials, Ch 55, §461-a6(p331)

Purchase by public officials mandatory, Ch 55, §461-a5(p331)

PRIVATE

PROPERTY:

Eminent domain, see main head EMINENT DOMAIN

PROBATE LAW

ABSENTEES' ESTATES:

Administration, same as estates of dependents, Ch 153, §3-a5(p650)

Hearings, procedure, Ch 153, §3-a4(p649)

Heirs and beneficiaries, determined, Ch 153, §3-a8, a9(p650)

Notice, service, proof, Ch 153, §3-a1 - 3-a3(p649)

Petition for administration, contents, Ch 153, §3(p649)

Sale of realty, debts paid, Ch 153, §3-a6, 3-a7(p650)

ADMINISTRATION:

Absentees' estates, see subhead ABSENTEES' ESTATES, above

Mortgages, judgments, power of foreign fiduciary officer to assign or satisfy, Ch 153, §5-8(p650)

Persons eligible to request administration, Ch 153, §9(p651)

Surviving spouse, election between will and dower, Ch 152, §3(p648)

EXECUTORS AND ADMINISTRATORS:

Executors final report, contents, Ch 152, §2(p648)

Executor to file list of heirs, Ch 152, §3(p648)

WILLS:

Definition and purpose of will, Ch 153, §1(p649)

Limitation on bequests to corporation, Ch 153, §2(p649)

PROHIBITION LAWS, see main head INTOXICATING LIQUORS

PROPERTY

Lost property, for detailed index see main head LOST PROPERTY

Privately owned property, definition, Ch 113, §31(p479)

PROSTITUTION

Houses of ill fame, for detailed index see main head HOUSES OF ILL FAME

Penal provisions for detailed index see main head CRIMES, subhead

PROSTITUTION

Supervision of prostitution, certificates, Ch 164, §116(p688)

PUBLICATION

Assessment of costs, Ch 26, §12(p70)

Legal notices, compensation, authorized, Ch 26, §7(p70)

List of nominees for election, Ch 14, §69(p38)

PUBLICATION - concluded

- Notice of examination for mine inspectors, Ch 27, §3(p71)
- Notice of election published, Ch 10, §4(p16)
- Posting of notice, compensation, Ch 26, §11(p70)
- Publication, conditions of and selection of newspapers, Ch 26, §8-10(p70)
- Publication of notice of municipal improvements, Ch 124, §28(p511)
- Recording boundaries of precincts, Ch 14, §11(p30)

PUBLIC FUNDS, see main head FUNDS PUBLIC

PUBLIC IMPROVEMENTS

- Bonds, see main head CONTRACTS, subhead PUBLIC CONTRACTS
- Material and labor claims, Ch 161, §7-11(p661)
- Payments for construction, Ch 161, §12-26(p662)
- Terms defined, Ch 161, §1(p660)

PUBLIC INSTRUCTION, SUPERINTENDENT, see main head STATE OFFICERS AND DEPARTMENTS,
subhead PUBLIC INSTRUCTION, SUPERINTENDENT OF

PUBLIC OFFICERS

- Beneficiary of bonds, Ch 21, §16(p61)
- Biennial fiscal year, defined, Ch 9, §1(p15)
- Bonds, amount of, Ch 21, §6(p60)
- Bonds, condition of, Ch 21, §4(p59)
- Nonfeasance or official neglect, penalty, Ch 14, §109(p43)

OATH OF OFFICE:

- Limited authority to administer oaths, Ch 25, §2(p68)
- Officers authorized to administer oaths, Ch 25, §1(p68)

QUALIFYING FOR OFFICE:

- City and town officers, Ch 20, §2(p58)
- Extension of time, Ch 20, §4(p58)
- Manner, Ch 20, §1(p58)
- Officers in general, Ch 20, §1(p58)
- Time for qualifying, Ch 20, §1-4(p58)
- Unavoidable casualty, effect, Ch 20, §3(p58)
- Release of sureties on bonds, Ch 22, §1(p63)

REMOVAL FROM OFFICE:

- Appeal, time and place of hearing, Ch 23, §15(p65)
- Cause for removal, Ch 23, §1(p64)
- Causes for removal, appointive state officers, Ch 23, §24(p66)
- Court removal, Ch 23, §1(p64)
- District court power, Ch 23, §1,2(p64)
- Effect of action for removal without reasonable cause, Ch 23, §22(p66)
- Effect of appeal, Ch 23, §20(p66)
- Effect of dismissal of petition, Ch 23, §21(p66)
- Jurisdiction for removal from office, Ch 23, §2(p64)
- Members of board of control, Ch 55, §4,5(p268)
- Mine examiners, removal by executive council, cause, Ch 27, §2(p71)
- Mine inspectors, Ch 27, §6-8(p72)
- Removal of city or town officers by council, cause, Ch 23, §25(p67)
- Temporary officer during suspension, Ch 23, §17(p66)
- State officers, salary claims audited, Ch 7, §8(p13)

SUSPENSION OF STATE OFFICERS:

- Appointment of commission by governor, Ch 34, §1(p131)
- Compensation of commission, Ch 34, §10(p133)
- Duty of governor, Ch 34, §4,7(p132)
- Examination of accounts by commission, Ch 34, §1(p131)
- Exercising office after suspension, penalty, Ch 34, §5(p132)

PUBLIC OFFICERS - concluded

SUSPENSION OF STATE OFFICERS:- concluded

- Failure to impeach or convict, effect, Ch 34, §9(pl32)
- Powers of investigating commission, Ch 34, §2(pl31)
- Refusal to obey subpoenas, issued by governors commission, fees, Ch 34, §2-al(pl32)
- Report of governor to general assembly, Ch 34, §8(pl32)
- Reports on condition of state office, other than by commission, where filed, Ch 34, §10-al(pl33)
- Report to governor, by commission, Ch 34, §3(pl32)
- Temporary appointment, by governor, Ch 34, §6(pl32)

VACANCIES:

- Board of supervisors, how filled, Ch 24, §1(p67)
- County offices, how filled, Ch 24, §1(p67)
- Governors power to appoint, Ch 24, §1(p67)
- Township offices, how filled, Ch 24, §1(p67)
- Vacancies, how filled, Ch 24, §1(p67)

PUBLIC UTILITIES

MUNICIPAL PLANTS:

- Board of trustees, bond of members, Ch 118, §4(p494)
- Chairman of board of waterworks trustees, Ch 118, §3(p494)
- Condemnation of existing plants, Ch 116, §6(p491)
- Condemnation of land, Ch 116, §5(p490)
- Condemnation proceedings, see main head MUNICIPAL CORPORATIONS, subhead EMINENT DOMAIN
- Election required to establish, Ch 116, §3,4(p490)
- Powers of trustees, Ch 116, §14(p492)
- Powers to establish and operate, Ch 116, §1(p490)
- Purchase by city of utility products for sale, Ch 116, §2(p490), Ch 118, §1(p494)
- Sale of products, rates and taxes, Ch 116, §11(p492)
- Trustees appointed, powers and duties, Ch 116, §13(p492)
- Trustees shall fix rates, Ch 117, 3(p493)
- Waterworks trustees, election, number, term, Ch 118, §2(p494)

PUMPING PLANTS, see main head DRAINAGE AND LEVEE DISTRICTS

PURE FOODS, see main head FOODS

RAILROADS

- Automatic couplers on cars, Ch 131, §41(p600)
- Bridges, maintenance, damages, Ch 131, §27(p598)
- Buildings on railroad land, Ch 131, §42,43(p600)
- Change of name, Ch 131, §1,2(p594)
- Classification of railroads, Ch 131, §36-38(p599)
- COMMISSIONERS: see main head STATE OFFICERS AND DEPARTMENTS, subhead RAILROAD COMMISSIONERS

CROSSINGS:

- Grade crossings, duties of employees, Ch 134, §2(p606)
- Grade crossings, jurisdiction of R.R. commissioners, Ch 134, §1(p606)
- Stopping at grade crossings, Ch 134, §3,4(p606)
- Construction of railroad on riparian land or lots, Ch 131, §18(p596)
- Contracts, recording, effect of change of name, Ch 131, §3,4(p594)
- Crossing railway, canal or watercourse, Ch 131, §26(p597)
- Definition of terms, Ch 135, §5(p607)
- Depot grounds, speed limits at depots, Ch 131, §11(p596)
- Discriminations, Ch 135, §6(p608), Ch 136, §1(p608)
- Ejection of intoxicated passengers, Ch 169, §1(p775)

RAILROADS

EMINENT DOMAIN:

Abandoned right-of-way, Ch 128, §15-18-a1(p580)
Access of landowner to water, Ch 128, §12(p580)
Authority in general, Ch 128, §6(p579)
Cemetery lands exempt, Ch 128, §7(p579)
Change in stream beds, Ch 128, §13.14(p580)
Purposes in general, Ch 128, §9(p579)
Right-of-way limitation, Ch 128, §8(p579)
Water stations, Ch 128, §11(p580)

EMPLOYEES:

Claims for injury, Ch 133, §2,3(p605)
Grade crossings, duties of employees, Ch 134, §2(p606)
Negligence, liability of railroad, Ch 133, §1(p604)
Expense of making or repairing crossings, Ch 131, §22-25(p597)
Fences, improper, liability for stock injured, Ch 131, §8,9(p595)
Fences required, specifications, Ch 131, §5,7(p595)

FREE PASSES OR TICKETS:

Interchange between railroads, Ch 136, §7(p610)
Persons to whom issued, Ch 136, §6(p609)
Freight, duty to transport, Ch 135, §2(p607)
Interchange, shipping and forwarding, Ch 135, §7(p608)
Interlocking switches, Ch 131, 15-16, 34, 35(p596, 598)

INTERURBAN RAILWAYS:

Cities and towns, right of franchise, Ch 138, §7(p614)
Compensation, disagreement, proceedings, Ch 138, §12-15(p615)
Contracts, city, prior to 1902, Ch 138, §8(p615)
Facilities furnished by interurban, Ch 130, §11(p615)
Highway, right of way acquired by eminent domain, Ch 138, §6(p614)
Highways, use, Ch 138, §1(p614)
Regulation right of board of supervisors, Ch 138, §5(p614)
Street railway to furnish power, Ch 138, §10(p615)
Terminal facilities, use, Ch 138, §9(p615)
Water supply, condemnation for, Ch 138, §16-21(p616)
Widening of highways, Ch 138, §1-6(p614)

LIABILITY OF RAILROADS:

Negligence of employees, Ch 133, §1(p605)
Mississippi river crossing, Ch 131, §12(p596)
Passenger rates, limitation, violations, Ch 131, §39, 40(p599)
Passenger service required, Ch 135, §3, 4(p607)

PENAL PROVISIONS:

Profane language on trains, Ch 169, §2(p775)
Private crossings, Ch 131, §28, 29(p598)
Railway and highway crossing at grade, disagreement, hearing, Ch 131, §19-21(p596)

RATE AND CHARGES:

Certain acts prohibited, Ch 137, §13(p612)
Change in schedule, Ch 137, §14-18(p612)
Definitions, Ch 137, §1(p611)
Discrimination as to charges, Ch 136, §1(p608)
Discrimination, not applicable to new industry, Ch 136, §2(p608)
Free passes or tickets, see subhead FREE PASSES OR TICKETS
Inspection by public, Ch 137, §5(p611)
Partial schedules, Ch 137, §9(p612)
Posting, Ch 137, §6(p611)
Power to revise rates, Ch 137, §19(p613)
Prima facie evidence of violation, Ch 136, §3(p609)

RAILROADS - concluded

RATES AND CHARGES: - concluded

- Rates effective, when, Ch 137, §22(p613)
- Reduced freight rates, Ch 136, §4(p609)
- Reduced passenger rates, when allowed, Ch 136, §5(p609)
- Revised schedules, posting and filing, Ch 137, §23(p613)
- Schedules, changes, Ch 137, §10(p612)
- Schedules, filing and publication, Ch 137, §2(p611)
- Schedules, form, Ch 137, §7(p612)
- Schedules, interstate commerce, Ch 137, §6(p612)
- Schedules, joint tariff, Ch 137, §11(p612)
- Schedules, printing, Ch 137, §4(p611)
- Schedules, requirements, details, Ch 137, §3(p611)
- Suspension of rates, Ch 137, §20(p615)
- Riparian owners' rights, Ch 131, §17(p596)
- Shipments, duty to furnish cars, Ch 135, §2(p607)
- Spur tracks, construction and maintenance, Ch 131, §44-49(p600)
- Switching service, defined, Ch 135, §5(p607)

TAXATION:

Tax Aid:

- Aid to railways, Ch 132, §1(p602)
- Ballots, form, Ch 132, §8(p604)
- Collection of tax, Ch 132, §13(p604)
- Election returns, Ch 132, §9, 10(p604)
- Election, special, for tax aid, notices, Ch 132, §6(p603)
- Limitation on tax, Ch 132, §14(p604)
- Notice of special election, Ch 132, §7(p603)
- Petition for tax aid, requirements, Ch 132, §2-5(p603)
- Tax aid election districts, Ch 132, §11(p604)
- Tax lists, entering of terms, Ch 132, §12(p604)

TRACKS:

- City streets, repairs between tracks, Ch 113, §56-59(p493)
- Water pipes, right to lay on private lands, Ch 131, §30-33(p598)

RATES

Railroad, for detailed index see main head RAILROADS, subhead RATES AND CHARGES

REAL PROPERTY

Certificate of redemption from tax sale, Ch 125, §24-29(p521)

CONVEYANCES:

- Acknowledgment of conveyances, Ch 52, §16, 19(p257)
- Acknowledgments, see main head ACKNOWLEDGMENTS
- Affidavit to establish title, Ch 52, §5(p255)
- Assignment, certificate of entry of land, Ch 52, §5(p255)
- Certificate of acknowledgments, Ch 52, §18-39(p257)
- Certification of transcribed records, Ch 52, §16(p256)
- Christian names, variation, effect, Ch 52, §4(p256)
- Conveyances by heirs or spouse, executed prior to 1900 Ch 52, §12(p256)
- Corporation seals, Ch 52, §2(p254)
- Deeds:
 - Contract for deed prior to 1900 Ch 52, §3(p255)
 - Terms of conveyance, Ch 52, §17(p257)
- Index books, Ch 52, §40-58(p261)
- Notarial seals of nonresidents, presumption, Ch 52, §13(p256)
- Patents covering land in different counties, Ch 52, §8(p255)
- Power of attorney, revocation filed, Ch 52, §1(p254)
- Railroad land grants, recorded, Ch 52, §7(p255)

REAL PROPERTY - concluded

CONVEYANCES: - concluded

Records transcribed, Ch 52, §14(p256)

Title, evidence filed with county recorder, Ch 52, §9(p256)

Transcript of record, Ch 52, §10, 11(p256)

Transfer books, Ch 52, §51-58(p263)

CONTRACTS

Forfeiture of contract, Ch 173, §1-4(p787)

Eminent domain, see main head EMINENT DOMAIN

ESTATES:

Contingent remainders, Ch 183, §2(p825), see also subhead REMAINDERS

Federal land grants recorded, Ch 52, §7(p255)

FORFEITURE:

Future estates:

Creation authorized, Ch 183, §1(p825)

Defeating expectant estate, Ch 183, §3(p825)

Real estate contracts, procedure, Ch 173, §1-6(p787)

HOMESTEADS: see main head HOMESTEADS

Liens, landlord's, for detailed index see main head LIENS, subhead

LANDLORD'S LIEN

OCCUPYING CLAIMANTS:

Color of title, definition, Ch 53, §2(p264)

Improvements, effect of failure to pay, Ch 53, §4-5(p265)

Improvements, removal optional, Ch 53, §7(p265)

Payments of appraised value, Ch 53, §4(p265)

Persons having color of title, Ch 53, §1(p264)

Petition, contents, Ch 53, §3(p265)

Right to improvements, Ch 53, §1(p264)

Trial of issues, Ch 53, §3(p265)

Waste, set-off in action, Ch 53, §6(p265)

RECORDING LAWS:

Certification of transcribed records, Ch 52, §16(p256)

Compensation for transcribing records, Ch 52, §15(p256)

Patents of land in different counties, Ch 152, §8(p255)

Railroad land grants recorded, Ch 52, §7(p255)

Records transcribed, Ch 52, §14(p256)

Transcript of record, Ch 52, §10(p255)

REMAINDERS:

Contingent remainders, Ch 183, §2(p825)

STATE LAND:

Abandonment of gift, Ch 40, §4(p175)

Acquisition of title by state, Ch 40, §1(p175)

Gifts of land accepted by conservation commission, Ch 40, §2(p175)

Gifts to state, conditions, Ch 40, §3(p175)

Landscaping, Ch 40, §6(p175)

Private improvements, Ch 40, §5(p175)

Title, evidence, recorded, Ch 52, §9(p256)

Taxation, see main head TAXATION, subhead REAL PROPERTY

Weeds, Ch 82(p405)

RECIPROCITY

License acts, Ch 167, §42-52(p753)

RECORDS OF COURT, see main head ABSTRACTS OF RECORDS

REFORMATORIES, see main head STATE INSTITUTIONS

REGISTRATION

Registration of animals, see main head ANIMALS, subhead REGISTRATION OF ANIMALS

RELIEF

Relief of poor, see main head POOR

Soldiers relief commission, see main head SOLDIERS, SAILORS AND MARINES, subhead BELIEF COMMISSION

REPEALS

Repeal, Ch 106, §1(p467)

REPORTER, see main head COURT, subhead REPORTER

REPORTS, see main head STATE OFFICERS AND DEPARTMENTS

Annual report to governor, Ch 168, §4(p774)

Extension of time, Ch 168, §5(p774)

REPRIEVES, see main head CRIMINAL PROCEDURE, subhead REPRIEVES

RESTAURANTS, see also main head FOOD ESTABLISHMENTS

Cesspool when no sewage connections, Ch 47, §8(p226)

Common drinking cup not permitted, Ch 47, §20(p227)

Cuspidors, expectorating, regulations, Ch 47, §22(p227)

Employment of diseased persons forbidden, Ch 47, §24(p227)

Lavatories adjacent to toilet rooms, Ch 47, §15(p226)

Licenses, Ch 47, §2-6(1-325)

Lighting and ventilation, Ch 47, §16(p226)

Plumbing when sewer available, Ch 47, §7(p225)

Sanitary regulations, Ch 47, §17(p226)

Screens and doors and windows, Ch 47, §12(p226)

Tableware and linen to be clean, Ch 47, §21(p227)

Temporary restaurants exempt from plumbing and cesspool law, Ch 47, §8(p226)

Toilet rooms, Ch 47, §14(p226)

Towel requirements, Ch 47, §19(p227)

Use as dwelling prohibited, Ch 47, §23(p227)

Violation of food establishment, laws, penalty, Ch 47, §47-49(p230)

Walls and ceilings, material, painting, Ch 47, §11(p226)

REVOLVERS, see main head WEAPONS

ROADS, see main head HIGHWAYS

SAFETY DEVICES

FIRE ESCAPES: see main head FIRES AND FIRE PROTECTION

SAILORS, see main head SOLDIERS, SAILORS AND MARINES

SALES

CONDITIONAL SALES:

Certified copy as evidence, Ch 51, §13(p252)

Certified copies furnished on request, Ch 51, §12(p252)

Filing equivalent of recordings, Ch 51, §5(p251)

Indexing of recorded instrument, Ch 51, §8, 15-a2, 17(p251)(253)

Place recorded or filed, Ch 51, §3(p251)

Recording or filing, requirements, Ch 51, §3, 4(p251)

Release and satisfaction, Ch 51, §14(p253)

Return of original instruments to maker, Ch 51, §6, 15, 15-a1(p253)

Transfer by persons in representative capacity, Ch 51, §9(p252)

SCALES

Confiscation of incorrect scales, Ch 165, §213(p740)

Possession of false weights or measures, Ch 165, §214(p740)

FUELIO SCALES:

Definition, Ch 165, §201(p739)

License requirements, Ch 165, §202-205(p739)

Weighmaster's oath and duties, Ch 165, §206-207(p739)

Weighmaster's violations of law, penalty, Ch 165, §209(p739)

SCALES - concluded

Transactions by false weights, penalty, Ch 166, §215(p740)

SCHOOLS AND SCHOOL DISTRICTS

ATTENDANCE:

- Compulsory attendance, see subhead COMPULSORY ATTENDANCE, below
- School age defined, Ch 76, §1(p389)
- Blind school, see main head STATE INSTITUTIONS, subhead DEAF SCHOOL
- BOARD OF EDUCATION: see main head STATE INSTITUTIONS, subhead BOARD OF EDUCATION
- County board, see main head COUNTY OFFICERS AND DEPARTMENTS, subhead BOARD OF EDUCATION
- State board for state educational institutions, see main head STATE INSTITUTIONS, subhead BOARD OF EDUCATION

BONDS:

- Accounts examined by state checkers, Ch 3, §14(p4)
- Election held for approval, Ch 74, §1-5(p385)

BUILDINGS AND GROUNDS:

- Area of site limited, Ch 75, §2-4(p387)
- Barbed wire fences prohibited, Ch 75, §13(p388)
- Board of referees, to appraise land, Ch 75, §6-al(p387)
- Condemnation of land, see also main head EMINENT DOMAIN, Ch 75, §6-10(p387)
- Erection of schoolhouses, directors authority, Ch 75, §11(p388)
- Fence requirements, Ch 75, §12, 13(p388)
- Location of school site, how determined, Ch 75, §1(p386)
- Repairs of schoolhouses, Ch 75, §11(p388)
- Selection of school site, factors considered, Ch 75, §1-4(p386)
- Tax levies, Ch 75, §5(p387)
- Bulletins on fire prevention prepared by fire marshal, Ch 37, §30(p159)
- Census, when taken, Ch 76, §16(p390)
- Charitable institutions, children may attend public high school, Ch 70, §39-al(p381)

COMPULSORY ATTENDANCE:

- Age limits, Ch 76, §1(p389)
- Blind and deaf children included, Ch 76, §17, 18(p391)
- Blind and deaf children when excused, Ch 76, §20(p391)
- Children not subject to, Ch 76, §2(p389)
- Parents' and guardians' duties, Ch 76, §1(p389)
- Private school attendance, reports required, Ch 76, §3-6(p389)
- School census taken, Ch 76, §16(p390)

Contracts made by director, see subhead DIRECTORS, below

DIRECTORS:

- Meetings, when held, election of president, Ch 70, §17(p377)
- Number of directors, Ch 70, §5(p375)
- Number of schools taught, determined, Ch 70, §30(p380)
- Power of subdirectors, Ch 70, §22(p378)
- President of board, see subhead OFFICERS, below, Ch 70, §17(p377)
- Qualifications required, Ch 70, §16(p377)
- Quorum, majority constitutes, Ch 70, §20(p378)
- Rules and regulations made, Ch 70, §21(p378)
- Secretary, see subhead OFFICERS, below
- Settlements made with officers, Ch 70, §18(p378)
- Teachers, contracts, form, Ch 70, §23(p378)
- Teachers employed, Ch 70, §22(p378)
- Term of office, Ch 70, §5(p375)
- Treasurer, see subhead OFFICERS, below

SCHOOLS AND SCHOOL DISTRICTS - concluded

DIRECTORS:- concluded

Vacancies in office, Ch 70, §5, 20(p373, 378)

ELECTIONS:

Absent voters law applicable, Ch 70, §10(p376)

Ballot boxes, board provides, Ch 70, §14(p377)

Ballot, form required, Ch 70, §4(p374)

Ballots, when printing required, Ch 70, §9(p375)

Bond issues, Ch 74, §1(p374)

Date of election, Ch 74, §4(p374)

Directors elected, Ch 70, §1(p374)

Division of district into precincts, voting places, Ch 70, §11(p376)

Election called by president of board, Ch 74, §2(p374)

Election of officers, see subhead officers, below.

Election statutes applicable, Ch 70, §10(p376)

Judges and clerk, who acts, Ch 70, §14(p377)

Method of submitting proposition, Ch 70, §4(p374)

Nomination of candidates for office of director, Ch 70, §7(p375)

Notice of meeting, Ch 70, §13(p377)

Number of directors elected, tenure, Ch 70, §5(p375)

Number of voters required to request election, Ch 74, §1(p374)

Poll books delivered to board of directors, Ch 70, §14(p377)

Polls, opening and closing time, Ch 70, §8(p375)

Powers of voters, Ch 70, §3(p374)

Precincts consolidated for registration, Ch 70, §11-al(p376)

Precincts consolidated, Ch 70, §11(p376)

Precincts for voting outside city or town, Ch 70, §11(p376)

Qualifications of voters, Ch 70, §2(p374)

Registration, appointment, compensation, meeting, Ch 70, §12(p376)

Registration laws applicable, Ch 70, §11-al - 12 (p376)

Return of canvass made to secretary of corporation, Ch 70, §14(p377)

Right to vote, law applicable, Ch 70, §2(p374)

Special meetings of voters, notice, Ch 72, §1(p384)

Terms of office of board members, Ch 70, §5(p375)

The vote decided by lot, Ch 70, §10(p375)

Vacancies filled, Ch 70, §5(p375)

Voters' powers, Ch 70, §3(p374)

Voters qualifications, Ch 70, §2(p374)

Voting machines, use authorized, Ch 70, §9(p375)

Voting methods, Ch 70, §4(p374)

Evening schools, Ch 71, §1-4(p383)

Fire drills required by fire marshal, Ch 37, §29(p159)

FRATERNITIES:

Brushing prohibited in public schools, Ch 70, §25(p380)

Graded schools established, Ch 70, §28(p380)

High schools, see subhead PUBLIC SCHOOLS, below

LIBRARIES:

Books purchased and distributed, Ch 73, §2(p385)

Funds for purchase of books, Ch 73, §1(p385)

List of suitable books, Ch 73, §3(p385)

OFFICERS:

President, election by board, Ch 70, §17(p377)

Qualifications of elective officers, Ch 137, §1(p242)

Secretary, custody of records, Ch 76, §1(p389)

Secretary, election, Ch 70, §19(p378)

Secretary, election duties, Ch 13, §2-al(p49)

SCHOOLS AND SCHOOL DISTRICTS - concluded

OFFICERS: - concluded

Secretary, reports made, Ch 72, §2(p384)

Superintendent, see subhead SUPERINTENDENT EMPLOYED BY SCHOOL BOARD,
below

Temporary officers appointed by board, Ch 70, §20(p378)

Treasurer, election, Ch 70, §6, 19(p375, 378)

PRIVATE SCHOOLS:

American citizenship to be taught, Ch 60, §5(p341)

Bible not excluded, use regulated, Ch 60, §8(p341)

Constitutions of United States and state, instruction given, Ch 60, §6(p341)

Definition of private school, Ch 60, §1(p341)

English as medium of instruction, Ch 60, §3(p341)

English language requirement violated, penalty, Ch 60, §4(p341)

Flag display required, Ch 60, §2(p341)

Foreign language may be taught, Ch 60, §3(p341)

History and civics instruction, Ch 60, §7(p341)

Reports required, penalty, Ch 76, §3-6(p389)

PUBLIC SCHOOLS:

Agriculture taught, Ch 70, §26(p379)

American citizenship to be taught, Ch 60, §5(p341)

Bible not excluded, use regulated, Ch 60, §8(p341)

Citizenship to be taught, Ch 60, §5(p341)

Closing, attendance of pupils in other districts, Ch 70, §31(p380)

Closing, lack of pupils as ground, Ch 70, §31(p380)

Closing, school privileges provided for pupils, Ch 70, §32(p380)

Constitutions of United States and state, instruction given, Ch 60, §6
(p341)

Definition of Public school, Ch 60, §1(p341)

Domestic science taught, Ch 70, §26(p379)

English as medium of instruction, Ch 60, §3(p341)

English language requirement violated, penalty, Ch 60, §4(p341)

Evening schools authorized, Ch 71, §1-4(p383)

Flag display required, Ch 60, §2(p341)

Foreign language may be taught, Ch 60, §3(p341)

Fraternities, soliciting on school grounds prohibited, Ch 70, §35(p380)

High schools, establishment authorized, Ch 70, §28(p380)

History and civic instruction, Ch 60, §7(p341)

Kindergarten, establishment authorized, Ch 70, §27(p379)

Manual training taught, Ch 70, §26(p379)

Number of schools required, board fixes, Ch 70, §30(p380)

Physical education required, Ch 70, §26-a1, 26-a2(p379)

Pupils, attendance outside district tuition, Ch 70, §36 - 39(p381)

Transportation for pupil provided, Ch 70, §33(p380)

SCHOOL FUNDS:

Proceeds of sale of seized vehicle, balance to fund, Ch 35, §93, 94(p146)

School year, Ch 70, §34-a1(p380)

Sites, see subhead BUILDINGS AND GROUNDS, below.

Superintendent, county, see main head COUNTY OFFICERS AND DEPARTMENTS,
subhead SUPERINTENDENT OF SCHOOLS

SUPERINTENDENT EMPLOYED BY SCHOOL BOARD:

Acts as executive officers of board, Ch 70, §24(p379)

Duties and powers, Ch 70, §24(p379)

Term of office, Ch 70, §24(p379)

Superintendent of public instruction for detailed index see main head

STATE OFFICERS AND DEPARTMENTS, subhead PUBLIC INSTRUCTION, SUPERINTENDENT

SCHOOLS AND SCHOOL DISTRICTS - continued

TAXES:

Levies by supervisors for school house sites, Ch 75, §5(p387)

TEACHERS:

Board of Educational Examiners:

Accounts required, Ch 63, §39(p354)

Expenditures, how paid, Ch 63, §38(p353)

Meetings, when held, Ch 63, §3(p348)

Membership, how constituted, Ch 63, §1(p347)

Printing obtained, Ch 63, §40(p354)

Secretary and assistants employed, expenses allowed, Ch 63, §2(p348)

Term of office, Ch 63, §1(p347)

Certificates:

Applicants without experience, Ch 63, §24(p351)

Certificates issued, conditions, qualifications, Ch 63, §5(p348)

Experience as qualifications, Ch 63, §29(p352)

Fees for renewal, Ch 63, §12, 13(p349)

Fees, where paid, Ch 63, §25(p352)

First grade certificate, Ch 63, §21(p351)

Foreign applicants, certificates issued, Ch 63, §11(p349)

Graduation from accredited college as license to teach, Ch 63, §9, 10(p349)

Life certificate, lapse, provisions, Ch 63, §14(p350)

Normal training requirements, Ch 63, §26, 27(p352)

Provisional certificates, Ch 63, §32, 33(p352)

Registration of certificates, Ch 63, §30, 31(p352)

Renewal for life, conditions, fee, Ch 63, §12, 13, 18, 20, 21(p349)

Revocation by board, procedure, Ch 63, §34(p353)

Revocation by county superintendent, procedure, Ch 63, §35, 36, 37 (p353)

Second grade certificate, Ch 63, §22(p351)

Special certificate, Ch 63, §7(p348)

Special certificate, issuance, tenure, renewal, Ch 63, §20(p350)

Third grade certificate, Ch 63, §23(p351)

Contracts for teaching, see subhead EMPLOYMENT OF TEACHERS, below

Diplomas:

Diplomas issued, conditions, qualifications, Ch 63, §5(p348)

Employment of teachers:

Authority of board of directors to make contracts, Ch 70, §23(p378)

Examinations conducted by boards:

Rules prescribed by board, Ch 63, §4, 4-a(p348)

Subjects covered, Ch 63, §6(p348)

Examinations conducted by county superintendent:

College work in lieu of examination, Ch 63, §19(p350)

Didactic examination, when excused, Ch 63, §28(p352)

Duty to conduct, Ch 63, §15, 16(p350)

Normal training requirements, Ch 63, §16(p350)

Questions prepared by state superintendent, Ch 63, §15(p350)

Record kept by county superintendent, Ch 63, §17(p350)

Rules prescribed by board, Ch 63, §15(p350)

Special examination ordered by board, procedure, Ch 63, §32(p352)

Subjects covered, Ch 63, §18(p350)

Times for holding, Ch 63, §15, 16(p350)

Tuition paid for pupils from closed schools, Ch 70, §32(p380)

Truancy and truancy officers:

Appointment of truancy officers, Ch 76, §10(p388)

Compensation of truancy officers, Ch 76, §10(p390)

SCHOOLS AND SCHOOL DISTRICTS - concluded

TEACHERS: - concluded

Truancy and truancy officers:

- Criminal proceedings instituted by officer, Ch 76, §11(p390)
 - Definition of truant, Ch 76, §8(p390)
 - Discharge from truant schools, rules made, Ch 76, §14(p390)
 - Incorrigibles placed in truant schools, Ch 76, §13(p390)
 - Neglect of duty by truancy officer, penalty, Ch 76, §12(p390)
 - Nurse appointed as truant officer, Ch 76, §10(p390)
 - Reports on truancy law violations, Ch 76, §15(p390)
 - Rules prescribed for punishment, Ch 76, §9(p390)
 - Schools for truant, Ch 76, §9(p390)
- Truancy, see subhead TRUANCY AND TRUANCY OFFICERS, below

TUITION:

- Children in charitable institutions, Ch 70, §39-a1(p381)
- Free to resident pupils of school age, Ch 70, §34(p380)
- High school outside home district, Ch 70, §38-43(p381)
- Tuition, pupils from closed schools, Ch 70, §32(p380)
- Vocational education, federal aid, Ch 62, §1(p345)

SEARCH WARRANTS

PROHIBITION LAW VIOLATIONS:

- Appeal by state, Ch 35, §62(pl42)
- Appeal from judgment of forfeiture, Ch 35, §61(pl42)
- Appeal, stay of proceedings, Ch 35, §63(pl42)
- Condemned liquors, how used, Ch 35, §70, 72(pl42)
- Costs of proceeding, Ch 35, §60(pl41)
- Delivery of seized articles to sheriff, Ch 35, §67(pl42)
- Destruction defined, Ch 35, §79(pl43)
- Disposition of seized articles, writ, Ch 35, §74-76(pl43)
- Execution of warrant by peace officer, Ch 35, §61(pl40)
- Forfeiture on default, Ch 35, §64(pl42)
- Information by resident, Ch 35, §47, 48(pl39)
- Issuance for probable cause, Ch 35, §60(pl40)
- Judgment docketed, effect, Ch 35, §66(pl42)
- Judgment of forfeiture, Ch 35, §59(pl41)
- Notice of hearing, service, Ch 35, §52, 53, 88(pl40, 145)
- Property seized, when returned to owner, or kept by magistrate, Ch 35, §58(pl41)
- Restoration of seized articles, Ch 35, §68, 69(pl42)
- Right to contest forfeiture, procedure, Ch 35, §54(pl41)
- Right to jury trial, Ch 35, §56(pl41)
- Shipments, Ch 35, §77, 78(pl43)
- Transcript of judgment of forfeiture to district, Ch 35, §65(pl42)
- Trial proceedings, burden of proof, Ch 35, §57(pl41)

SECURITIES, see main head BONDS

SEED

- Agricultural seed defined, Ch 165, §99(p723)
- Analysis of seed, Ch 165, §107(p725)
- Bulk sales, Ch 165, §105(p725)
- Definitions, Ch 165, §99(p723)
- Exempt transactions concerning, Ch 165, §108(p725)
- Labeling requirements, Ch 165, §101-104(p724)
- Hnoxious weeds, enumerated, Ch 165, §99, 100(p723)
- Purity of seeds, presumption, Ch 165, §108(p725)
- Sales prohibited if weed seeds present, Ch 165, §109(p725)

SENATE AND SENATORS, for U. S. senators, see main head UNITED STATES, subhead
SENATORS, for state senators, see main head GENERAL ASSEMBLY
SHERIFF, see main head COUNTY OFFICERS AND DEPARTMENTS
SHIPPING, see main head BOATS AND VESSELS
SHORT COURSES

Biennial appropriation, Ch 45, §48(pl94)
State aid, conditions, certification, payment, Ch 45, §44-48(pl94)

SILVER AND SILVER ALLOY

Fraudulent marking or selling, Ch 43, §3-5(pl81)
Penalty for violation of law, Ch 43, §9(pl82)
Silver-plated articles, marking regulated, Ch 43, §8(pl82)
Tests for fineness, Ch 43, §6(pl82)

SLAUGHTERHOUSE

Defined as food establishment, Ch 47, §1(p224)
Food establishment law, see main head FOOD ESTABLISHMENTS
Sanitary requirements, Ch 47, §18(p227)

SOCIETIES

Agricultural societies, see main head AGRICULTURE, subhead AGRICULTURE
SOCIETIES

SOLDIERS, SAILORS AND MARINES; WAR NURSES

Home, for detailed index see main head STATE INSTITUTIONS
Inscription of memorial by commission, Ch 10, §14(pl8)
Memorial, acquisition, Ch 10, §5(pl6)

MEMORIAL HALLS AND MONUMENTS:

Commissioners appointed, Ch 10, §9(pl7)
Disbursement of funds, Ch 10, §11(pl8)
Erection and equipment, Ch 10, §1(pl6)
Ex officio members of commission, Ch 10, §10-a5(pl8)
Gifts and bequests may be accepted by commissioners, Ch 10, §12(pl8)
Inscription of memorials by commission, Ch 10, §14(pl8)
Law relative to, shall apply to special charter cities, Ch 124, §13-13-a1
(p509)
Limitation of bond, issue, Ch 10, §6(pl6)
Liquidation of bonds, Ch 10, §7(pl7)
Method of appointment of commissioners, Ch 10, §10-a1, §2, a3(pl7)
Named by commission, Ch 10, §13(pl8)
Notice of election published, Ch 10, §4(pl6)
Petition for erection and equipment, Ch 10, §2(pl6)
Qualifications, method of appointing commissioners, Ch 10, §10(pl7)
Selection of successors, to commissioners, Ch 10, §10-a4(pl7)
Tax levy to build memorial, Ch 10, §8(pl7)
Use of funds, for monuments and memorials previously instituted, Ch 10,
§15(pl8)

Named by commission, Ch 10, §13(pl8)

Orphan's home, for detailed index, see main head STATE INSTITUTIONS

Pardon for prisoner who enlisted while enrolled, Ch 55, §510(p339)

RELIEF COMMISSION:

Bond required of members, Ch 95, §4(p430)
Burial of veteran, Ch 96, §8(p436)
Disbursements on warrants, Ch 96, §7(p436)
Fund, control by commission, Ch 95, §2(p435)
Funeral expenses allowed, Ch 96, §10(p436)
Headstones furnished for graves, Ch 96, §9(p436)
Markers furnished for graves, Ch 96, §11(p436)
Meetings held annually, Ch 96, §5(p435)
Membership of commission, Ch 96, §2-4(p435)
Members appointed by board of supervisor, Ch 95, §2-4(p435)

SOLDIERS SAILORS AND MARINES; WAR NURSES - concluded

RELIEF COMMISSION; - concluded

- Names of recipients certified, Ch 96, §6(p435)
- Oath of office taken by members, Ch 96, §4(p435)
- Organization of commission, Ch 96, §4(p435)
- Reports to supervisors, Ch 96, §8(p435)
- Tax for creation of fund by county, Ch 96, §1(p435)
- Tax exemptions, Ch 125, §2,3(p515)

SPANISH AMERICAN WAR VETERANS

- Commissioners appointed for building memorial, Ch 10, §10(pl7)
- Petition for erection and equipment of memorial, Ch 10, §2(pl6)

STAMPS

Cigarette stamps, see main head CIGARETTES

STATE OF IOWA, see also main head STATE INSTITUTIONS and STATE OFFICERS AND

DEPARTMENTS

- Agents of control board, Ch 55, §44-48(p373)
- Bonds of public officers, approval, Ch 21, §16(p62)
- Causes for removal, appointive state officers, Ch 23, §24(p66)

CLAIMS AGAINST STATE

- Approval of claims, general requirements, Ch 7, §3,4(pl2)
- Convention expense of state officers, Ch 7, §7-al(pl3)
- Investigation as to claims, Ch 7, §5(pl3)
- Reports by attorney general to claims committee, Ch 7, §11-a3(pl4)
- Salaries paid from fees, Ch 7, §13(pl4)
- Source of payment of state claims, Ch 7, §11-a2(pl3)
- Vouchers required before issuance of warrant, Ch 7, §6,9(pl3)
- Warrants issued to pay claims, Ch 7, §9(pl3)

CONSTITUTION:

- Proclamation concerning revision of constitution, Ch 11, §4(pl9)
- Effect of dismissal of petition for removal of public officers, Ch 23, §21(p66)

Farmers institute and short courses, Ch 45, §39-48(pl93)

Form of petition for removal from office, Ch 23, §4(p64)

FUNDS; see also main head FUNDS

Engineering Examiners fund, Ch 43, §11(pl79)

State aid:

- Agricultural societies, Ch 45, §29,38(pl93)
- Beef cattle producers associations, for detailed index see main head ASSOCIATIONS, IOWA ENTERPRISES
- Corn and small grain growers association, Ch 45, §64-69(pl97)
- Dairy association, for detailed index see main head ASSOCIATIONS, IOWA ENTERPRISES
- Fairs, county and district, Ch 45, §29-31(pl91)
- Farm aid associations, for detailed see main head FARM AID ASSOCIATIONS
- Farmers short courses, Ch 45, §44-48(pl93)
- Farmer's institutes, Ch 45, §39-44(pl93)
- Horticultural society, see main head ASSOCIATIONS, IOWA ENTERPRISES
- Poultry Associations, see main head ASSOCIATIONS, IOWA ENTERPRISES
- Institutions, see main head STATE INSTITUTIONS
- OFFICERS AND DEPARTMENTS; see main head STATE OFFICERS AND DEPARTMENTS
- General election, time for holding, Ch 11, §1(pl9)
- Removal of county attorney, Ch 23, §10(p66)

State cash balance requirements, Ch 4, §2-a3, a4(p6)

STATE INSTITUTIONS

AGRICULTURE AND MECHANIC ARTS COLLEGE, (AMES):

- Courses of study, Ch 67, §1(p366)

STATE INSTITUTIONS

Bonds, amount, Ch 21, §6(p60)

Appointment of subordinate officers and employees, Ch 55, §20, 21(p271)

Audit board law inapplicable to state institutions, Ch 7, §7(p13)

BOARDS OF CONTROL:

Accounting system established, Ch 55, §18(p270)

Accounting system, requirements, Ch 55, §12(p269)

Appointment by governor, Ch 55, §2(p268)

Appropriation allotted, Ch 55, §13(p269)

Architect employed by board, Ch 55, §69(p276)

Bonds, amount, Ch 21, §6(p60)

Chairman, how selected, Ch 55, §7(p269)

Composition, Ch 55, §1(p268)

Contracts, letting by board, Ch 55, §71-72(p277)

Dwelling house for executive head of institutions, Ch 55, §24(p271)

Eligibility of applicants to enter soldiers home determined, Ch 55, §91(p260)

Executive officers of institutions, appointment, tenure, removal, Ch 55, §19(p270)

Expenditures, abstract prepared and certified, warrants issued, Ch 55, §68, 68-a1(p276)

Expenses allowed, Ch 55, §9(p269)

Financial condition of institutions, investigation, Ch 55, §38-43(p272)

Fire protection rules, Ch 55, §17(p270)

Governor's supervisory power, Ch 55, §15(p270)

Holding other office prohibited, Ch 55, §6(p269)

Industries established at institutions, Ch 55, §84(p278)

Institutions controlled, Ch 55, §14(p270)

Official seal of board, Ch 55, §8(p269)

Organization, Ch 55, §7(p269)

Payrolls, Ch 55, §68-a2, 68-a3(p276)

Place of commitment of drug addicts, Ch 55, §210(p296)

Plans and specifications for improvements, Ch 55, §70(p277)

Political activity as removal grounds, Ch 55, §5(p269)

Questionable commitment, notification to board required, Ch 55, §34(p272)

Record of commitment kept, Ch 55, §193(p293)

Record of employees and inmates of institutions, Ch 55, §28(p271)

Removal of member, Ch 55, §4, 5(p268)

Report, biennial, to governor, Ch 55, §11(p269)

Reports on inmates, from each institution, Ch 55, §33(p272)

Rules and regulations, power to make, Ch 55, §17(p270)

Salaries of employees of state institutions, Ch 55, §23, §25(p271)

State agents, appointment, duties, Ch 55, §44-48(p273)

Supplies for state institutions, purchase, Ch 55, §63-67(p276)

Tenure of members, Ch 55, §1(p268)

Transfers to and from soldiers orphans' home, made, Ch 55, §110-a5(p282)

Vacancies, how filled, Ch 55, §3(p268)

BOARD OF EDUCATION:

Agents, authority to hire, Ch 76, §21(p391)

Appropriation for compulsory education of blind, Ch 76, §23(p391)

Appropriation to board and finance committee, Ch 64, §30(p359)

Appropriations to institutions, how paid, Ch 64, §29(p359)

Bonds, amount, Ch 21, §6(p60)

Composition of Board:

Appointment by governor, Ch 64, §3, 4(p355)

Number of members, Ch 63, §1(p347)

STATE INSTITUTIONS - continued

BOARD OF EDUCATION: - concluded

Composition of Boards:

- Qualifications, Ch 64, §1(p347)
- Removal by governor and senate, grounds, Ch 64, §5(p355)
- Suspension by governor, Ch 64, §6(p355)
- Term of office, Ch 64, §2(p355)
- Vacancies, how filled, Ch 64, §7(p355)
- Contracts for training teachers, Ch 64, §31(p359)
- Deaf instruction in public schools, Ch 76, §17-21(p391)
- Duties and powers in general enumerated, Ch 64, §10(p355)

Finance Committee:

- Action to recover loans, Ch 64, §16-20(p357)
- Appointment by board, qualifications, Ch 64, §13(p356)
- Auditor's report of expenses to governor, Ch 64, §23(p358)
- Duties in general, Ch 64, §13(p356)
- Expenses allowed, Ch 64, §22(p358)
- Institutions visited monthly, Ch 64, §21(p357)
- Loan requirements, Ch 64, §15(p357)
- Number on committee, Ch 64, §13(p356)
- Office maintained at each institution, Ch 64, §21(p357)
- Residence requirements of members, Ch 64, §22(p358)
- Secretary of committee, Ch 64, §13, 14(p356)
- Term of office, Ch 64, §13(p356)
- Institutions governed by the board, Ch 64, §8(p355)
- Limited authority to administer oaths, Ch 25, §2(p68)
- Meetings, when held, Ch 64, §9(p356)

Officer appointed, duties:

- Reports, executive officers, Ch 64, §25(p358)
- Reports, secretarial officers, Ch 64, §26(p358)
- Treasurers of institutions, duties enumerated, Ch 64, §24(p358)
- Payments for contracts, conditions, time limits, Ch 64, §32-33(p359)
- Real estate transactions, approval, Ch 64, §11(p356)
- Records kept of board proceedings, Ch 64, §12(p356)

Reports:

- Biennial, to governor, Ch 64, §27(p359)
- Executive officers, biennial to board, Ch 64, §25(p358)
- Rank of instructor, military science, Ch 64, §28(p359)
- Secretarial officers, annually, Ch 64, §26(p358)
- Treasurers, annually and upon request, Ch 64, §24(p358)
- Bonds of officers, Ch 55, §22(p271)
- Contingent fund, Ch 55, §60-62(p275)
- Death of inmate, Ch 55, §76-81(p277)

DEAF SCHOOL:

- Compulsory attendance of blind and deaf children, Ch 76, §17-19-a2(p391)
- Deaf and blind children, when excused, Ch 76, §20(p391)
- Escapes, penalty for aiding, Ch 55, §89-a1(p279)
- Executive heads, conference, scientific investigation, Ch 55, §55 - 57, (p275)
- Executive heads of institutions, reports to board, Ch 55, §58, 59(p275)
- Executive officers, tenure, removal, Ch 55, §19(p270)
- Financial condition, investigation by board of control, Ch 55, §38-43(p272)

STATE INSTITUTIONS - continued

HOSPITAL FOR EPILEPTICS AND SCHOOL FOR FEEBLE MINDED:

- Appropriation for support of hospital, Ch 55, §205, 206(p295)
- Clothing provided, Ch 55, §204(p295)
- Commitments made by commissioners of insanity, Ch 55, §201(p295)
- Commitment procedure, Ch 55, §198, 201, 204-a1, a2(p294)
- Controlled by board of control, Ch 55, §14(p270)
- Discharge of voluntary patient, Ch 55, §203(p295)
- Objects and purposes, Ch 55, §195(p294)
- Private patients, Ch 55, §199(p294)
- Superintendent, duties, Ch 55, §197(p294)
- Superintendent, qualifications, salary, Ch 55, §196(p294)
- Transfer authorized, Ch 55, §202, 204-a3(p295)
- Voluntary patients, Ch 55, §200(p294)
- Improvements at institutions, Ch 55, §74, §75(p277)
- Improvements by day labor, Ch 55, §73(p277)

INDIGENTS HOSPITAL(IOWA CITY):

Accounts audited by board of education, Ch 66, §21(p365)

Commitment of patients:

- Complaint filed, Ch 66, §1(p361)
- County attorney's duties, Ch 66, §6, 7(p362)
- County supervisors investigation, Ch 66, §2(p362)
- Courts orders, treatment authorized, Ch 66, §8, 19(p362-364)
- Definition of term "patient", Ch 66, §3(p362)
- Emergency cases, procedure, Ch 66, §9(p363)
- Examination of prospective patient, Ch 66, §4, 5(p362)
- Hearing, notice, parties to appear, Ch 66, §6-8(p362)
- Investigation as to residence, indigency, Ch 66, §6(p362)
- Order and report to admitting physician, Ch 66, §8-10(p362)
- Persons required to file complaint, Ch 66, §2(p362)
- Expenses of commitment, how paid, procedure, Ch 66, §12(p363)
- Expenses of hospital, how paid, Ch 66, §23(p365)

Patients:

- Admitting physicians duties, Ch 66, §13(p363)
- Definition of term patients, Ch 66, §3(p362)
- Salaried doctors, nurses not to charge, Ch 66, §20(p364)
- Transfers of patients from state institutions, Ch 66, §25(p365)
- Transportation, attendant, expense, Ch 66, §11(p363)
- Treatment away from hospital, Ch 66, §18(p364)
- Treatment refused, report, Ch 66, §14, 15(p364)
- Treatment required, Ch 66, §17(p364)
- Voluntary patients also received, Ch 66, §16(p364)
- Preliminary examination blanks prepared, Ch 66, §24(p365)
- Inmate, custody when working outside institution, Ch 55, §51(p274)
- Inmates, districts for each institution, Ch 55, §29(p272)
- Inmates, place of commitment, transfers, Ch 55, §30(p272)
- Inmates, records kept, contents, Ch 55, §31(p272)
- Inmates, religious beliefs, worship, Ch 55, §35-37(p272)
- Inmates, reports on to board of control, Ch 55, §33(p272)
- Inmates, required to render service, Ch 55, §50(p274)

INSANE HOSPITALS:

- Applications for admission, form, Ch 55, §277(p305)
- Appropriation, monthly allowance, Ch 55, §246-248 (p300)
- Assistant physicians, qualifications, Ch 55, §214(p297)
- Boards power to investigate and discharge inmates, Ch 55, §229(p299)
- Certificate of recovery of inmate, Ch 55, §230-232(p299)

STATE INSTITUTIONS - continued

INSANE HOSPITALS: - concluded

Clothing and money furnished on discharge, Ch 55, §233(p299)
Communication privileges, Ch 55, §224(p298)
Controlled by board of control, Ch 55, §14(p270)
Costs of commitment, Ch 55, §324-333(p311)
Counties and states liability for support of insane, Ch 55, §314(p309)
County insane fund, Ch 55, §337(p313)
Criminal insane, discharge, Ch 55, §240(p300)
Cruelty or official misconduct, Ch 55, §311(p309)
Custody of patient, Ch 55, §230(p297)
Dangerous incurables, when discharged, Ch 55, §237(p299)
Discharge of harmless incurables, Ch 55, §234(p299)
Duties of superintendent, Ch 55, §217(p297)
Duty of county auditor and treasurer, Ch 55, §334(p312)
Equality of treatment required, Ch 55, §222(p298)
Escape and recapture, expense, Ch 55, §227, 228(p298)
Hearing and custody of patient by commission, Ch 55, §278(p305)
Idiots defined, not admitted, Ch 55, §219(p297)
Incurables removed when room needed, Ch 55, §243, 244(p300)
Inquests into unusual duties, Ch 55, §245(p300)
Legal settlement determined, Ch 55, §315-332(p310)
Letters to board members by patient, Ch 55, §236(p298)
Monthly visits by control board, Ch 55, §223(p298)
Non resident insane persons, Ch 55, §318-320(p310)
Official designation of hospitals for insane, Ch 55, §212(p296)
Order of admission to hospital, Ch 55, §218(p297)
Patient accused of crime, recovery, Ch 55, §238, 239(p300)
Penalty for counties nonpayment of expenses, Ch 55, §335(p312)
Persons liable for support of insane, Ch 55, §328-332(p312)
Recovery after discharge, certified, Ch 55, §235, 236(p299)
Report to county of hospital expenses, Ch 55, §333(p312)
Salary of superintendent, Ch 55, §215(p297)
Superintendent, qualifications, Ch 55, §213(p298)
Tax for hospital support fund, Ch 55, §336(p313)
Transfer of dangerous inmates, Ch 55, §241, 242(p300)
Transfer of insane patient expenses, Ch 55, §321-323(p311)
Witness fees for assistant physicians, Ch 55, §216(p297)
Witness fees for superintendent, Ch 55, §216(p297)
Writing material furnished patients, Ch 55, §225(p298)

INSTITUTION FOR FEEBLE MINDED:

Appropriation for institution for feeble minded, Ch 55, §140(p287)
Classification of inmates, Ch 55, §133(p286)
Clothing provided, Ch 55, §135-139(p287)
Commitment and discharge procedure, Ch 55, §134(p287)
Controlled by board of control, Ch 55, §14(p270)
Inability to receive patient, effect, Ch 55, §163(p290)
Liability of inmate, Ch 55, §138, 139(p287)
Objects and purposes, Ch 55, §131(p286)
Superintendent, salary, Ch 55, §132(p286)
Transportation of inmates, costs, Ch 55, §135-137(p287)

JUVENILE HOME:

Admission on voluntary application, Ch 55, §426-a3(p325)
Adoption of inmates, Ch 55, §426-a5(p325)
Appropriation, Ch 55, §426-a7 - 426-a8(p326)
Commitment procedure, Ch 55, §426-a2(p325)

STATE INSTITUTIONS - continued

JUVENILE HOME: - concluded

- Controlled by board of control, Ch 55, §14(p270)
- Objects and purpose, Ch 55, §426-a1(p325)
- Placing out under contract, Ch 55, §426-a5(p325)
- Support of home, counties liable, Ch 55, §426-a6(p326)
- Transfers of inmates, Ch 55, §426-a4(p325)

Liquor or drugs, bringing to inmates, penalty, Ch 55, §89-a1(p279)

PENITENTIARY AND MENS REFORMATORY:

- Appropriation, Ch 55, §479-490(p334)
- Controlled by board of control, Ch 55, §14(p270)

Department for insane:

- Examination of prisoners supposedly insane, Ch 55, §459, 460(p330)
- Penitentiary prisoners committed, Ch 55, §459(p330)
- Transfers to hospital, for insane, Ch 55, §459, 460(p330)

Employees and subordinate Officers:

- According prohibited privileges to prisoners, Ch 55, §452(p329)
- Deputy wardens homes, supplies and service, Ch 55, §450(p339)
- Failure to perform duty, penalty, Ch 55, §453(p329)
- Salaries paid from unappropriated funds, Ch 55, §448(p329)
- Salaries, maximums fixed, Ch 55, §446(p328)
- Working day, hours constituting, Ch 55, §447-a1(p329)

Guards, Ch 55, §447(p329)

Prisoners:

- Articles manufactured, prices, Ch 55, §461-a6(p331)
- Building work at institutions, Ch 55, §461-a1(p331)
- Commitments at hard labor, mandatory, Ch 55, §462(p331)
- Discharge, transportation, clothing and money, Ch 55, §476(p333)
- Employment, conditions, Ch 55, §461(p330)
- Escape of prisoner, apprehension measures taken, Ch 55, §465(p332)
- Federal convicts, keeping authorized, Ch 55, §454(p329)
- Indictment and trial of prisoner, Ch 55, §468, 469(p332)
- Insurrection to be prevented, Ch 55, §464(p332)
- Killing or wounding by officer, when justified, Ch 55, §463(p332)
- Minor prisoners segregated, Ch 55, §466(p332)
- Paroles, for detailed index see main head CRIMINAL PROCEDURE
- Price lists of goods to public officials, Ch 55, §461-a3(p331)
- Prices of labor furnished public bodies, Ch 55, §461-a2(p331)
- Property conserved by warden, Ch 55, §467(p332)
- Public officials to purchase goods, Ch 55, §461-a5(p331)
- Reduction of sentence, forfeiture for misconduct, Ch 55, §473(p333)
- Reduction of sentence for good behavior, time allowed, Ch 55, §471(p333)
- Rewards offered for escaped prisoners, Ch 55, §465(p332)
- Road work supervision, who controls, Ch 55, §461-a9(p331)
- Road work, reports on prisoners available, Ch 55, §461-a8(p331)
- Rules, record of violations, Ch 55, §472(p333)
- Rules of discipline, violations recorded, Ch 55, §451(p329)
- Sale, lease or gift of prison labor prohibited, Ch 55, §461-a7(p331)
- Service of separate sentences, how construed, Ch 55, §474(p333)
- Solitary confinement, when allowed, Ch 55, §462(p331)
- Special reduction of sentence for trustees, Ch 55, §475(p333)
- Time to be served, how computed, Ch 55, §470(p332)
- Transfers, regulations controlling, Ch 55, §455-457(p330)
- Visitors, admission fee, regulations, Ch 55, §477, 478(p333)
- Wardens entitled to service in household, Ch 55, §449(p329)

STATE INSTITUTIONS - concluded

PENITENTIARY AND MEN'S REFORMATORY: - concluded

Wardens:

- Domestic service, prisoners perform, Ch 55, §449(p329)
- Duty, Ch 55, §445(p328)
- Salaries, maximum fixed, Ch 55, §446(p328)
- Questionable commitment, notification to board required, Ch 55, §34(p272)
- Receiving officers, duties, Ch 55, §49(p274)
- Record of employees and inmates, Ch 55, §28(p271)
- Records of inmates, who has access, Ch 55, §32(p272)
- Salaries of employees, Ch 55, §23, 25(p271)

SOLDIERS' HOME:

- Admission requirements, Ch 55, §90(p279)
- Appropriation, annual, for support, Ch 55, §109, 110(p281)
- Certificate of eligibility required, Ch 55, §93(p280)
- Controlled by board of control, Ch 55, §14(p270)
- Deposits of pension money not assignable, Ch 55, §107(p281)
- Discharged members, deposited money returned, Ch 55, §106(p281)
- Eligibility of applicants determined by board of control, Ch 55, §91(p280)
- Houses and supplies furnished officers, Ch 55, §100(p280)
- Married couples admitted, Ch 55, §92(p280)
- Nondependents, admission, Ch 55, §95, 96(p280)
- Pension money, effect of convictions, Ch 55, §102-105(p281)
- Pension money in case of dependents, Ch 55, §103(p281)
- Pension money, not applied to support of inmate, Ch 55, §101(p281)
- Qualification of commandant, Ch 55, §98(p280)
- Residence requirements, Ch 55, §94(p280)
- Salary of commandant, Ch 55, §97(p280)
- Subordinate officers, qualifications, Ch 55, §99(p280)

SOLDIERS' ORPHANS' HOME:

- Admission, procedure, Ch 55, §110-a4(p282)
 - Admissions, requirements, Ch 55, §110-a3(p282)
 - Adoption, articles, Ch 55, §110-a10(p283)
 - Adoption requirements, Ch 55, §110-a9(p283)
 - Appropriation, Ch 55, §110-a16, 110-a17(p284)
 - Articles of adoption, violations, effect, Ch 55, §110-a12(p283)
 - Controlled by board of control, Ch 55, §14(p270)
 - Counties liable for support of children, Ch 55, §110-a15(p283)
 - Earnings of child in home, deposit, Ch 55, §110-a6(p282)
 - Enumeration of soldiers' orphans' records kept, Ch 55, §110-a8(p283)
 - Object of home stated, Ch 55, §110-a1(p282)
 - Placing child under contract, Ch 55, §110-a11(p283)
 - Recovery of possession of child, duty of county attorney, Ch 55, §110-a12, a13, a14(p283)
 - Regulations, children to obey, Ch 55, §110-a7(p282)
 - Superintendent, salary, Ch 55, §110-a2(p282)
 - Transfers, to and from home, Ch 55, §110-a5(p282)
 - Sterilization of patients, conditions, Ch 55, §85-89(p278)
 - Supplies, purchase, Ch 55, §63-67(p276)
- TEACHERS COLLEGE, STATE(CEDAR FALLS):**
- Contracts for training teachers, Ch 68, §3(p367)
 - Courses of study outlined, Ch 68, §2(p366)
 - Official designation, Ch 68, §1(p366)
 - Temporary quarters in case of emergency, Ch 55, §83.(p278)

STATE INSTITUTIONS - continued

TRAINING SCHOOLS:

Appropriation, Ch 55, §426(p324)
Binding out or discharge of inmate, effect, Ch 55, §424(p324)
Boys' school located at Eldora, Ch 55, §412(p323)
Commitment proceedings, see also main head JUVENILE, Ch 55, §416, 417(p324)
Controlled by board of control, Ch 55, §14(p270)
County attorney to represent child, Ch 55, §423(p324)
Discharge or parole, Ch 55, §423(p324)
Girls' school located at Mitchellville, Ch 55, §412(p323)
Instruction and employment of inmates, Ch 55, §415(p323)
Placing out under contract, Ch 55, §417-419(p324)
Return of child to institution, Ch 55, §420(p324)
Superintendent, duties in general, Ch 55, §413(p323)
Superintendent, salary, Ch 55, §414(p323)
Unlawful interference with child, Ch 55, §421(p324)

TUBERCULOSIS SANITORIUM:

Admission requirements, Ch 55, §116-118(p284)
Appropriation to disseminate information, Ch 55, §130(p286)
Controlled by board of control, Ch 55, §14(p270)
County patients committed by court, Ch 95, §25, 26(p433)
Department for advanced stages, Ch 55, §119(p285)
Department transfer of patient, Ch 55, §120(p285)
Designated as state sanitorium, Ch 55, §111(p284)
Indigency of patients, who certifies, Ch 55, §121(p285)
Indigent patients, transportation paid, treatment paid, Ch 55, §121(p285)
Number of patients certified monthly, Ch 55, §124-126(p286)
Object and purposes, Ch 55, §112(p284)
Patients' personal liability, Ch 55, §128, 129(p286)
Per capita allowance fixed by board, Ch 55, §123, 125, 126(p286)
Recovery from counties liable, Ch 55, §127(p286)
Relatives liability, Ch 55, §128, 129(p286)
Superintendent, duties, Ch 55, §115(p284)
Superintendent, qualifications, salary, Ch 55, §113(p284)
Transportation expenses advanced, Ch 55, §122(p285)

UNIVERSITY, STATE:

Bacteriological laboratory, Ch 55, §4, 5(p360)
Biennial appropriation, Ch 55, §6(p361)
Courses of instruction outlined, Ch 55, §1(p360)
Degrees and diplomas granted, Ch 55, §2(p360)
Denominational control, freedom from, Ch 55, §1(p360)
Historical society in connection, Ch 55, §3(p360)
Objects of university, Ch 55, §1(p360)
Teachers training courses, Ch 55, §1(p360)
Vacations of employees, Ch 55, §26, 27(p271)
Wages of inmates, Ch 55, §52-54(p275)

WOMENS' REFORMATORY:

Appropriation, Ch 55, §444(p328)
Clothing and money when discharged, Ch 55, §440(p328)
Commitments, brought by women attendant, Ch 55, §434(p327)
Commitments, general authority, Ch 55, §430(p327)
Commitments, nonindictable offense, conviction on offense, Ch 55, §432(p327)
Costs of commitment, county liable, Ch 55, §435(p327)
Discharge of inmate, on parole, by board of control, Ch 55, §438-a1(p327)
Discharged inmates assisted, Ch 55, §439(p328)
Escape of inmates, returns, Ch 55, §441, 442(p328)

STATE INSTITUTIONS - concluded

WOMENS' REFORMATORY: - concluded

- Life sentence, optional commitment, Ch 55, §431(p327)
- Objects stated, Ch 55, §427(p326)
- Parole of inmates by board of control, Ch 55, §438(p327)
- Services of inmates required, Ch 55, §429(p326)
- Superintendent, salary, Ch 55, §428(p326)
- Terms to be served, Ch 55, §433(p327)
- Transfers to and from school, costs, Ch 55, §436, 437(p327)

STATE OFFICERS AND DEPARTMENTS

AGRICULTURE DEPARTMENT:

- Animal diseases in general, see main head ANIMALS, subhead HEALTH
- Beef Cattle Producers Association, for detailed index see main head ASSOCIATION, IOWA ENTERPRISES
- Biennial reports, state officers and departments, see main head BIENNIAL REPORTS
- Bonds for employees handling funds, Ch 44, §13(p186)
- Convention to elect Fair Board, Ch 45, §2(p188)
- Cooperation with other agencies required, Ch 44, §3(p184)
- Corn and Small Grain Growers Association, Ch 45, §64-69(p197)
- Dead animals, disposal, see main head ANIMALS, subhead DEAD ANIMALS
- Definition of terms, Ch 44, §1(p183)
- Farm aid associations, for detailed index, see main head FARM AID ASSOCIATIONS
- Farmers' Institutes, proceedings published in Iowa Year Book of Agric., Ch 44, §17(p186)
- Farmers' Institute, state aid, Ch 45, §39-41(p193)
- Farmers' Institute fund, Ch 45, §42, 43(p193)
- Food Establishments, for detailed index see main head FOOD ESTABLISHMENTS
- Food standards fixed by department, Ch 165, see also main head FOODS
- Hog-cholera virus and serum, see main head ANIMALS, subhead HOG-CHOLERA SERUM
- Horticultural Society, see main head ASSOCIATIONS, IOWA ENTERPRISES
- Inspection of illuminating oil for mines, Ch 27, §82, 83(p86)
- Location of department, Ch 44, §4(p184)
- Mattress manufacturing, Ch 165, §169-a5(p733)
- Objects of department stated, Ch 44, §2(p183)
- Poultry Associations, see main head ASSOCIATIONS, IOWA ENTERPRISES
- Powers and duties outlined, Ch 44, §5, 6(p184)
- Publication and distribution of rules, Ch 44, §9(p185)
- Rules, duty of peace officers to enforce, Ch 44, §15, 16(p186)
- Rules, notice of adoption given county auditors, Ch 44, §7(p185)
- Rules, time of taking effect, Ch 44, §8(p185)
- Seal of department required, Ch 44, §12(p186)
- Secretary:
 - Duties as state forestry commissioner, Ch 44, §19(p187)
 - Head of department, Ch 44, §5(p184)
- Stallions and jacks, see main head ANIMALS, subhead STALLIONS AND JACKS
- State aid associations certified, Ch 45, §3(p188)
- State dairy associations, for detailed index, see main head ASSOCIATIONS IOWA ENTERPRISES
- State fair board, how composed, Ch 45, §1(p186)
- Statistics collected by assessors, Ch 44, §10, 11(p186)
- Veterinarians, see main head VETERINARIANS
- Year Book of agriculture published, Ch 44, §9-a1(p185)
- Weights and measures, see main head WEIGHTS AND MEASURES

STATE OFFICERS AND DEPARTMENTS - continued

APIARISTS:

Annual report to governor, Ch 168, §4(p774)

ATTORNEY GENERAL:

Accounting to treasurer of state, Ch 5, §2(p7)

Actions, prosecuted and defended, Ch 5, §2(p7)

Amount of bonds, Ch 21, §6(p60)

Appropriation for department, Ch 5, §7(p7)

Assistants appointed, Ch 5, §4(p7)

Compliance for petition to remove officers, Ch 23, §8(p65)

Condemnation proceedings, Ch 128, §20(p577)

Convention expense requirement inapplicable, Ch 7, §7-al(p13)

County attorneys supervised, Ch 5, §2(p7)

Department of justice:

Agents, appointment, tenure, salary, Ch 159, §5(p658)

Agents, expenses, Ch 159, §6(p658)

Agents, powers, Ch 159, §8(p658)

Agents to give bond, Ch 159, §7(p658)

Appropriation, Ch 159, §10(p659)

Disqualification of attorney general, substitute appointed, Ch 5, §3(p6)

Duties in general, Ch 5, §2(p6)

Duties to report on testimony taken, Ch 7, §11-a3(p14)

Duty to assist Board of Engineering examiners, Ch 42, §6(p179)

Duty regarding violations of fish and game laws, Ch 38, §79(p174)

Expenses, payment of, Ch 5, §6(p7)

Filing petition for removal of officers, Ch 23, §8(p65), Ch 23, §3(p64)

Forms and contracts prepared, Ch 5, §2(p7)

Form of petition for removal from office, Ch 23, §4(p64)

Justice department headed by attorney general, Ch 5, §1(p6)

Limited authority to administer oaths, Ch 25, §2(p68)

Members of audit board, Ch 7, §1(p12)

Opinions rendered, Ch 5, §2(p7)

Power to call on peace officers for aid, Ch 159, §9(p659)

Report to governor, Ch 5, §2(p7)

Request for prosecution to suspend office holder, Ch 23, §9(p65)

Special counsel employed, Ch 5, §5(p7)

Term of office, Ch 11, §9(p20)

Unallowable, state claims investigated, Ch 7, §11-al(p13)

Written instructions for voting furnished, Ch 14, §65(p37)

AUDITOR OF STATE:

Accounting system for political subdivisions, Ch 3, §2,3(p2)

Accounts of deposits, Ch 26, §6(p70)

Amount of bonds, Ch 21, §6(p60)

Appropriations, biennial report required, Ch 3, §19(p4)

Audit of political subdivisions:

Assistant examiners, Ch 3, §6(p3)

Bills for expense of examination, Ch 3, §15(p4)

Bond required of examiners, Ch 3, §6(p3)

Cities, biennial examinations, Ch 3, §4(p2)

Cities under 3,000 examined on application, Ch 3, §4,14(p2,4)

Cost of audit, how paid, Ch 3, §15,16(p4)

Counties, annual examination, Ch 3, §4(p2)

Disclosure of results of audit prohibited, Ch 3, §13(p4)

Examiners appointed, bond, Ch 3, §5,6(p2)

Examiners to have access to records and funds, Ch 3, §7(p3)

Removal of examiners, Ch 3, §5,13(p2,4)

Report of examiners, where filed, Ch 3, §11(p3)

STATE OFFICERS AND DEPARTMENTS - continued

AUDITOR OF STATE: - concluded

Audit of political subdivisions: - concluded

- Report, revealing grounds for removal of officers, attorney generals duty, Ch 3, §12(p3)
- School districts examined, on application, Ch 3, §14(p4)
- Scops of examination, Ch 3, §8(p3)
- Subpoenas, powers, contempt, Ch 3, §9,10(p3)
- Townships examined on application, Ch 3, §14(p4)
- Deposits, accounts required, Ch 26, §6(p70)
- Deputies appointed, Ch 8, §1(pl4)
- Expenditures, biennial report required, Ch 3, §17,18(p4)
- Fair board financial affairs to executive council annually, Ch 45, §20, p190
- Filing of bonds and official oath for secretary of state, Ch 21, §21(p62)
- Fiscal affairs of state superintendent, Ch 3, §1(p2)
- Limited authority to administer oaths, Ch 25, §2(p68)
- Member of audit board, duties, Ch 7, §12(pl2)
- Member of executive council, Ch 6, §1(p8)
- Qualification of deputies, Ch 8, §2(pl4)
- Report of expenditures, biennial, Ch 3, §17,18(p4)
- Report on standing appropriations, Ch 3, §19(p4)
- Report on state funds received from county treasurer, Ch 4, §2-al(p5)
- Salary claims audited, Ch 7, §8(pl3)
- Statement of deposits, requirements, Ch 26, §5(p79)
- Term of office, Ch 11, §9(p20)
- Warrants for workmen's compensation to state employees, Ch 28, §59(p104)

BOARD OF AUDIT:

- Approval of claims, general requirements, Ch 7, §3,4(pl2)
- Budget direction, Ch 7, §1(pl2)
- Convention expense of state officers, Ch 7, §7-al(pl3)
- Investigation as to claims, Ch 7, §5(pl3)
- Limited authority to administer oaths, Ch 25, §2(p68)
- Members of board, Ch 7, §1(pl2)
- Oaths, powers to administer, Ch 7, §5(pl3)
- Requirements to file monthly statements of per diem, expenses, Ch 7, §12 (pl4)
- Rules and regulations of board, Ch 7, §5(pl3)
- Secretary of board, duties, Ch 7, §2(pl2)
- State institutions not subject to audit board's jurisdiction, Ch 7, §7(pl3)
- Vouchers required before issuance of warrant, Ch 7, §6,9(pl3)
- Warrants issued to pay claims, Ch 7, §6,8-11(pl3)

BUDGET DIRECTOR:

- Members of audit board, Ch 7, §1(pl2)

COMMERCE COMMISSION: for railroad commission see subhead RAILROAD COMMISSION, below

Commerce counsel:

- Assistants and expenses allowed, Ch 130, §6(p593)
- Convention expense requirement inapplicable, Ch 7, §7-al(pl3)
- Disqualifying conditions, Ch 130, §3(p593)
- Duties in general enumerated, Ch 130, §7(p593)
- Political activity prohibited, Ch 130, §4(p593)
- Railroad commissioners to appoint, Ch 130, §1(p592)
- Removal by commission, ground, Ch 130, §5(p593)
- Term of office, Ch 130, §1(p592)

STATE OFFICERS AND DEPARTMENTS - continued

BUDGET DIRECTOR: - concluded

Commerce counsel: - concluded

Vacancy, how filled, Ch 130, §2(p593)

COMMISSIONERS

Amount of bonds, commissioner of public health, Ch 21, §6(p60)

Amount of bonds, insurance commissioners, Ch 21, §6(p60)

Vacancies filled by governor, Ch 24, §1(p67)

COMPTROLLER, STATE:

Biennial fiscal year, defined, Ch 9(pl5)

CONSERVATION COMMISSION:

Birds and fowls not protected, Ch 38, §65(pl71)

Fish and Game Division:

Amending Chapter 38, §57, Ch 39, §1(pl74)

Attorney general and county attorney, duty regarding violations,
Ch 38, §79(pl74)

Buying or selling game prohibited, Ch 38, §59(pl70)

Cage birds, sale permitted, Ch 38, §66(pl71)

Catch limits on fish, Ch 38, §23(pl64)

Closed season for game birds and animals, Ch 38, §56(pl69)

Closed season for fish, Ch 38, §22(pl64)

Collection for scientific purposes certificate of permission, Ch 38,
§63(pl72)

Condemning property for fish dams, Ch 38, §33(pl66)

Dams and fish ways, regulations, Ch 38, §32, 32-al(pl65)

Deer, regulations for killing or capture, Ch 38, §54(pl69)

Definition of terms, Ch 38, §52(pl69)

Explosives or drugs, use prohibited, Ch 38, §29(pl65)

Firearms, regulations for carrying in motor vehicles, Ch 38, §61(pl71)

Fish and game license, Ch 38, §14-21(pl63)

Fish hatcheries and game farms, control by game warden, Ch 38, §6(pl61)

Fishing in stocked waters prohibited, Ch 38, §31(pl65)

Fishing through ice, regulations, Ch 38, §30(pl65)

Fur bearing animals, trapping regulations, Ch 38, §55(pl69)

Legal sizes of mussels, restricted areas prescribed, Ch 38, §48-51,
(pl68)

Manner of taking mussels regulated, Ch 38, §47(pl68)

Minnnows for bait, definition, conditions for use, Ch 38, §27(pl65)

Mussel license, reports, Ch 38, §44, 46(pl68)

Net and sein license for certain streams, conditions, Ch 38, §37, 39,
(pl66)

Parrots and canaries, sale authorized, Ch 38, §66(pl71)

Possession and sale of black bass prohibited, Ch 38, §43(pl67)

Possession of unlawful devices, Ch 38, §26(pl65)

Presumptive evidence of violation, Ch 38, §81(pl74)

Private bird and animal preserves, license from state game warden,
Ch 38, §3(pl61)

Private fishing preserve, Ch 38, §4(pl61)

Prosecution for violations of law, Ch 38, §80(pl74)

Protection of deer, elk and goat, Ch 38, §53(pl69)

Protection of nests and eggs, Ch 38, §64(pl71)

Protection of nongame birds, sale of plumage prohibited, Ch 38, §63
(pl71)

Regulations on killing game birds, Ch 38, §59(pl70)

Seining undesirable fish, Ch 38, §35(pl66)

Seining undesirable fish, Ch 38, §35, 36(pl66)

STATE OFFICERS AND DEPARTMENTS - continued

CONSERVATION COMMISSION: - continued

Fish and Game Division: concluded

- Swivel gun and poison prohibited, for killing game, Ch 38, §60(p170)
- Size limits of fish when using net or seine, Ch 38, §40(p167)
- Size limits on fish, Ch 38, §24(p164)
- State game warden, appointment, term of office, Ch 38, §5(p161)
- State ownership, Ch 38, §1, 2(p160)
- Stocking provisions, Ch 38, §34(p166)
- Tackle restrictions, Ch 38, §25(p165)
- Transportation for sale prohibited, Ch 38, §69(p172)
- Transportation regulations and restrictions, Ch 38, §70-75(p172)
- Traps, nets and snares, use of prohibited for game birds, Ch 38, §62 (p171)
- Trolling from launches and steamboats prohibited, Ch 38, §28(p165)
- Trot lines, Ch 38, §25(p165)
- Use of birds as targets prohibited, Ch 38, §67(p171)
- Violations relating to fish and game, penalty, Ch 38, §76(p173)
- Violations relating to dams, penalty, Ch 38, §77(p173)
- Violations by common carriers, penalty, Ch 38, §78(p173)
- Wholesale fish market license, reports required, Ch 38, §41, 42(p167)
- Zoning of state for game purposes, Ch 38, §21-a1(p164)

Lands (Parks) and Waters Division:

- Gifts of land accepted, conditions, and reversions, Ch 40, §2-4(p175)
- Landscaping, Ch 40, §6(p175)
- Private improvements, Ch 40, §5 (p175)

CURATOR, HISTORICAL DEPARTMENT:

- Amount of bonds, Ch 21, §6(p60)

DEPARTMENT OF JUSTICE; see subhead ATTORNEY GENERAL, above

- Deposit of state funds, Ch 26, §4(p69)

DEPUTY GAME WARDEN:

- Amount of bonds, Ch 21, §6(p60)

EDUCATION, STATE BOARD; see main head STATE INSTITUTIONS, subhead BOARD OF EDUCATION

EDUCATIONAL EXAMINERS, STATE:

- Accounts required, Ch 63, §39(p354)

Certificates and diplomas:

- Applicants without experience, Ch 63, §24(p351)
- Experience as qualification, Ch 63, §29(p352)
- Fee for renewal, Ch 63, §12, 13(p349)
- Fees, where paid, Ch 63, §25(p352)
- First grade certificate, renewal, Ch 63, §21(p351)
- Foreign applicants, certificates, Ch 63, §11(p349)
- Graduation certificate from normal course as license to teach, Ch 63, §9, 10(p549)
- Life certificate, lapse, provisions, Ch 63, §14(p350)
- Normal training requirements, Ch 63, §26, 27(p352)
- Provisional certificate, Ch 63, §32, 33(p353)
- Qualifications required of applicants, Ch 63, §5(p348)
- Registration of certificates, Ch 63, §30, 31(p352)
- Renewal for life, conditions, fee, Ch 63, §12, 13, 18, 20, 21(p349-350)
- Revocation by board, procedure, Ch 63, §34(p353)
- Revocation by county superintendent, procedure, Ch 63, §35(p353)
- Second grade certificate, renewal, Ch 63, §22(p351)
- Special certificates, Ch 63, §7(p348)
- Special certificate, issuance, tenure, renewal, Ch 63, §20(p350)
- Third grade certificate, renewal, Ch 63, §23(p351)

STAFF OFFICERS AND EMPLOYEES - continued
EDUCATIONAL EXAMINERS, STATE - continued

Composition of boards

- Membership, how constituted, Ch 63, §1(p247)
- Secretary and assistants, expenses allowed, Ch 63, §2(p348)
- Term of office, Ch 63, §1(p348)
- Examination conducted by board
- Rules prescribed by board, Ch 63, §4, 4-a(p348)
- Subjects covered, Ch 63, §6(p348)
- Examinations conducted by county superintendents
- College work in lieu of examination, Ch 63, §19(p350)
- Dialectic examination, when excused, Ch 63, §28(p352)
- Duty to conduct, Ch 63, §15, 16(p350)
- Normal training requirements, Ch 63, §16(p350)
- Questions prepared by state superintendent, Ch 63, §15(p350)
- Record kept by county superintendent, Ch 63, §17(p350)
- Special examination ordered by board, procedure, Ch 63, §32(p352)
- Subjects covered, Ch 63, §18(p350)
- Times for holding, Ch 63, §15, 16(p350)
- Expenses allowed, Ch 63, §38(p353)
- Meetings, when held, Ch 63, §3(p348)
- Printing obtained, Ch 63, §40(p354)

ENGINEERING EXAMINERS, see also main head ENGINEERS

- Annual report to governor, Ch 42, §9(pl78), Ch 169, §4(p774)
- Appointment and qualification of members, Ch 42, §2, 3(pl78)
- Attorney general to assist, Ch 42, §6(pl78)
- Certification of registration issued, Ch 42, §13(pl80)
- Compensation allowed, how paid, Ch 42, §7(pl78)
- Engineering examiners fund, Ch 42, §11(pl78)
- Expenses allowed, how paid, Ch 42, §7(pl78)
- Fees collected, to engineering examiners fund, Ch 42, §11(pl78)
- Meetings, when held, quorum, Ch 42, §8(pl78)
- Organization of board, Ch 42, §8(pl78)
- Quorum, what constitutes, Ch 42, §8(pl78)
- Rules and by-laws adopted, Ch 42, §5(pl78)
- Seal of board, use required, Ch 42, §5(pl78)
- Seals, engineers required to obtain, Ch 42, §12(pl78)
- Secretary, duties in general, Ch 42, §10(pl78)
- Secretary, who required to act, Ch 42, §8(pl78)
- Term of office, Ch 42, §3(pl78)
- Vacancies filled by governor, Ch 42, §4(pl78)

EXECUTIVE COUNCIL:

- Additional compensation, Ch 6, §31(pl2)
- Appointment of custodian of public buildings, Ch 21, §25(p63)
- Appointment of mining examiners, Ch 27, §1(p71)
- Approval of state depositories, Ch 4, §1(p5)
- Assessment record, certification, Ch 6, §4(p8)
- Bids for supplies purchased, requirements, Ch 6, §20, 21(p10)
- Cause for removal of appointive state officers, Ch 23, §24(p66)
- Employment of extra help, Ch 6, §23, 20(pl1)
- Membership, how constituted, Ch 6, §1(p8)
- Mine examining board, cause for removal, Ch 27, §2(p71)
- Penalty for failure to remit to state, Ch 4, §2-25(p6)
- Postage and supplies for state officers, Ch 6, §5, 19-20(p9, 10), Ch 7, §6(pl3)
- Proceedings, record kept, Ch 6, §3(p8)

STATE OFFICERS AND DEPARTMENTS - continued

EXECUTIVE COUNCIL: - concluded

Refusal to comply with subpoena, effect, Ch 23, §24-a1(p67)
State funds, payment to state treasurer, Ch 4, §2-a2(p5)
State funds reported to state officers, Ch 4, §2-a1(p5)
Subpoenas for witnesses, Ch 23, §24-a1(p67)
Tax valuations certified to auditor, Ch 6, §3(p8)
Utility service for state house, Ch 6, §19(p10)
Witness fees, provisions for payment, Ch 23, §24-a2(p67)

FIRE MARSHAL:

Annual appropriation for expenses and fees, Ch 37, §33(p160)
Annual report to governor, Ch 37, §31(p160), Ch 168-4(p774)
Appeal exclusive remedy, Ch 37, §23(p158)
Appeal to district court, from order for removal or repair, Ch 37, §18(p158)
Appeal to supreme court from order for removal or repair, Ch 37, §22-a1(p158)
Appointment, term of office, Ch 37, §1,2(p156)
Authority to enter and inspect buildings, Ch 37, §14(p157)
Buildings removed or repaired, Ch 37, §15(p157)
Bulletins on fire prevention for schools, Ch 37, §30(p159)
Costs of appeal, Ch 37, §23(p158)
Deputies appointed, duties, Ch 37, §3,4(p156)
Duty, regarding attempted arson, Ch 37, §13(p157)
Enforcement of decree and judgment by court, Ch 37, §24(p158)
Expenses, Ch 37, §5(p156)
Fee paid for fires reported to fire marshal, Ch 37, §33(p160)
Fire drills in public schools, Ch 37, §29(p159)
Fires, duty to investigate, Ch 37, §6-10(p156)
Power to administer oaths to witnesses, Ch 37, §11(p157)
Private investigation authorized, Ch 37, §28(p159)
Review of order for removal on repair, hearing, Ch 37, §16,17(p157)
Suspension of order for removal pending appeal, Ch 37, §22-a2(p158)
Time for compliance with orders, penalty, Ch 37, §26,27(p159)

GEOLOGICAL SURVEY BOARD:

Annual report to governor by geologist, Ch 78, §6(p397)
Appropriation for geological survey, Ch 78, §10(p397)
Compensation to board not allowed, Ch 78, §10(p397)
Composition of board, Ch 78, §1(p396)
Cooperation with federal and other surveys, Ch 78, §7(p397)
Expenses allowed, Ch 78, §10(p397)
Geologist assistants appointed by board, Ch 78, §2(p396)
Geological cabinet established by board, Ch 78, §4(p396)
Geologists, state, appointed by board, Ch 78, §2(p396)
Publication of reports by board, Ch 78, §8,9(p397)
Surveys and investigations made, Ch 78, §3-5(p396)

GEOLOGIST, STATE:

Annual report to governor, Ch 168, §4(p774)

GOVERNORS:

Annual report of board of accounting, Ch 168, §4(p774)
Annual report of fair board, Ch 45, §20-a2(p191)
Appointment of board of control, Ch 55, §2(p268)
Appointment of board of examiners for each profession, Ch 107, §21(p749)
Appointment of commission to examine accounts, Ch 34, §1(p241)
Appointment of industrial commissioner, Ch 28, §62(p105)
Appointment of labor commissioner, Ch 22, §2(p126)
Appointment of mine inspector, Ch 27, §5(p72)

STATE OFFICERS AND DEPARTMENTS - continued

GOVERNOR: - concluded

Approval of bonds, Ch 21, §17(p61)
Authorizing petition for removing of officers, Ch 23, §8(p65)
Bonds of deputy officers, Ch 21, §13(p61)
Bond not required, Ch 21, §1(p59)
Canvass of votes for presidential elections, Ch 17, §3(p55)
Compensation of commission, Ch 34, §10(pl33)
Convention expense requirement inapplicable, Ch 7, §7-al(p13)
Duty in re suspension of state officers, Ch 34, §4,7(pl32)
Filling of vacancies for contested state offices, Ch 19, §2(p57)
Fines and forfeitures, power to remit, Ch 55, §518(p340)
Limited authority to administer oaths, Ch 25, §2(p68)
Member of executive council, Ch 6, §1(p8)
Mine inspection districts created, Ch 27, §11(p73)
Notice of special election by sheriff, Ch 11, §6(p20)
Power to call on peace officers for aid, Ch 159, §9(p659)
Power to grant reprieves and pardons, Ch 55, §508, 509(p338)
Proclamation, notice of election, Ch 11, §3(pl9)
Report of investigating commission to governor, Ch 31, §3(pl33)
Report of parole board, biennial, to governor, Ch 55, §506-al(p338)
Report to general assembly on suspension of state officers, Ch 34, §8(pl32)
Selection of district judges, Ch 19, §1(p57)
Selection of court for contested state office, Ch 19, §2(p57)
Temporary appointment during suspension of state officer, Ch 34, §6(pl32)
Term of office, Ch 11, §9(p20)
Vacancies, authority to fill, Ch 24, §1(p37)

HEALTH BOARD, STATE:

Amendment of certain statutes, Ch 164, §213(p707)
Appointment of five members by governor, Ch 164, §27-al(p677)
Civil and sanitary engineer, Ch 164, §242-a2(p707)
Continuation of present rules and regulations, Ch 167, §154(p772)
Compensation and expenses of board members, Ch 164, §35(p679)
Compensation of board, Ch 164, §27(p677)
Continuation of present board of health, Ch 164, §242(p707)
Duties in general enumerated, Ch 164, §28(p678)
Health department matters considered, Ch 164, §29(p678)
Meetings, time and place, Ch 164, §30, 31(p678)
Officers of board selected, Ch 164, §33(p678)
Present members to be medical examiners, Ch 167, §141(p770)
Publication of proceedings, Ch 164, §35(p579)
Secretary, Ch 164, §242-al(p707)
Supplies furnished by health department, Ch 164, §34(p678)
Time title takes effect, Ch 167, §155(p773)

HEALTH DEPARTMENT, STATE:

Appropriations, Ch 164, §25(p677)
Biennial report, Ch 164, §24(p677)

Commissioner:

Assistants and employees, Ch 164, §6(p673)
Bonds of employees, Ch 164, §7(p673)
Disqualifications, Ch 164, §3(p672)
Plumbing code committed appointed by commissioner, Ch 164, §242-a3
(p707)
Term of office, Ch 164, §4(p672)
Vacancies, Ch 164, §5(p672)

STATE OFFICERS AND DEPARTMENTS - continued

HEALTH DEPARTMENT, STATES - concluded

- Definition of terms, Ch 164, §1(p672)
- Expenses allowed, Ch 164, §9(p673)
- Housing law applicable to mining camps enforced, Ch 164, §15(p674)
- Mining camps, permits for construction, Ch 164, §16(p675)
- Office, location, Ch 164, §13(p673)
- Penalty for violations of health laws, Ch 164, §26(p677)
- Plumbing code revision, Ch 164, §14-a4(p674)
- Plumbing committee, powers, compensation, expenses, Ch 164, §14-a2, a3 (p674)
- Plumbing regulations, Ch 164, §14-a1(p674)
- Powers and duties, Ch 164, §14(p673)
- Practice act professions:**
 - Chiropractors, Ch 167, §110-118(p765)
 - Dentistry, Ch 167, §120-127(p767)
 - Embalmers, Ch 167, §139, 140(p770)
 - Nurses, Ch 167, § 116, 119(p766)
 - Optometry, Ch 167, §129-132(p768)
 - Osteopathy, Ch 167, §103-109(p793)
 - Pharmacists, Ch 167, §133-138(p769)
 - Physicians and surgeons, Ch 167, §93-96(p761)
 - Podiatry, Ch 167, §97-102(p762)
- Seal of department, Ch 164, §8(p673)
- Supplies furnished to health board, Ch 164, §34(p678)
- Water pollution, investigation, Ch 164, §16-a1(p675)
- Water pollution prevented, procedure, Ch 164, §16-a1-23(p675)

HIGHWAY COMMISSION:

- Appointment of commissioners by governor, Ch 79, §3(p398)
- Attorney general to act as counsel, Ch 79, §7(p399)
- Compensation, Ch 79, §5(p398)
- Composition of commission, Ch 79, §1(p398)
- Duties of commission, enumerated, Ch 79, §6(p398)
- Location, Ch 79, §1(p398)
- Motor vehicles, see main head MOTOR VEHICLES
- Term of office of members, Ch 79, §1(p398)
- Vacancies, how filled, Ch 79, §4(p398)

HOUSE OF REPRESENTATIVES:

- Abstract of votes for governor and lieutenant governor, Ch 15, §27(p48)
- Bond not required, Ch 21, §3(p59)
- Limitation on expenses for office, Ch 18, §7(p57)
- Penalty for excessive spending of candidates for office, Ch 18, §8(p57)
- Return of votes, when canvassed, Ch 15, §30(p49)
- Term of office, Ch 11, §16(p20)
- Time of holding elections, Ch 11, §16(p20)

INDUSTRIAL COMMISSIONER:

- Amount of bonds, Ch 21, §6(p60)
- Appointment of deputy, Ch 28, §63(p105)
- Appropriation for expenses, Ch 28, §65(p105)
- Benefit insurance plans approved by commissioner, Ch 28, §111(p112)
- Candidates for commissioner, political promises prohibited, Ch 28, §67(p106)
- Compensation agreements, approval, Ch 28, §75(p107)
- Duties, Ch 28, §70(p106)
- Duties of deputy, Ch 28, §64(p105)
- Employer's records inspected, penalty for refusal, Ch 28, §72(p107)

STATE OFFICERS AND DEPARTMENTS - continued

INDUSTRIAL COMMISSIONER: - concluded

Payment of work men's compensation, approval, Ch 28, §21(p95)
Plans adopted in lieu of regular insurance, Ch 28, §110, 111(pl12)
Political activity prohibited, penalty, Ch 28, §66(pl05)
Recommendations of candidates provisions, Ch 28, §68(pl06)
Reports of injuries submitted by employers, Ch 28, §73(pl07)
Settlement of action for workmen's compensation approved, Ch 28, §22(p95)
Supplemental reports by employer, Ch 28, §74(pl07)
Term of office, vacancy, Ch 28, §62(pl05)
Warrants for workmen's compensation to state employees approval, Ch 28, §59(pl04)

INSURANCE DEPARTMENT:

Commissioner of insurance:

Appointment, term, and removal, Ch 140, §2(p618)
Confirmation of appointment, Ch 140, §3(p618)
Deputies powers and tenure, Ch 140, §5(p619)
Deputies, appointed, bond required, Ch 140, §5(p619)
Expenses allowed commissioner, Ch 140, §6(p619)
Salaries of deputy, payment, Ch 140, §8(p619)
Vacancies, how filled, Ch 140, §4(p618)
Location of department, Ch 140, §1(p618)

LABOR BUREAU:

Amount of bonds, Ch 21, §6(p60)
Arbitration, see also main head WORKMEN'S COMPENSATION, Ch 28, §76(pl07)
Certificate of approval for benefit plan, Ch 28, §112(pl12)
Employer relieved from insurance, requirement, Ch 28, §117(pl13)

Employment Agencies Private:

Copy of agreement or contract furnished applicant, Ch 33, §6(pl30)
Failure to procure employment, fee returned, Ch 33, §5(pl30)
Fees, division between agency and employee prohibited, Ch 33, §7(pl31)
Investigation by labor commissioner, Ch 33, §9(pl31)
Penalties for violations, Ch 33, §10(pl31)
Records required of agencies, Ch 33, §8(pl31)

Employment Bureau, State:

Laws applicable, see also main head UNEMPLOYMENT COMPENSATION,
subhead EMPLOYMENT SERVICE

Failure of employer to post notice of failure to insure, election of
employee, Ch 28, §119-121(pl13)
Insurance of liability required of employer, Ch 28, §107(pl11)

Labor commissioner:

Agreements for compensation, when reviewable, Ch 28, §96(pl10)
Amounts of bonds, deputy commissioner, Ch 21, §6(p60)
Appointment, tenure, Ch 32, §2(pl26)
Definition of terms, Ch 32, §14(pl29)
Destruction of records, when permitted, Ch 32, §13(pl29)
Duties in general enumerated, Ch 32, §3, 4(pl26)
Duties in re rules and regulations of fire escapes, Ch 31, §13(pl24)
Expenses allowed, Ch 32, §7(pl28)
Factory inspectors appointed, Ch 32, §5, 6(pl27)
Findings of commissioner, when final, Ch 28, §91(pl10)
Free employment offices, commissioner to establish, Ch 33, §1(pl30)
Head of labor bureau, Ch 32, §1(pl26)
Information obtained confidential, Ch 32, §12(pl28)
Investigation of private employment agencies, Ch 33, §9(pl31)
Notice of hearing, compensation cases, Ch 28, §97(pl10)
Notice of hearing by commissioner, how given, Ch 28, §98(pl10)

STATE OFFICERS AND DEPARTMENTS - continued

LABOR BUREAU: - concluded

Labor Commissioners:

- Petition for review of hearing, Ch 28, §86(pl09)
- Place of hearing on review, Ch 28, §99(pl10)
- Power of court on appeal of hearing, Ch 28, §92(pl10)
- Power to secure evidence, Ch 32, §9(pl28)
- Prosecution for violations of labor laws, Ch 32, §10(pl28)
- Remand by court to commissioner, Ch 28, §93(pl10)
- Reports and records preserved, Ch 32, §13(pl29)
- Right of entry to premises, Ch 32, §8(pl28)
- Supervision of fire escapes by labor commissioner, Ch 31, §11(pl24)
- Transcript on appeal certified, Ch 28, §89(pl09)
- Trial term after appeal, precedence, Ch 28, §90(pl09)
- Vacancy how filled, Ch 32, §2-al(pl26)
- Witnesses subpoenaed, fees, Ch 32, §9(pl28)
- Woman inspector appointed, duties, Ch 32, §6(pl27)
- Notice of employers, failure to insure, posted, Ch 28, §108(pl12)
- Penalties for violations of provisions, Ch 32, §15(pl29)
- Reports made to bureau, Ch 32, §11(pl28)
- Revocation of employers released from insurance, Ch 28, §118(pl13)
- Termination of benefit plan, Ch 28, §113(pl12)
- Workmens lien on compensation, proceeds, Ch 28, §115(pl13)

LIBRARY AND HISTORICAL DEPARTMENT:

Amount of bonds, Ch 21, §6(p60)

Appointment made by boards:

Curator, Ch 77, §6(p393)

State librarian, Ch 77, §6(p393)

Appropriations, Ch 77, §23(p395)

Board of Trustees, Members:

Books loaned, damaged or lost, rules, Ch 77, §11-13(p393)

Fines and penalties relating to books, action to recover, Ch 77, §14 (p394)

Historical building controlled, Ch 77, §5(p392)

Membership of board, Ch 77, §3(p392)

Rules made and enforced, Ch 77, §4(p392)

History and Archives Department:

Archives, curators custody, Ch 77, §18(p395)

Archives defined, Ch 77, §18(p395)

Bond required of curator, Ch 77, §22(p395)

Certified copies of archives, fee, Ch 77, §21(p395)

Curator appointed, Ch 77, §6(p393)

Division, Ch 77, §2(p392)

Duties of curator, enumerated, Ch 77, §15(p394)

Endowments invested, Ch 77, §17(p395)

Gifts, curator authorized to accept, Ch 77, §16(p395)

Gifts reported to board of trustees, Ch 77, §16(p395)

Records of state officers to curator, Ch 77, §19(p395)

Removal of archives, Ch 77, §20(p395)

Transfer of archives, Ch 77, §18(p395)

Law Library:

Bond required of librarian, Ch 77, §22(p395)

Fines and penalties concerning use of books, Ch 77, §14(p394)

Law librarian, appointed, duties, Ch 77, §7(p393)

Loaning of books, rules made, Ch 77, §11-13(p393)

Location of law library, Ch 77, §9(p392)

Medical Library:

Bond required of librarian, Ch 77, §22(p395)

STATE OFFICERS AND DEPARTMENTS - continued

LIBRARY AND HISTORICAL DEPARTMENT: - concluded

Medical Library: - concluded

- Fines and penalties, books misused, Ch 77, §14(p394)
 - Loaning of books, rules made, Ch 77, §11, 12(p393)
 - Location of medical library, Ch 77, §8(p393)
 - Medical librarian appointed, Ch 77, §7(p393)
 - Preference to medicals prohibited, Ch 77, §8(p393)
 - State librarian, duties, Ch 77, §7(p393)
 - State library, sections comprising, Ch 77, §1(p392)
- Traveling Library:**

- Fines and penalties, book misused, Ch 77, §14(p394)
- Loaning of books, rules made, Ch 77, §11, 12(p393)

LIEUTENANT GOVERNOR:

- Bond not required, Ch 21, §1(p59)

Secretary:

- Appointment, term of office, Ch 6, §2(p8)
- Deputies appointed, Ch 8, §1(p14)
- Qualification of deputies, Ch 8, §2(p14)
- Records of council proceedings, Ch 6, §3(p8)
- Term of office, Ch 11, §9(p20)

MEDICAL EXAMINERS; see main head PHYSICIANS AND SURGEONS

MINE EXAMINING BOARDS:

- Amounts of bonds, Ch 21, §6(p60)
- Appointments by and composition, Ch 27, §1(p71)
- Causes for removal, Ch 27, §2(p71)
- Certificates of competency issued, recorded, Ch 27, §61(p82)
- Examination of mine foremen, Ch 27, §3(p71)
- Fees collected and accounted for, Ch 27, §61(p82)
- Mine inspectors examinations, Ch 27, §3(p71)
- Qualifications of members, Ch 27, §2(p71)

MINE INSPECTORS:

- Air current and ventilation, Ch 27, §43-46(p79)
- Air shaft and escape ways, requirement, Ch 27, §18-20(p75)
- Appointed by governor, Ch 27, §5(p72)
- Authorit. to enter mine, Ch 27, §13(p73)
- Boiler and engine rooms, fireproof construction, Ch 27, §40(p79)
- Break-through requirements, Ch 27, §35-37(p78)
- Cap supply, where kept, Ch 27, §72(p84)
- Custody of mine maps, Ch 27, §17(p75)
- Drill holes, when unlawful to charge, Ch 27, §67(p84)
- Duties, Ch 27, §12a1, 2(p73)
- Electric current, amount permitted, Ch 27, §85(p86)
- Engineers qualifications and duties, Ch 27, §53, 54(p81)
- Entries used by draft animals, Ch 27, §34(p78)
- Escape way and air shaft, requirements, Ch 27, §18-20(p75)
- Examination of applicants, Ch 27, §3, 4(p71)
- Fire extinguishers required, Ch 27, §80(p85)
- First aid materials, Ch 27, §77(p85)
- Gasoline and engine location requirements, Ch 27, § 78, 79(p85)
- Haulage way requirements, Ch 27, §30-34(p77)
- Injury to mine property prohibited, Ch 27, §64(p83)
- Inspection districts created, Ch 27, §11(p73)
- Liquor prohibited around mines, Ch 27, §65(p83)
- Location of general office, Ch 27, §10(p73)
- Location of shafts, approval of inspector, Ch 27, §22(p76)
- Location and expenses of district office, Ch 27, §11(p73)

STATE OFFICERS AND DEPARTMENTS - continued

MINE INSPECTORS: - concluded

Map and survey requirements, Ch 27, §15(p74)
Mine foreman defined, Ch 27, §56(p81)
Mine foreman's duties, Ch 27, §62(p83)
Miners duties, Ch 27, §63(p83)
Oil for illumination, inspection, Ch 27, §83(p86)
Orders, dispute, appeal, manner of trial, Ch 27, §27, 28(p77)
Order for mine survey, Ch 25, §15(10), (p75)
Powder, transportation and delivery, Ch 27, §68, 69(p84)
Powder, storage, Ch 27, §70(p84)
Qualifications, Ch 27, §4-9(p72)
Removal from office, procedure, appeal, Ch 27, §6-8(p72)
Reports required of operators, Ch 27, §94-96(p88)
Report to governor, Ch 27, §10(p73)
Safety appliances and regulations, Ch 27, §49(p80), §97-107(p88)
Scales and weighers, Ch 27, §89, 91(p87)
Shot examiners, certification, duties, Ch 27, §66(p83)
Signal code required, Ch 27, §53(p80)
Signal men at top and bottom, Ch 27, §48(p80)
Speaking tubes required, Ch 27, §47(p80)
Sprinkling of roadways, Ch 27, §74(p85)
Stables, location, requirements, Ch 27, §78(p85)
Tamping materials, Ch 27, §73(p84)
Telephone system required, Ch 27, §76(p85)
Term of office, Ch 27, §5(p72)
Timber and prop supply, where kept, Ch 27, §72(p84)
Traveling way requirements, Ch 27, §26(p76)
Vacancies filled by governor, Ch 27, §5(p72)
Ventilation, Ch 27, §42-46(p79)
Weighing equipment tested, Ch 27, §89(p87)

PAROLE BOARD:

Appointment, vacancies, Ch 55, §482(p334)
Appropriation for expenses, Ch 55, §485(p335)
Clerk of district court furnishes information concerning prosecution,
Ch 55, §494(p336)
Clothing, transportation and money furnished paroled prisoner, Ch 55, §
496(p336)
Control of parolees vested in board, Ch 55, §490(p335)
County prosecution expense, auditor reports to court clerk, Ch 55, §506
(p338)
Court parole, when granted, Ch 55, §500(p336)
Court paroles, expenses incurred, how paid, Ch 55, §500-a3(p337)
Criminal statistics furnished by clerk, Ch 55, §504(p337)
Custody of court parolee, Ch 55, §500-a1(p337)
Death sentence prisoners ineligible, Ch 55, §486(p335)
Employment for paroled prisoners, Ch 55, §489(p335)
Fund for parole relief, how used, Ch 55, §497-499(p336)
Investigations made, boards power, Ch 55, §493(p336)
Judge of trial court to furnish, information, Ch 55, §495(p336)
Life term prisoners not eligible, Ch 55, §486(p335)
Parole time not counted if parole violated, Ch 55, §492(p335)
Power of board over parolee, Ch 55, §500-a2(p337)
Power to parole after commitment, Ch 55, §486(p335)
Power to parole before commitment, Ch 55, §488(p335)
Private custodian's report to court, Ch 55, §501(p337)
Qualifications, term, chairman, Ch 55, §481(p334)

STATE OFFICES AND DEPARTMENTS - continued

PAROLE BOARD - concluded

Recommendations for pardon to governor, Ch 55, §509(p339)
Recommitment, boards power, order made, how served, Ch 55, §491(p335)
Report made biennially to governor, Ch 55, §506-al(p338)
Revocation of court parole, courts power, Ch 55, §502(p337)
Rules, boards power to make, Ch 55, §487(p335)
Secretary's and employees' expenses, Ch 55, §483(p335)
Trips to other states, expense authorized, Ch 55, §484(p335)
Venereal disease, prisoners afflicted, not eligible, Ch 55, §486(p335)
Violation of board parole deemed felony, Ch 55, §503-al(p337)
Violation of court parole, effect, Ch 55, §503(p337)

PRINTING, STATE:

Annual reports to governor, Ch 168, §4(p774)

Appointment and tenure, Ch 168, §1.2(p773)

Biennial reports, Ch 168, §3(p773)

Extension by governor, Ch 168, §5(p774)

Iowa official register, Ch 168, §7(p775)

Miscellaneous documents, Ch 168, §6(p774)

PUBLIC BUILDINGS AND GROUNDS:

Amount of bonds, Ch 21, §6(p60)

Appointment and tenure of office, Ch 21, §25(p63)

Payment of bond, Ch 21, §8(p60)

PUBLIC INSTRUCTION, SUPERINTENDENT OF:

Amount of bonds, Ch 21, §6(p60)

Chief clerk appointed, Ch 61, §8(p344)

Deputy appointed, qualifications, powers, Ch 61, §9(p344)

Duties in general enumerated, Ch 61, §4(p343)

Expenses of superintendent, deputy and inspector, Ch 61, §9(p344)

Inspectors appointed, Ch 61, §8(p344)

Office, location, Ch 61, §2(p342)

Powers in general, Ch 61, §3(p343)

Qualifications, Ch 61, §1(p342)

Reports from school officers, penalty for failure, Ch 61, §7(p344)

Teachers employment bureau, duties, Ch 61, §5, 6(p344)

RAILROAD COMMISSIONERS:

Aid of courts, Ch 129, §10(p588)

Amount of bonds, Ch 21, §6(p60)

Commissioners and assistants, transportation, Ch 129, §4(p587)

Convention expense requirement inapplicable, Ch 7, §7-al(pl3)

Election, Ch 129, §2(p587)

Eligibility of commissioners and secretary, Ch 129, §1(p587)

Grade crossings, jurisdiction, Ch 124, §1(p606)

Inspection of railroads, Ch 129, §6(p587)

Interstate freight rates, investigation, Ch 129, §18-21(p590)

Investigation by commission, Ch 129, §9(p588)

Jurisdiction of courts to enforce order of board, Ch 129, §12-17(p588)

Jurisdiction of commissioners, Ch 129, §3(p587)

Location of office, Ch 129, §5(p587)

Members, number, Ch 129, §2(p587)

Orders for improvements and changes in operation, Ch 129, §8(p588)

Orders of board, violations, proceedings to enforce, Ch 129, §22-29
(p581)

Organization, Ch 129, §2(p587)

Penalty for hindering or obstructing board, Ch 129, §11(p588)

Rate matters, see main head RAILROADS, subhead RATES AND CHARGES

STATE OFFICERS AND DEPARTMENTS - continued

RAILROAD COMMISSIONERS: - concluded

- Shelters required, Ch 129, §7(p587)
- Term of officers, Ch 11, §13(p19)
- Time of holding elections, Ch 11, §13(p20)
- Uniform gauge, inspection by board, Ch 129, §30(p592)

REMOVAL OF OFFICERS:; see main head PUBLIC OFFICERS, subhead REMOVAL FROM OFFICE

SECRETARY OF AGRICULTURE:

- Amount of bonds, Ch 21, §6(p60)
- Deputies appointed, Ch 8, §1(p14)
- Limited authority to administer oaths, Ch 25, §2(p68)
- Member of executive council, Ch 6, §1(p8)
- Qualification of deputies, Ch 8, §2(p14)
- Term of office, Ch 11, §9(p20)

SECRETARY OF STATE:

- Abstract of votes for governor and lieutenant governor, Ch 15, §27(p48)
- Abstract of votes filing, Ch 15, §29(p49)
- Abstract of votes, forwarding, Ch 15, §21(p49)
- Amount of bonds, Ch 21, §6(p60)
- Biennial report, time covered and date of filing, Ch 169, §3(p773)
- Certification of candidates for president and vice president, Ch 17, §5 (p55)
- Certified copies of acts sent to court clerks, Ch 2, §1(pl)
- Copies of instructions for voting furnished, Ch 14, §65(p37)
- Delivery of instructions for voting, Ch 14, §65(p37)
- Duty in re notice of forfeiture, prohibition violations, Ch 35, §89(pl45)
- Election expenses of candidates, filing, Ch 18, §3(p56)
- Filing of additional statements of receipts and expenses of candidates for office, Ch 18, §5(p56)
- Filing of bonds and official oath of state officers, Ch 21, §21(p62)
- Filing of receipts and expenses of candidates for office, Ch 18, §4(p56)
- Forwarding of envelopes containing abstracts of votes, Ch 15, §26(p48)
- Limited authority to administer oaths, Ch 25, §2(p68)
- Member of executive council, Ch 6, §1(p8)
- Nominee for vacancy, certified by, Ch 14, §55(p36)
- Notice of hearing, forfeiture, in re prohibition laws, Ch 35, §53, 88(1) (pl40, 145)
- Recording of official bond, Ch 21, §23(p62)
- Term of office, Ch 11, §9(p20)

SENATORS:

- Bond not required, Ch 21, §6(p60)
- Limitation on expenses for office, Ch 18, §7(p57)
- Penalty for excessive spending of candidate for office, Ch 18, §8(p57)
- Return of votes, when canvassed, Ch 15, §30(p49)
- Term of office, Ch 11, §15(p20)
- Time of holding elections, Ch 11, §15(p20)

STATE FIRE MARSHAL:

- Amounts of bonds, Ch 21, §6(p60)

STATE GAME WARDEN:

- Amount of bonds, Ch 21, §6(p60)

STATE HIGHWAY COMMISSION:

- Amount of bonds, Ch 21, §6(p60)

STATE LIBRARIAN:

- Amount of bonds, Ch 21, §6(p60)

SUPERINTENDENT OF BANKING:

- Amount of bonds, Ch 21, §6(p60)

SUPERINTENDENT OF PRINTING:

- Amount of bonds, Ch 21, §6(p60)
- Appointment, duties, Ch 21, §24(p63)

STATE OFFICERS AND DEPARTMENTS - concluded

SUSPENSION OF STATE OFFICERS: , see main head PUBLIC OFFICERS, subhead SUSPENSION OF STATE OFFICERS

TREASURERS:

Accounts of deposits, Ch 26, §8(p70)
Amount of bonds, Ch 21, §2(p59)
Amount of funds necessary for payment of cost of bonds, Ch 21, §8(p60)
Cash balance requirements, Ch 4, §2-a3, a4, a5(p6)
Conditions re deposit of state funds, Ch 4, §1(p5)
County treasurer's remittance of state funds, Ch 4, §2-a3(p5)
County treasurer's statement on state funds, Ch 4, §2-a1(p5)
Deposits, accounts required, Ch 26, §6(p70)
Deposits of public funds, Ch 4, §1(p5)
Deputies appointed, Ch 8, §1(pl4)
Duty in re motor vehicle fees from county treasurer, Ch 180, §147(p814)
Interest in public deposits, Ch 4, §2(p5)
Limited authority to administer oaths, Ch 25, §2(p68)
Member of executive council, Ch 6, §1(p8)
Payment of bond, Ch 21, §6(p60)
Plumbing code fund, Ch 164, §242-a4(p707)
Qualification of deputies, Ch 8, §2(pl4)
Rate of interest on state funds, Ch 4, §2(p5)

Reports:

Biennial report to governor, Ch 4, §4(p6)
Securities, number required, Ch 21, §14(p61)
Swamp land, federal indemnity paid counties, Ch 4, §3(p6)
Term of office, Ch 11, §9(p20)
Testimony, expense appropriated, Ch 7, §11-a2(pl3)

TRUSTEES:

Vacancies filled by governor, Ch 24, §1(p67)
Vacancies, how filled, Ch 24, §1(p67)

VOCATIONAL EDUCATION BOARD:

Advisory committee, local, state, appointed, Ch 62, §8(p346)
Composition of board, Ch 62, §2(p345)
Duties in general enumerated, Ch 62, §4(p345)
Executive officer, who acts, Ch 62, §3(p345)
Federal aid, conditions, Ch 62, §5(p346)
Funds in custody of treasurer, disbursement, Ch 62, §11(p347)
Reports, biennial, Ch 62, §12(p347)
Salaries and expenses allowed, Ch 62, §10(p346)
School directors as to vocational instruction, Ch 62, §9(p347)
State aid to equal federal aid, Ch 62, §7(p346)

STEAM BOATS, see main head BOATS AND VESSELS

STOCK CORPORATIONS, see main head CORPORATIONS, subhead PROFIT CORPORATIONS

STREET RAILWAYS

Equipment required, Ch 119, §1(p494)
Laws applicable to special charter cities, Ch 124, §24(p510)
Penalty for not using required equipment, Ch 119, §2(p495)

RATES AND CHARGES:

Certain acts prohibited, Ch 137, §13(p612)
Change in schedule, Ch 137, §14-18(p612)
Definition, Ch 137, §1(p611)
Inspection by public, Ch 137, §5(p611)
Partial schedules, Ch 137, §9(p612)
Posting, Ch 137, §6(p611)
Power to revise rates, Ch 137, §19(p613)
Rates effective, when, Ch 137, §22(p613)

STREETS RAILWAYS - concluded

RATES AND CHARGES: - concluded

- Revised schedules, posting and filing, Ch 137, §23(p613)
- Schedules, changes, Ch 137, §10(p612)
- Schedules, filing and publication, Ch 137, §2(p611)
- Schedules, form, Ch 137, §7(p612)
- Schedules, interstate commerce, Ch 137, §8(p612)
- Schedules, joint tariff, Ch 137, §11(p612)
- Schedules, printing, Ch 137, §4(p611)
- Schedules, requirements, details, Ch 137, §3(p611)
- Suspension of rates, Ch 137, §20(p613)

Use of equipment by interurban railways, Ch 138, §9, 10(p615)

STREETS AND ALLEYS, see main head MUNICIPAL CORPORATION, subhead STREETS AND

ALLEYS

SUBPOENAS

- Civil cases, blank subpoenas issued, Ch 149, §7(p646)
- Issue by executive council, Ch 23, §24-al(p67)
- Refusal to comply, effect, Ch 23, §24-al(p67)
- Refusal to obey subpoenas issued by governors investigating commission, effect, Ch 34, §2-al(p132)
- Refusal of witness to obey, Ch 149, §7(p646)

SUPERINTENDENTS

County superintendent of schools, see main head COUNTY OFFICERS AND DEPARTMENTS, subhead SUPERINTENDENT OF SCHOOLS

Election of superintendent of public instruction, Ch 11, §12(p20)

Term of office of superintendent of public instruction, Ch 11, §12(p20)

SUPERIOR COURT, see main head COURTS, subhead SUPERIOR COURT

SUPREME COURT, see main head COURT, subhead SUPREME

SURETIES AND SURETY COMPANIES

BONDS:

- Discharge of surety, procedure to obtain, Ch 22, §2(p63)
- Premium unearned part returned, Ch 22, §3(p63)
- Prohibition violations, liability of surety, Ch 35, §123(p151)
- Release of surety, procedure to obtain, Ch 22, §1-3(p63)

SURVEYS

Coal mine survey, Ch 78, §1-10(p396)

Coal mine, survey order by mine operator, Ch 27, §15(10)(p75)

Geological survey, Ch 78, §1-10(p396)

SUSPENSION

Suspension from office, see main head PUBLIC OFFICERS, subhead SUSPENSION OF STATE OFFICERS

SWAMPLANDS

Federal indemnity money apportioned, Ch 4, §3(p6)

TAXATION

ASSESSMENTS:

- Certificate, entry in Board of supervisors minute book, Ch 125, §18, 19 (p519)
- County auditor to transcribe and correct tax list, Ch 125, §20(p520)
- Discovery of property not listed, Ch 125, §29(p521)
- Listing of property, assessors duty, Ch 125, §4, 5(p515)
- Personal property listing and assessment, Ch 125, §6(p515)
- Tax ferrets employed to discover property not listed, Ch 125, §29(p521)

ASSESSORS:

- Corporations, statement to assessor, Ch 125, §17, 17-al(p518)
- Exempt persons, annual list, Ch 125, §4, 5(p515)
- Penalty for refusal to furnish information, Ch 125, §13(p518)
- Township assessors, compensation, Ch 100, §31(p446)

TAXATION - concluded

Banks, for detailed index see main head BANKS AND BANKING, subhead TAXATION BONDS, TAXATION OF:

Public bonds, exempt, Ch 125, §1(p513)

Cigarettes, see main head CIGARETTES

County responsible for state levy, Ch 125, §18-19(p519)

Federal land exempt from state tax, Ch 1, §1(pl)

EXEMPTIONS:

Classes of property exempt, listed, Ch 125, §1(p513)

Soldiers, sailors and marines, Ch 125, §2(p515)

LEVIES BY CITIES AND TOWNS:

Certificates or bonds in anticipation of special taxes, Ch 123, §7(p506)

Consolidated levy, Ch 121, §11(p501)

Indebtedness, questions submitted, manner, Ch 122, §1-14(p502)

Limitation of certain taxes, Ch 121, §6(p500)

Limitation on amount, Ch 121, §6(p500)

Main sewer fund, Ch 121, §7(p508)

Park tax levy, Ch 121, §8(p500)

Tax sales, Ch 121, §13(p501)

Taxes to pay bonds, Ch 123, §6(p 506)

Transfer of funds, hearing levy, Ch 121, §9-10(p500)

LEVIES BY COUNTIES:

Hospitals, public, Ch 95, §5(p430)

LEVIES BY TOWNSHIPS:

Cemetery purposes, Ch 100, §19-21(p444)

Limitation to tax for building memorial, Ch 10, §6(pl6)

Liquidation of memorial bonds, Ch 10, §7(pl7)

LISTS:

Consolidated tax of schools and townships, Ch 125, §20(p520)

Correction by auditor, Ch 125, §20(p520)

Listing by assessors, Ch 125, §4(p515)

Fine of listing, Ch 125, §21(p520)

Millage to build memorials, Ch 10, §8(pl7)

PERSONAL PROPERTY TAXATION:

Listing and assessment, Ch 125, §6(p516)

PROPERTY OF PERSONS TAXABLE:

Banks and bank shares, for detailed index see main head BANKS AND BANKING, subhead TAXATION

Loan corporations, Ch 125, §10, 10-a1, see also main head CORPORATIONS, subhead PROFIT CORPORATIONS, (p517)

Merchants, merchandise, Ch 125, §7, 8(p516)

Warehousemen, Ch 125, §7-a1(p516)

RAILROADS; see main head RAILROADS, subhead TAXATION

REAL PROPERTY:

Exemption from Taxation:

Soldiers, sailors and marines, Ch 125, §2(p515)

Redemption after tax sale, Ch 125, §24-28(p521)

Valuation of property, actual value to governor, Ch 125, §30(p521)

TITLES

Real property, for detailed index see main head REAL PROPERTY

TORACCO

Cigarette law, see main head CIGARETTES

Sale or gift to minor, penalty, Ch 163, §2-5(p666)

TOWNSHIP

ASSESSOR:

Compensation, Ch 100, §31(p446)

BOUNDARIES:

Board of supervisors to determine, Ch 100, §1(p442)

TOWNSHIP - concluded

BOUNDARIES - concluded

Change to conform with city boundaries, Ch 100, §3(p442)
Division when city in township, Ch 100, §5-8(p442)
Petition for boundary change, Ch 100, §2,8(p442)
Publication of notice of hearing on petition, Ch 100, §7(p442)
Record kept of boundaries, Ch 100, §4(p442)
School districts affected by change, Ch 100, §2(p442)
Cemeteries, for detailed index see main head CEMETERIES, subhead TOWNSHIP

CLERK:

Compensation and fees, Ch 100, §30(p446)
Proceedings and records of township trustees kept, Ch 100, §28(p445)
Election, see main head ELECTIONS, subhead TOWNSHIP ELECTIONS

FUNDS:

Cemetery funds, Ch 100, §22(p444)
Deposit and investment, Ch 100, §29, 29-a1(p446)
Libraries, see main head LIBRARIES, subhead PUBLIC LIBRARY

LICENSES:

Business requiring license, Ch 179, §1(p792)
Issuance, condition, record, Ch 179, §1-3(p792)
Limited authority to administer oaths, Ch 25, §2(p68)
Method of holding special election, Ch 11, §2(p19)
Name changed, Ch 100, §13-15(p443)
Penal provision, Ch 179, §6(p793)
Restoration to former township, Ch 100, §9(p443)
Revocation, appeal, Ch 179, §4, 5(p793)
Roads, see main head HIGHWAYS, subhead TOWNSHIP ROAD SYSTEM
Tax levies, see main head TAXATION, subhead LEVIES BY TOWNSHIP
Time for holding general election, Ch 11, §1(p19)
Township licenses, Ch 179, §1(p792)

TRUSTEES:

Counsel employed, Ch 100, §17, 18(p444)
Duties, meetings, Ch 100, §16(p444)
Tax levies, see main head TAXATION, subhead LEVIES BY TOWNSHIPS
Vacancies in offices, how filled, Ch 24, §1(p67)

TRADEMARKS

Butter, see main head FOOD, subhead BUTTER

TRAINING SCHOOLS, STATE, see main head STATE INSTITUTIONS, subhead TRAINING SCHOOLS

TREES

County auditor duty to keep record of forest and fruit-tree reservations, Ch 44, §21(p187)
Secretary of agriculture to be state forestry commissioner, Ch 44, §19(p187)
Tax exemption provided, Ch 44, §20(p187)

TRESPASS

Trespassing animals, for detailed index see main head ANIMALS, subhead TRESPASSING ANIMALS.

TRIAL, see main head CIVIL PROCEDURE, also main head CRIMINAL PROCEDURE

TRUSTEES, see also main head STATE OFFICERS AND DEPARTMENTS

Annual report to court, Ch 28, §47(p103)

Drainage and levee district trustees, see main head DRAINAGE AND LEVEE DISTRICTS, subhead DISTRICT TRUSTEES

TOWNSHIP TRUSTEES, see main head TOWNSHIP, subhead TRUSTEES

WORKERS COMPENSATION BENEFICIARIES, Ch 28, §46(p102)

TUBERCULAR

Care and treatment by county required, Ch 95, §20(p433)
Commitments, Ch 95, §25, 26(p433)

TOWER COLAR

SARVINBURM, COUNTY:

Establishment, funds for, Ch 95, §21-22(p433)
Inspection by board of control, Ch 95, §24(p433)

UNDERTAKERS, see main head EMBALMERS

Vital statistics duties, see main head VITAL STATISTICS

UNEMPLOYMENT COMPENSATION

EMPLOYMENT SERVICES

Commissioner of labor, duties as to free employment service, Ch 33, §2 (p130)

Free employment offices, commissioner to establish, Ch 33, §1(p130)

UNITED STATES

Acquisition of land by condemnation, Ch 1, §1(pl)

Exemption of land from state tax, Ch 1, §1(pl)

REPRESENTATIVES IN CONGRESS:

Presidential electors time of election, qualifications, Ch 17, §1(p55)
SENATORS:

Number of persons from state at large, Ch 17, §1(p55)

Restrictions of presidential electors, Ch 17, §1(p55)

Vacancy filled by governor, Ch 24, §1(p67)

Service of state process on federal lands, Ch 1, §1(pl)

State jurisdiction in re crimes, Ch 1, §1(pl)

UNIVERSITY

State university, for detailed index see main head STATE INSTITUTIONS, subhead UNIVERSITY, STATE

VACANCY IN OFFICE, see main head PUBLIC OFFICERS, subhead VACANCIES IN OFFICE

VEREAL DISEASES, see main head DISEASES

VETERINARIAN

Accredited veterinarians defined, Ch 45, §63(p210)

Animal diseases generally, see main head ANIMALS, subhead HEALTH

BOARD OF EXAMINERS, STATE:

Application for examinations made to agricultural department, Ch 46, §160(p221)

Appointment, Ch 46, §151(p220)

Appropriation, Ch 46, §153(p221)

Compensation, Ch 46, §154(p222)

List of eligible candidates received from department of agriculture, Ch 46, §163(p222)

Meetings when and where held, Ch 46, §158(p221)

Quarters furnished by state executive council, Ch 46, §157(p221)

Quorum of board, Ch 46, §155(p221)

Representation at national meetings, Ch 46, §159(p221)

Rules for examination, established by board, Ch 46, §164, 165(p222)

Supplies furnished by department of agriculture, Ch 46, §156, (p221)

Term of members, Ch 46, §152(p221)

Vacancies filled, Ch 46, §153(p221)

Duty of county attorney, in regards violations of law, Ch 46, §162(p224)

Enforcement of law, Ch 46, §161(p224)

LICENSES

Certification of successful applicants, Ch 46, §116(p222)

Change of residence to another state, Ch 46, §172(p223)

Display of license, Ch 46, §141(p219)

Foreign licenses recognized, Ch 46, §170(p222)

Form of license, Ch 46, §140(p219)

Licenses procured by forgery on fraud, penalty, Ch 46, §178, 179(p223)

License required, Ch 46, §139(p219)

List of eligible candidates received from department of agriculture, Ch 46, §163(p222)

VETERINARIANS - concluded

LICENSES: - concluded

- Preservation of records, Ch 46, §167(p222)
- Prima facie evidence of practicing, Ch 46, §143(p220)
- Reciprocal agreements, other states, Ch 46, §168-171(p222)
- Renewal of license, Ch 46, §143(p220)
- Requirement to obtain license, Ch 46, §146(p220)
- Revocation of license, grounds, proceedings, Ch 46, §173-176(p223)
- Unlawful use of degree, Ch 46, §145(p220)
- Supplies provided by agricultural department, Ch 46, §156(p221)
- Veterinary medicine, classes of persons deemed engaged in practice, Ch 46, §137, 138(p219)
- Veterinarian schools, list prepared by department of agriculture, Ch 46, §161, 162(p221)
- Violations of law, penalty, Ch 46, §180(p224)

VILLAGES

CHANGE OF NAMES:

- Board of supervisors, authority, Ch 98, §1(p440)
- Cost of proceedings, Ch 98, §8(p440)
- Hearing on petition held by board, Ch 98, §4(p440)
- Notice of change published, Ch 98, §7(p440)
- Notice of hearing on petition, Ch 98, §3(p440)
- Order for change of name, Ch 98, §5(p440)
- Petition for change filed, Ch 98, §2(p440)
- Time for change to take effect, Ch 98, §6(p440)

VITAL STATISTICS:

BIRTH CERTIFICATES:

- Altering, amendment authorized, Ch 164, §210(p703)
- Contents, Ch 164, §202(p701)
- Copy, use as evidence, Ch 164, §235(p706)
- Filing with local registrar required, Ch 164, §201(p701)
- Interrogation of informants, Ch 164, §207(p702)
- Physician or person in attendance to make, Ch 164, §203(p702)
- Report, when no attendant present, Ch 164, §204(p702)
- Still birth, Ch 164, §209(p703)
- Supplemental reports to obtain given name, Ch 164, §208(p703)
- Casket dealers, record of casket sales, Ch 164, §215(p703)
- Casket dealers, registration, Ch 164, §214(p703)
- Casket dealers, report of casket sale, Ch 164, §216(p704)
- Casket dealers, information placed in casket, Ch 164, §217(p704)
- Casket dealers, duty to furnish information, Ch 164, §218(p704)
- Census bureau, privilege of making copies, Ch 164, §233(p706)

DEATH CERTIFICATES:

- Alteration not permitted, Ch 164, §210(p703)
- Burial permit, issuance, Ch 164, §133(p691)
- Contents, Ch 164, §129(p690)
- Copy, use as evidence, Ch 164, §235(p706)
- Correction, return for, Ch 164, §133(p691)
- Death certificate required, Ch 164, §127(p689)
- Deaths unattended by physician, Ch 164, §131(p691)
- Filing and execution of death certificate, Ch 164, §128(p690)
- Forged papers, Ch 164, §153(p694)
- Particulars, duty to furnish, Ch 164, §130, 135(p691)
- Stillborn children, Ch 164, §132(p691), Ch 164, §209(p703)
- Definitions, Ch 164, §188(p222)
- Genealogical records, Ch 164, §219(p704)
- Marriage certificate, copy, use as evidence, Ch 164, §235(p706)
- Physician, duty to furnish information, Ch 164, §218(p704)

VITAL STATISTICS - concluded

REGISTRAR, LOCAL:

- Alteration of certificates after filing not permitted, Ch 164, §210 (p703)
- Appointment, term of office, Ch 164, §193(p699)
- Birth certificate filed, Ch 164, §201(p701)
- Deputy registrars, appointment, Ch 164, §194(p699)
- Divorces, record book, contents, Ch 164, §225-229(p705)
- Duties, Ch 164, §198(p700)
- Fees, Ch 164, §221-223(p704)
- Incomplete certificates of births, Ch 164, §206(p702)
- Information obtained for birth certificates, Ch 164, §205(p702)
- Interrogation of informants, Ch 164, §207(p702)
- Marriages, record book contents, Ch 164, §228-229(p705)
- Payment of fees, Ch 164, §234(p704)
- Regulations applicable to deputy and subregistrars, Ch 164, §200(p701)
- Removal, Ch 164, §196(p699)
- Stillborn children, Ch 164, §209(p703)
- Subregistrars, appointment, duties, Ch 164, §195(p699)
- Supplemental return of name of child, Ch 164, §208(p703)

REGISTRAR, STATE:

- Accounting for fees, Ch 164, §234(p708)
- Certified copies of records, fees, Ch 164, §230(p705)
- Commissioner of public health designated, Ch 164, §191(p699)
- Duties, Ch 164, §197(p699)
- Free certified copies of birth certificates, Ch 164, §232(p706)
- Genealogical records kept, Ch 164, § 219-220(p704)
- Information, source, Ch 164, §212(p703)
- Quarters and equipment furnished, Ch 164, §192(p699)
- Record of personal particulars, Ch 164, §211-213(p703)
- Search of records, fees, Ch 164, §231(p705)
- System of registration, exclusive, Ch 164, §236(p706)
- Registration districts, Ch 164, §189-190(p699)
- Registration of physicians, undertakers and casket dealers, Ch 164, §214 (p703)
- Undertakers, duty to furnish information, Ch 164, §218(p704)
- Violations, penalties, Ch 164, §237-241(p706)

VOCATIONAL TRAINING AND REHABILITATION

EDUCATION, VOCATIONAL BOARD:

- Advisory committee, appointment and duties, Ch 62, §6(p346)
- Biennial report, Ch 62, §12(p347)
- Custodian of funds, reports, Ch 62, §11(p347)
- Designation of members, Ch 62, §2(p345)
- Duties of board, Ch 62, §4(p345)
- Executive officer and aids, Ch 62, §3(p345)
- Federal aid, conditions, Ch 62, §5(p346)
- Local advisory committee, Ch 62, §8(p346)
- Salary and expenses, Ch 62, §10(p346)
- School district boards, powers, Ch 62, §9(p346)
- State aid to equal federal aid, Ch 62, §7(p346)

YOPING, see main head EMPLOYMENT

WAREHOUSES

WAREHOUSEMEN:

- Taxation, Ch 125, §7-21(p516)

WARRANTS

- Source of per diem expenses, Ch 7, §13(p14)
- State claims, warrants issued, Ch 7, §6, 9-11(p13)

WATERS AND WATERCOURSES

DAMS AND RAGES:

- Application for dam, contents, Ch 127, §2(p573)
- Combinations or trusts, receiverships, Ch 127, §8(p575)
- Construction and operation, investigation of methods by executive council, Ch 127, §6(p575)
- Construction without permit, penalty, Ch 127, §7(p575)
- Destruction or injury, penalty, Ch 127, §16(p576)
- Fall, right to utilize, Ch 127, §17(p576)
- Hearing on application by executive council, Ch 127, §3(p574)
- Hearings required, procedure, Ch 127, §10-15(p575)
- Legislature, right of control, Ch 127, §19-22(p577)
- Nuisance, abatement when law violated, Ch 127, §9(p575)
- Permit approved by state board of health, Ch 127, §4(p574)
- Permit fees, annual license, Ch 127, §5(p574)
- Permit to construct, maintain or operate required, Ch 127, §1(p573)
- Revocation or forfeiture, Ch 127, §18(p577)
- Duty of state board of health, Ch 164, §16-a1 - 23(p575)

WEAPONS

- Permit, application, form, Ch 158, §5(p657)
- Permit, duty of holder to carry, Ch 158, §7(p657)
- Permit, effect of expiration of officer's term, Ch 158, §6(p657)
- Permit, lack of, proof of violation, Ch 158, §9(p657)
- Permit to carry, sheriff may issue, Ch 158, §2(p656)
- Permit to carry concealed weapon, expiration, Ch 158, §3(p657)
- Permits, record of issuance, Ch 158, §4(p657)
- Pointing gun at another misdemeanor, Ch 158, §1(p656)
- Sale of weapons, reports required, Ch 158, §8(p657)

WEEDS

- Annual report made by township clerk, Ch 82, §10-a1(p406)
- Assessment of costs, Ch 82, §7-9(p406)
- Board of supervisors to enforce law, Ch 82, §1(p405)
- Complaint to officers on blooming, Ch 82, §10(p406)
- Councils and commissioners of cities, duty to enforce law, Ch 82, §1(p405)
- County attorney's duty, Ch 82, §10-a2(p407)
- Designation of cutting dates, Ch 82, §5(p405)
- Destruction of weeds along roads, Ch 82, §3-4(p405)
- Extent of land owners duty in re weed law, Ch 82, §4(p405)
- Failure of owner to destroy, costs paid from general fund and owner assessed, Ch 82, §7(p406)
- Notice to destroy, Ch 82, §6(p406)
- Noxious weeds, definition, Ch 82, §2(p405)
- Penal provisions, Ch 82, §11(p407)
- Primary noxious weeds enumerated, Ch 82, §2(p405)
- Property owner's duty to destroy, Ch 82, §3(p405)
- Township trustees, duty to enforce weed law, Ch 82, §1(p405)

WEIGHTS AND MEASURES

- Bottomless measure, Ch 165, §176(p734)
- Bushel measure by weight, Ch 165, §179(p735)
- City scales, duties, Ch 165, §199(p738)
- Climax baskets, Ch 165, §181-182(p736)
- Coal, charcoal, coke, bulk/sales, Ch 165, §188-191(p737)
- Drugs excepted, Ch 165, §178(p734)
- Dry measure, Ch 165, §175(p734)
- Flour by sack or barrel, weight, Ch 165, §185(p737)
- Fruit or vegetables, sale by dry measure, Ch 165, §180(p736)
- Hay or straw, bulk, Ch 165, §192(p737)

WEIGHTS AND MEASURES - concluded

Honey, section comb, excepted, Ch 165, §178(p734)

Hops, boxes, Ch 165, §183(p737)

INSPECTION:

Duty of agriculture department, Ch 165, §209(p739)

Fees, Ch 165, §210-211(p739)

Length and surface measure, Ch 165, §171(p734)

Liquid measure, Ch 165, §174(p734)

Loaded vehicles, Ch 165, §193(p738)

Mason or stone work, Ch 165, §186(p737)

Milk and cream bottles, Ch 165, §184(p737)

Number limited, Ch 165, §212(p740)

Land measure, Ch 165, §172(p734)

Sales to be by standards, Ch 165, §177-187(p735)

Sealers, city or town, Ch 165, §198(p738)

Sealing milk bottles not required of state sealer, Ch 165, §197(p738)

SCALES:

Confiscation of scales, Ch 165, §213(p740)

Possession of false weights or measures, Ch 165, §214(p740)

Power of cities and towns limited, Ch 165, §217(p740)

Public Scales:

Definition, Ch 165, §201(p738)

License requirements, Ch 165, §202-205(p739)

Weighmaster's oath and duties, Ch 165, §206-207(p739)

Weighmaster's violations of law, Ch 165, §208(p739)

Transactions by false weights, penalty, Ch 165, §215(p740)

Standard of weights, Ch 165, §173(p734)

State sealers of weights and measures, Ch 165, §194(p738)

Testing of weights and measures by agricultural department, Ch 165, §196
(p738)

WHISKY, see main head INTOXICATING LIQUORS

WILLS, for detailed index see main head PROBATE LAW, subhead WILLS

WITNESSES

Evidence, civil cases, for detailed index see main head CIVIL PROCEDURE

Fees, executive council hearings, Ch 23, §24-a2(p67)

Fees paid, when called by governors commission, Ch 34, §2-al(p132)

Fees, when payable, Ch 26, §3(p69)

Refusal to testify, penalty, Ch 37, §11(p157)

Refusal to appear, effect, Ch 23, §24-al(p67)

Refusal to obey subpoenas, issued by governors commission, effect, Ch 34,
§2-al(p132)

Subpoenas issued by executive council, removal of appointive state officers
Ch 23, §24-al(p67)

Subpoenas, refusal to obey, Ch 149, §7(p646)

WOMEN'S REFORMATORY, for detailed index see main head STATE INSTITUTIONS
subhead WOMEN'S REFORMATORY

WORKMEN'S COMPENSATION

Action against third party for recovery of damages, Ch 28, §22(p95)

Agreements for compensation when receivable, Ch 28, §26(p110)

Alien dependents in foreign country, Ch 28, §48(p103)

Appeal from commissioners decision, Ch 28, §88(p109)

Appeal of compensation cases to supreme court, Ch 28, §95(p110)

Basis of compensation, Ch 28, §35(p100)

Board of arbitration, Ch 28, §78(p107)

Burial expenses, liability of employer, Ch 28, §27(p97)

Compensation, date payments commence, Ch 28, §31(p98)

Compensation, maturity date and interest, Ch 28, §29-al(p97)

WORKMENS COMPENSATION - concluded

Compensation schedule, basis of weekly payments, Ch 28, §29(p17)
Compulsory, when, Ch 28, §2(p91)
Contracts of settlement, when presumed fraudulent, Ch 28, §56(p103)
Contract waiving benefits void, Ch 28, §18(p95)
Contributions from employees, effect on employers, Ch 28, §36(p97)
Costs on appeal, Ch 28, §94(p110)
Court defined, Ch 28, §61(p105)
Death cases, Ch 28, §27, 28, 30(p97)
Decision and finding of fact by commissioner, Ch 28, §87(p109)
Dependent persons, Ch 28, §40(p101)
Depositions, use at hearing, Ch 28, §84(p108)
Employer assumed to provide compensation, Ch 28, §3(p91)
Employer defined, Ch 28, §61(p105)
Employers affidavit required, oath, Ch 28, §10, 11(p93)
Employers liability both reject, Ch 28, §14-16(p94)
Employees' notice to reject form, Ch 28, §9(p92)
Employers notice to reject, Ch 28, §8(p92)
Employers notice to reject, Ch 27, §5(p91)
Evidences, liberal rules for board of arbitration, Ch 28, §80(p108)
Examination of injured employees, suspension of compensation, Ch 28, §37(p100)
Failure to reject, implied agreement, Ch 28, §14(p94)
Findings of arbitrators filed, Ch 28, §85(p109)
Fraud, undue influence used to obtain rejection, Ch 28, §10(p93)

INDUSTRIAL COMMISSIONER:

Agreements for compensation, when receivable, Ch 28, §96(p110)
Appointment of arbitrators, Ch 28, §77(p108)
Compensation agreements, approval, Ch 28, §75(p107)
Compensation of arbitrators, Ch 28, §103(p111)
Decision and finding of fact by commissioner, Ch 28, §87(p109)
District court judgment on award, Ch 28, §105(p111)
Findings of commissioner, when final, Ch 28, §91(p110)
Judgment modified by district court, Ch 28, §105-al(p111)
Medical fees approval, Ch 28, §102(p111)
Notice of hearing by commissioner, how given, Ch 28, §98(p110)
Petition for review of hearing, Ch 28, §86(p109)
Physician appointed by commissioner, Ch 28, §101(p111)
Physicians fees approved, Ch 28, §102(p111)
Place of hearing on review, Ch 28, §99(p110)
Power of court on appeal of hearing, Ch 28, §92(p110)
Remand by court to commissioner, Ch 28, §93(p110)
Reports of injuries submitted to commissioner, Ch 28, §73(p107)
Supplemental reports by employer, Ch 28, §74(p107)
Transcript on appeal certified, Ch 28, §89(p109)
Trial term after appeal, precedence, Ch 28, §90(p109)
Witness fees and mileage allowed, Ch 28, §104(p111)
Injury or personal injury, defined, Ch 28, §61(p104)
Insurance against compensation prohibited, penalty, Ch 28, §54(p103)
Intrastate and interstate employers bound by provisions of this act, Ch 28, § 57(p104)
Liability of third party, subrogation, Ch 28, §22(p95)
Limitation of actions, Ch 28, §23-al(p96)
Lump sum payments, conditions, Ch 28, §43 - 45-al(p101)
Minor's, paid to trustees, Ch 28, §46(p102)
Negligence in case of injury presumed, employers burden of proof, Ch 28, §19 (p95)
Notice of hearing by commissioner, Ch 28, §97(p108)

WORKMENS COMPENSATION - concluded

4

Notice of injury, effect of failure, Ch 28, §23(p96)
Notice of injury, form, service of notice, Ch 28, §24, 25(p96)
Notice to reject provisions, form, Ch 28, §5(p91)
Oath of arbitrators, form, Ch 28, §78(pl08)
Payment to spouse, death, effect, Ch 28, §41(pl01)
Payrolls, and records open to inspection by commissioners, Ch 28, §72(pl07)
Peace officers, compensation provision, Ch 28, §61-a1(pl05)
Permanent total disability compensation, Ch 28, §33(p98)
Persons to whom not applicable, Ch 28, §1(p91)
Petition for review of hearing, Ch 28, §86(pl09)
Powers of board of arbitration, hearings, Ch 28, §79(pl08)
Power of court on appeal of hearing, Ch 28, §92(pl10)
Reporter, appointed for hearing, compensation, Ch 28, §81(pl08)
Rejection by employers defenses, Ch 28, §7, 8(p92)
Rejection of provisions, Ch 28, §4(p91)
Rights of injured employee exclusive, presumption, Ch 28, §20(p95)
Schedule of permanent partial disabilities, Ch 28, §34(p99)
Settlement of approval by industrial commissioner, Ch 28, §22(p95)
Settlement, third party affected, Ch 28, §22(p95)
Statement of earnings, refusal to furnish, effect, Ch 28, §39(pl01)
Statement of earnings, employer to furnish, Ch 28, §39(pl01)
State employees, payment of compensation, Ch 28, §58-60(pl04)
Subsequent election to reject, liability, Ch 28, §21(p95)
Surgical and medical services, Ch 28, §26(p97)
Temporary disability, compensation, Ch 28, §32(p98)
Tenure of election to reject, waiver, Ch 28, §12, 13(p94)
Transcript as evidence on appeal, Ch 28, §91(pl10)
Transcript of evidence from hearings, Ch 28, §83(pl08)
Transcript on appeal, certified, Ch 28, §89(pl09)
Trial term after appeal, precedence, Ch 28, §90(pl09)
Trustees, annual reports to court, Ch 28, §47(pl03)
Trustees, compensation, Ch 28, §47(pl03)
Trustees for alien dependents, Ch 28, §49(pl03)
Trustees for minor's and incompetents, Ch 28, §46(pl02)
Waiver of provisions prohibited, Ch 28, §85(p103)
Witnesses compelled to attend hearing, Ch 28, §84-a1(pl09)
Workmen or employee defined, Ch 28, §61(pl04)

WORKMENS COMPENSATION, INSURANCE, COMPANIES, see main head insurance, subhead
COMPENSATION LIABILITY INSURANCE