

State of Iowa
1919

REPORT OF
THE
CODE COMMISSION

Issued Under Chapter Fifty, Acts of the Thirty-Eighth
General Assembly

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REPORT OF CODE COMMISSION

To the Thirty-eighth General Assembly of Iowa:

Pursuant to the provisions of chapter fifty, acts of the thirty-eighth general assembly, the code commission organized and entered upon the discharge of its duties on March 19, 1919, and has been continuously engaged therein ever since.

The commission's duties are stated in said act to be to edit and codify the laws, and report necessary and desirable changes to the general assembly, and print and bind, in one complete volume, existing laws of a general nature, in such shape as to be amended and adopted as the permanent code. Accordingly, the commission prepared a compiled code of such existing laws, which was printed and distributed on December 1, 1919.

By far the more difficult and important part of the work consisted of preparing the report of necessary and desirable changes in the laws. It was considered by the commission that merely to report the *necessity* for such changes would be of little value to the general assembly, therefore it was concluded that the report of the commission should consist of a series of bills for the purpose of amending, revising and codifying such sections, chapters and titles of the compiled code as, in the judgment of the commission, would be simplified and improved thereby.

It would serve no useful purpose to set out in detail the specific reasons for proposing the several bills and changes in the law. The bills speak for themselves, and in the main we believe the reasons for changes suggested will be apparent on comparing the bills with the present law.

Every bill and every part thereof received individual consideration by each member of the commission, as well as by the commission in session.

As stated in a communication of the commission to the general assembly soon after its organization, the time allowed in the act for doing all this work was scant indeed, and the commission found it impossible to complete all bills constituting its report on or before January 1, 1920, and so advised the executive council, and asked that bills for expenses of continuing and completing the work be audited and allowed. This the executive council refused to do, which necessitated the bringing of a mandamus suit, as a test case, against the executive council, and the secretary, auditor and treasurer of state, which was filed in the district court of Polk county on January twentieth, and decided in favor of the commission on the twenty-third day of January, appealed to the supreme court, and by it affirmed on the twenty-sixth day of January, 1920. This action of the executive council interfered with and retarded the work of the commission for several days. However, the commission decided that it would complete its work, whether paid for it or not.

There is submitted herewith as part hereof code commissioners' bills from 1 to 253, inclusive, together with a schedule showing the number and subject matter of each bill.

We have caused to be printed the uniform limited partnership act to take the place of our archaic law on the subject. In view of the fact that the general assembly has adopted the uniform act in reference to personal property, we recommend, without printing the acts, to your favorable consideration, the uniform acts in regard to conditional sales and fraudulent sales as prepared by the national commission on uniformity of laws.

Your attention is called particularly to Code Commissioners' Bill No. 1, and it is suggested that it be first considered, because therein is set forth the procedure which it was assumed the general assembly would be likely to follow in considering the bills presented by the commission.

We also take the liberty of suggesting that all the bills be introduced in both senate and house in rotation, so that the code commissioners' number and the senate number and the house number of each bill will be the same. If this is done, it will avoid confusion in consideration of the bills by the general assembly and its committees.

We have caused to be printed a thousand copies of each bill, which will furnish an ample supply for each house. We have also caused to be printed and bound in a book a copy of each bill, and five hundred copies of such book for convenient use of the members, and for preservation of the report of the commission.

We have placed at the bottom of each section of each bill a reference to the section or sections of the compiled code from which the subject matter of the section was obtained, and have endeavored to show whether the section is a mere codification, a revision, with some changes, or is new matter. If considered to be a codification, the section numbers only, from which derived, are given; if a revision, the word "modified" is added; if entirely new, the word "New" is placed below the section.

In considering the bills it may be necessary to consider other sections of the compiled code relating to the same subject matter. Some of the bills are interrelated, and in order to fully understand any bill it may be necessary to consider some of the other bills, because they have been drawn with the object in view of avoiding needless repetition and co-ordinating the various parts of the code into a series of harmonious sections, chapters and titles.

As a result of many valuable suggestions received from judges, lawyers, members of the general assembly, state officers, members of commissions, and many citizens, pointing out inaccuracies and defects in the law, we have recommended a considerable number of changes, especially in the administrative parts of the law, but we have recommended no changes in any part of the law except such as we were unanimously convinced would be approved by the minds of reasonable men and would be clearly for the public benefit.

We also submit herewith a table, giving the section numbers of the compiled code affected by the bills, and the number of the bill in which each section or part thereof is amended, revised or codified. It will sometimes occur that a section of the compiled code will be amended, revised or codified in two or more separate sections of a bill, or in separate sections of different bills, in order to bring related matter together.

The compiled code and the report of the commission are the result of the best efforts of all concerned in its preparation, and are submitted to the general assembly for its consideration and candid judgment, in the belief that they will be found to be of material aid to the general assembly

in performing a great public service. All our assistants and employees have shown great interest, and been most faithful and efficient in their work.

Respectfully submitted,

J. H. TREWIN,
J. C. MABRY,
U. G. WHITNEY,
Code Commission.

February 1, 1920.

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70	6	193	12	265	14	377	21
71	6	194	12	266	14	378	21
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73	6	196	12	268	14	380	21
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132	8	208	12	280	15	392	21
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435	25	609	31	720	40	792	41
436	25	610	31	721	40	793	41
437	25	611	32	722	40	794	41
438	25	612	32	727	41	795	41
439	25	613	32	728	41	796	41
440	25	614	32	729	41	797	41
441	25	615	32	730	41	798	41
442	25	616	32	731	41	799	41
443	25	617	32	732	41	800	41
444	25	618	32	733	41	801	41
445	25	619	32	734	41	802	41
446	25	620	32	735	41	803	41
447	25	621	32	736	41	804	41
448	25	622	32	737	41	805	41
449	25	623	32	738	41	806	41
450	25	624	32	739	41	807	42
451	25	625	32	740	41	808	42
452	25	626	32	741	41	809	42
453	25	627	32	742	41	810	42
454	25	628	32	743	41	811	42
455	25	632	33	744	41	812	42
456	25	638	33	745	41	813	42
457	25	639	34	746	41	814	42
458	25	640	34	747	41	815	42
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463	25	645	34	752	41	820	42
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465	25	647	34	754	41	822	42
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471	26	652	34	759	41	827	42
473	26	653	34	760	41	828	42
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476	26	656	34	763	41	831	42
479	26	657	50	764	41	832	42
481	26	658	50	765	41	833	42
484	26	659	50	766	41	834	42
490	26	660	50	767	41	835	42
521	27	661	50	768	41	836	42
522	27	662	50	769	41	837	42
523	27	668	35	770	41	838	42
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853	42	974	51	1106	54	1174	54
854	42	976	51	1107	54	1175	54
855	42	977	51	1108	54	1176	54
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874	46	1035	52	1122	54	1226	58
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880	46	1042	53	1128	54	1234	59
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900	63	1069	63	1148	54	1254	62
901	63	1070	63	1149	54	1255	62
902	63	1071	63	1150	54	1256	62
903	63	1072	63	1151	54	1257	62
904	63	1073	63	1152	54	1258	62
905	63	1074	63	1153	54	1259	62
906	63	1075	63	1154	54	1260	62
907	63	1076	63	1155	54	1261	62
908	63	1077	63	1156	54	1262	63
909	63	1078	63	1157	54	1263	63
910	63	1079	63	1158	54	1264	63
911	63	1080	63	1159	54	1265	63
912	63	1081	63	1160	54	1266	63
913	63	1082	63	1161	54	1267	63
917	51	1083	63	1162	54	1268	63
920	51	1084	63	1163	54	1269	63
921	51	1085	63	1164	54	1270	63
922	51	1086	63	1165	54	1271	63
924	51	1087	63	1166	54	1272	63
929	51	1088	63	1167	54	1273	63
933	51	1089	63	1168	54	1274	63
		1090	63	1169	54	1275	63

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TABLE SHOWING SECTIONS CODIFIED

Compiled Code Section	Commissioners Bill No.						
1276	63	1344	63	1412	63, 64	1480	64
1277	63	1345	63	1413	63	1481	64
1278	63	1346	63	1414	63	1482	64
1279	63	1347	63	1415	63	1483	64
1280	63	1348	63	1416	63	1484	64
1281	63	1349	63	1417	63	1485	64
1282	63	1350	63	1418	63	1486	64
1283	63	1351	63	1419	63	1487	64
1284	63	1352	63	1420	63	1488	64
1285	63	1353	63	1421	63	1489	64
1286	63	1354	63	1422	63	1490	64
1287	63	1355	63	1423	63	1491	64
1288	63	1356	63	1424	63	1492	64
1289	63	1357	63	1425	63	1493	64
1290	63	1358	63	1426	63	1494	64
1291	63	1359	63	1427	64	1495	64
1292	63	1360	63	1428	64	1496	64
1293	63	1361	63	1429	64	1497	64
1294	63	1362	63	1430	64	1498	64
1295	63	1363	63	1431	64	1499	64
1296	63	1364	63	1432	64	1500	64
1297	63	1365	63	1433	64	1501	64
1298	63	1366	63	1434	64, 63	1502	64
1299	63	1367	63	1435	64	1503	64
1300	63	1368	63	1436	64	1504	64
1301	63	1369	63	1437	64	1505	64
1302	63	1370	63	1438	64	1506	64
1303	63	1371	63	1439	64	1507	64
1304	63	1372	63	1440	64	1508	64
1305	63	1373	63	1441	64	1509	64
1306	63	1374	63	1442	64	1510	64
1307	63	1375	63	1443	64	1511	64
1308	63	1376	63	1444	64	1512	64
1309	63	1377	63	1445	64	1513	64
1310	63	1378	63	1446	64	1514	64
1311	63	1379	63	1447	64	1515	64
1312	63	1380	63	1448	64	1516	64
1313	63	1381	63	1449	64	1517	64
1314	63	1382	63	1450	64	1518	64
1315	63	1383	63	1451	64	1519	64
1316	63	1384	63	1452	64	1520	64
1317	63	1385	63	1453	64	1521	64
1318	63	1386	63	1454	64	1522	64
1319	63	1387	63	1455	64	1523	64
1320	63	1388	63	1456	64	1524	64
1321	63	1389	63	1457	64	1525	64
1322	63	1390	63	1458	64	1526	64
1323	63	1391	63	1459	64	1527	64
1324	63	1392	63	1460	64	1528	64
1325	63	1393	63	1461	64	1529	64
1326	63	1394	63	1462	64	1530	64
1327	63	1395	63	1463	64	1531	64
1328	63	1396	63	1464	64	1532	64
1329	63	1397	63	1465	64	1533	64
1330	63	1398	63	1466	64	1534	64
1331	63	1399	63	1467	64	1535	64
1332	63	1400	63	1468	64	1536	64
1333	63	1401	63	1469	64	1537	64
1334	63	1402	63	1470	64	1538	64
1335	63	1403	63	1471	64	1539	64
1336	63	1404	63	1472	64	1540	64
1337	63	1405	63	1473	64	1541	64
1338	63	1406	63	1474	64	1542	64
1339	63	1407	63	1475	64	1543	64
1340	63	1408	63	1476	64	1544	64
1341	63	1409	63	1477	64	1545	64
1342	63	1410	63	1478	64	1546	64
1343	63	1411	63	1479	64	1547	64

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TABLE SHOWING SECTIONS CODIFIED

Compiled Code Section	Commissioners Bill No						
1548	64	1616	65	1714	68	1782	68
1549	64	1617	65	1715	68	1783	68
1550	64	1618	65	1716	68	1784	68
1551	64	1619	65	1717	68	1785	68
1552	64	1620	65	1718	68	1786	68
1553	64	1621	65	1719	68	1787	68
1554	64	1622	65	1720	68	1788	68
1555	64	1623	65	1721	68	1789	68
1556	64	1624	65	1722	68	1790	68
1557	64	1625	65	1723	68	1791	68
1558	64	1626	65	1724	68	1792	68
1559	64	1627	65, 12	1725	68	1793	68
1560	64	1628	65, 12	1726	68	1794	68
1561	64	1629	65	1727	68	1795	68
1562	64	1630	65	1728	68	1796	68
1563	64	1631	65	1729	68	1797	68
1564	64	1632	65	1730	68	1798	68
1565	64	1633	65	1731	68	1799	68
1566	64	1634	65	1732	68	1800	68
1567	64	1635	65	1733	68	1801	68
1568	64	1636	65	1734	68	1802	69
1569	64	1637	65	1735	68	1803	69
1570	64	1638	65	1736	68	1804	69
1571	64	1639	65	1737	68	1805	69
1572	64	1640	65	1738	68	1806	69
1573	64	1645	65	1739	68	1807	69
1574	64	1646	65	1740	68	1808	69
1575	64	1647	65	1741	68	1809	69
1576	64	1648	65	1742	68	1810	69
1577	64	1649	65	1743	68	1811	69
1578	64	1650	65	1744	68	1812	69
1579	64	1651	65	1745	68	1813	69
1580	64	1652	65	1746	68	1814	70
1581	64	1653	65	1747	68	1815	70
1582	64	1657	66	1748	68	1816	70
1583	64	1660	66	1749	68	1817	70
1584	64	1661	66	1750	68	1821	71
1585	64	1670	66	1751	68	1822	71
1586	64	1671	66	1752	68	1823	71
1587	64	1673	66	1753	68	1824	71
1588	64	1675	66	1754	68	1825	71
1589	64	1676	66	1755	68	1826	71
1590	64	1677	66	1756	68	1827	71
1591	64	1678	66	1757	68	1828	71
1592	64	1680	66	1758	68	1829	71
1593	64	1681	66	1759	68	1830	71
1594	64	1682	66	1760	68	1831	71
1595	64	1683	66	1761	68	1832	71
1596	64	1684	66	1762	68	1833	71
1597	64	1685	66	1763	68	1834	71
1598	64	1686	66	1764	68	1835	71
1599	64	1687	66	1765	68	1836	71
1600	64	1688	66	1766	68	1837	71
1601	64	1689	66	1767	68	1838	71
1602	64	1690	66	1768	68	1839	71
1603	64	1691	67	1769	68	1840	71
1604	64	1692	67	1770	68	1841	71
1605	64	1693	67, 12	1771	68	1842	71
1606	64	1694	67	1772	68	1843	71
1607	64	1695	67	1773	68	1844	71
1608	64	1696	67	1774	68	1845	71
1609	64	1697	67	1775	68	1846	71
1610	64	1698	67	1776	68	1847	71
1611	64	1701	67	1777	68	1848	71
1612	64	1705	67	1778	68	1849	71
1613	65	1711	67	1779	68	1850	71
1614	65	1712	68	1780	68	1851	71
1615	65	1713	68	1781	68	1852	84

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TABLE SHOWING SECTIONS CODIFIED

Compiled Code Section	Commis- sioners Bill No	ompiled ode Section	Commis- sioners Bill No.	Compiled Code Section	Commis- sioners Bill No.	Compiled Code Section	Commis- sioners Bill No.
1853	84, 73	1921	84	1989	84	2057	84
1854	84	1922	84	1990	84	2058	84
1855	84	1923	84	1991	84	2059	84
1856	84	1924	84	1992	84	2060	84
1857	84	1925	84	1993	84	2061	84
1858	84	1926	84	1994	84	2062	84
1859	84	1927	84	1995	84	2063	84
1860	84	1928	84	1996	84	2064	84
1861	84	1929	84	1997	84	2065	84
1862	84	1930	84	1998	84	2066	84
1863	84	1931	84	1999	84	2067	84
1864	84	1932	84	2000	84	2068	84
1865	84	1933	84	2001	84	2069	84
1866	84	1934	84	2002	84	2070	84
1867	84	1935	84	2003	84	2071	84
1868	84	1936	84	2004	84	2072	84
1869	84	1937	84	2005	84	2073	84
1870	84	1938	84	2006	84	2074	84
1871	84	1939	84	2007	84	2075	84
1872	84	1940	84	2008	84	2076	84
1873	84	1941	84	2009	84	2077	84
1874	84	1942	84	2010	84	2078	84
1875	84	1943	84	2011	84	2079	84
1876	84	1944	84	2012	84	2080	84
1877	84	1945	84	2013	84	2081	84
1878	84	1946	84	2014	84	2082	84
1879	84	1947	84	2015	84	2083	84
1880	84	1948	84	2016	84	2084	84
1881	84	1949	84	2017	84	2085	84
1882	84	1950	84	2018	84	2086	84
1883	84	1951	84	2019	84	2087	84
1884	84, 97	1952	84	2020	84	2088	84
1885	84	1953	84	2021	84	2089	84
1886	84	1954	84	2022	84	2090	84
1887	84	1955	84	2023	84	2091	84
1888	84	1956	84	2024	84	2092	84
1889	84	1957	84	2025	84	2093	84
1890	84	1958	84	2026	84	2094	84
1891	84	1959	84	2027	84	2095	84
1892	84	1960	84	2028	84	2096	84
1893	84	1961	84	2029	84	2097	84
1894	84	1962	84	2030	84	2098	84
1895	84	1963	84	2031	84	2099	84
1896	84	1964	84	2032	84	2100	84
1897	84	1965	84	2033	84	2101	84
1898	84	1966	84	2034	84	2102	84
1899	84	1967	84	2035	84	2103	84
1900	84	1968	84	2036	84	2104	84
1901	84	1969	84	2037	84	2105	84
1902	84	1970	84	2038	84	2106	84
1903	84, 73	1971	84	2039	84	2107	84
1904	84	1972	84	2040	84	2108	84
1905	84	1973	84	2041	84	2109	84
1906	84	1974	84	2042	84, 12	2110	84
1907	84	1975	84	2043	84	2111	84
1908	84	1976	84	2044	84	2112	84
1909	84	1977	84	2045	84	2113	84
1910	84	1978	84	2046	84	2114	84
1911	84	1979	84	2047	84	2115	84
1912	84	1980	84	2048	84	2116	84
1913	84	1981	84	2049	84	2117	84
1914	84	1982	84	2050	84	2118	84
1915	84	1983	84	2051	84	2119	84
1916	84	1984	84	2052	84	2120	84
1917	84	1985	84	2053	84	2121	84
1918	84	1986	84	2054	84	2122	84
1919	84	1987	84	2055	84	2123	84
1920	84	1988	84	2056	84	2124	84

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TABLE SHOWING SECTIONS CODIFIED

Compiled Code Section	Commissioners Bill No	Compiled Code Section	Commissioners Bill No.	Compiled Code Section	Commissioners Bill No	Compiled Code Section	Commissioners Bill No.
2125	84	2193	84	2261	84	2335	90
2126	84	2194	84	2262	84	2336	90
2127	84	2195	84	2263	85	2337	90
2128	84	2196	84	2264	85	2338	90
2129	84	2197	84	2265	86	2339	90
2130	84	2198	84	2266	86	2340	90
2131	84	2199	84	2267	86	2341	90
2132	84	2200	84	2268	86	2342	90
2133	84	2201	84	2269	86	2343	90
2134	84	2202	84	2270	86	2344	90
2135	84	2203	84	2271	85	2345	91
2136	84	2204	84	2272	86	2346	91
2137	84	2205	84	2273	85	2347	90
2138	84	2206	84	2274	86	2352	91
2139	84	2207	84	2275	86	2353	91
2140	84	2208	84	2276	86	2354	91
2141	84	2209	84	2277	86	2375	92
2142	84	2210	84	2278	87	2376	92
2143	84	2211	84	2279	87	2377	92
2144	84	2212	84	2280	87	2378	92
2145	84	2213	84	2281	87	2379	92
2146	84	2214	84	2282	87	2380	92
2147	84	2215	84	2283	87	2381	92
2148	84	2216	84	2284	87	2382	92
2149	84	2217	84	2285	87	2383	92
2150	84	2218	84, 228	2286	87	2384	92
2151	84	3219	84	2287	87	2385	92
2152	84	2220	84	2288	87	2386	92
2153	84	2221	84	2289	87	2387	92
2154	84	2222	84	2290	87	3888	92
2155	84	2223	84	2291	87	2389	92
2156	84	2224	84	2292	87	2390	92
2157	84	2225	84	2293	87	2391	92
2158	84	2226	84	2294	87	2392	92
2159	84	2227	84	2295	88	2393	92
2160	84	2228	84	2296	88	2394	92
2161	84	2229	84	2297	88	2396	93
2162	84	2230	84	2298	88	2397	93
2163	84	2231	84	2299	88	2398	90
2164	84	2232	84	2300	88	2399	90
2165	84	2233	84	2301	88	2400	90
2166	84	2234	84	2302	88	2401	90
2167	84	2235	84	2303	88	2402	90
2168	84	2236	84	2304	88	2403	90
2169	84	2237	84	2305	88	2404	90
2170	84	2238	84	2306	88	2405	90
2171	84	2239	84	2307	88	2406	90
2172	84	2240	84	2308	88	2407	90
2173	84	2241	84	2313	89, 90	2408	90
2174	84	2242	84	2315	89, 88	2409	90
2175	84	2243	84	2318	90	2410	90
2176	84	2244	84	2319	90	2411	90
2177	84	2245	84	2320	90	2412	90
2178	84	2246	84	2321	90	2413	90
2179	84	2247	84	2322	90	2414	90
2180	84	2248	84	2323	90	2415	93
2181	84	2249	84	2324	90	2431	94, 90
2182	84	2250	84	2325	90	2432	90
2183	84	2251	84	2326	90	2433	94
2184	84	2252	84	2327	90	2434	94
2185	84	2253	84	2328	90	2435	94
2186	84	2254	84	2329	90	2436	90
2187	84	2255	84	2330	90	2437	90
2188	84	2256	84	2331	90	2438	95
2189	84	2257	84	2332	90	2439	95
2190	84	2258	84	2333	90	2440	90
2191	84	2259	84	2334	90	2441	96, 90
2192	84	2260	84			2442	96

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TABLE SHOWING SECTIONS CODIFIED

Compiled Code Section	Commissioners Bill No	Compiled Code Section	Commissioners Bill No	Compiled Code Section	Commissioners Bill No	Compiled Code Section	Commissioners Bill No.
2443	96	2536	101, 25	2679	111	2834	117
2444	90	2537	101	2680	111	2842	118
2447	97	2542	101	2699	112	2843	118
2448	97	2543	101	2716	113	2844	118
2449	97	2544	101	2725	113	2845	118
2450	97	2545	101	2728	114	2846	118
2451	97	2548	101	2729	114	2847	118
2452	97	2549	101	2730	114	2848	118
2453	97	2550	101, 99	2731	114	2849	118
2454	97	2551	101	2732	114	2850	118
2455	97	2552	101	2733	114	2851	118
2456	97	2553	101	2734	114	2852	118
2457	97	2557	101	2735	114	2853	118
2458	97	2559	101	2736	114	2854	118
2459	98	2560	101	2737	114	2855	118
2460	98	2567	101	2738	114	2856	118
2461	98	2573	85	2739	114	2857	118
2462	98, 84	2575	85	2746	114	2858	119
2463	98	2578	101	2747	114	2859	119
2464	98	2581	102	2748	114	2860	119
2465	98	2582	102	2749	114	2861	120
2466	98	2591	103	2750	114	2862	120
2467	98	2597	104	2751	114	2863	120
2468	98	2598	104	2752	114	2864	120
2469	98	2599	104	2753	114	2865	121
2470	98	2601	104	2754	114	2866	121
2471	98	2606	105	2755	114	2867	121
2478	99	2607	105	2756	114	2868	121
2479	99	2608	105	2757	114	2869	121
2480	99	2611	106	2758	114	2870	121, 177
2481	88, 99	2612	106	2759	114	2871	121
2482	88	2615	106	2760	114	2872	121
2483	88	2619	107	2761	114	2873	121
2484	99	2621	107	2762	114	2874	121
2485	88	2625	107	2763	114	2875	121
2486	88	2628	85	2764	114	2876	121
2487	88	2635	108	2765	114	2877	121, 123
2488	88	2636	108	2766	114	2878	121
2489	99	2637	108	2767	114	2879	121
2490	99	2638	108	2768	114	2880	121
2491	88	2639	109, 101	2776	115	2881	121
2492	88	2640	109	2777	115	2882	121
2493	88	2641	109	2778	115	2883	121
2494	88	2642	109	2779	115	2884	121
2495	88	2643	109	2780	115	2885	121
2496	88	2646	109	2781	115	2886	121
2497	88	2647	109	2782	115	2887	121
2498	88	2648	109	2783	115	2888	121, 187
2499	88	2649	109	2784	115	2889	121
2500	99	2653	110, 99	2785	115	2890	121
2501	99	2658	110	2786	115	2891	121
2502	99	2660	110	2787	115	2892	121
2503	99	2663	111	2788	116	2893	121
2504	99	2664	111	2789	116	2894	121
2505	99	2665	111	2790	116	2895	121
2506	99	2666	111	2791	116	2896	121
2508	100	2667	111	2792	116	2897	121
2509	100	2668	111	2793	116	2898	121
2517	100	2669	111	2799	117	2899	121
2524	100	2670	111	2816	117	2900	121
2525	100	2671	111	2826	117	2901	121
2526	100	2672	111	2827	117	2902	123
2527	100	2673	111	2828	117	2904	122
2528	100	2674	111	2829	117	2905	122
2529	100	2675	111	2830	117	2906	122
2530	100	2676	111	2831	117	2907	122
2531	100	2677	111	2832	117	2908	122
2532	100	2678	111	2833	117	2909	123

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Compiled Code Section	Commissioners Bill No.						
2970	123	3139	130	3278	140	3369	146
2971	123	3140	130	3279	140	3370	147
2972	123	3141	130	3283	140	3371	147
2973	123	3142	130	3287	140	3372	147
2974	123	3143	130	3289	140	3373	147
2975	123	3146	131	3293	140	3374	147
2976	123	3147	131	3302	141	3375	147
2977	123	3158	131	3304	141	3376	147
2978	123	3162	137	3309	142	3377	148
2979	123	3163	137	3310	142	3378	148
2980	123	3164	137, 131	3311	142	3379	148
2981	123	3173	132	3312	142	3380	148
2982	123	3174	132	3313	142	3381	148
2983	123	3176	137	3314	142	3382	148
2984	123	3177	137	3315	142	3383	148
2985	123	3178	137	3316	142	3384	148
2986	123	3180	133	3317	142	3385	149
2987	123	3187	133, 137	3318	142	3399	149
2988	123	3188	137	3319	142	3401	150
2989	123	3189	134	3320	142	3402	150
2990	123	3190	134, 252	3321	142	3403	150
2991	123	3191	134, 137	3322	142	3404	150
2992	123	3192	134	3323	142	3405	150
2993	123	3193	134	3324	142	3406	150
2994	123	3194	137	3325	142	3407	150
2995	123, 124	3205	135	3326	142	3408	150
2996	123	3206	135, 137	3327	142	3411	150
2997	123, 145	3208	137	3328	142	3414	150
2998	124	3209	137	3329	142	3415	150
2999	124	3210	137	3330	142	3418	150
3000	124	3211	137	3331	142	3420	150
3001	125	3219	136	3332	142	3423	150
3002	125	3220	136	3333	142	3424	151
3003	125	3221	136	3334	143	3425	151
3004	125	3225	136	3335	143	3426	151
3005	125	3226	136	3336	143	3427	151
3006	125	3228	136	3337	143	3428	151
3007	125	3231	136	3338	143	3429	151
3008	125	3242	138	3339	143	3430	151
3009	125	3243	138	3340	143	3431	151
3014	126	3244	138	3341	143	3432	151
3015	126	3245	138	3342	144, 19	3433	151
3016	126	3246	138	3343	144, 19	3434	151
3017	126	3247	138	3344	144	3435	151
3018	126	3248	138	3345	144	3440	151, 63
3019	126	3249	138	3346	144	3441	151
3020	126	3250	138	3347	144	3443	165
3021	127	3251	138	3348	19	3445	151
3022	127	3252	138	3349	19	3446	151
3023	127	3253	138	3350	19	3447	151
3024	127	3254	138	3351	19	3448	151, 63
3035	128	3255	138	3352	19	3449	151
3036	128	3256	138	3353	19	3450	151
3037	128	3257	138	3354	145	3453	151
3038	128	3258	138	3355	145	3454	151
3039	128, 191	3259	138	3356	145	3458	151
3040	128	3260	138	3357	146	3459	151
3042	128	3261	139	3358	146	3460	152
3043	128	3262	139	3359	146	3461	152
3044	128	3263	139	3360	146	3462	152
3115	129	3264	139	3361	146	3463	152
3124	129	3265	139	3362	146	3464	152
3127..	129	3266	139	3363	146	3465	152
3130	130, 117, 146, 165	3267	139	3364	146	3466	152
		3268	139	3365	146	3467	152
3131	130	3269	139	3366	146	3471	153
3136	130	3270	139	3367	146	3472	153
3138	130	3271	139	3368	146	3473	153

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3481	153	3634	179	3781	167	3903	169
3485	153, 177	3638	178	3808	168	3904	169
3488	153	3640	154	3811	168	3905	177
3497	153	3642	158	3814	168	3906	169
3504	153	3643	158	3825	168	3907	169
3508	154	3644	158	3835	169	3908	179
3509	154	3647	158	3836	168, 169	3909	177
3511	154	3648	158, 63	3840	168	3910	169, 177.
3512	154	3649	158	3841	168		179
3513	154	3650	158	3842	168	3911	169
3514	154	3651	158	3843	168	3912	169
3515	154	3652	158	3844	169	3913	169
3516	154	3656	158	3845	168	3914	169
3517	154	3659	158	3846	168	3915	169
3518	154	3660	158	3849	169	3916	169
3519	153	3661	158	3850	169	3917	169
3521	154	3662	158, 12	3851	169	3918	169
3530	154	3663	158	3852	169	3919	169
3531	154	3667	159	3853	169	3920	169
3532	154	3685	159	3854	169, 177	3921	169
3533	154	3686	159	3855	169	3922	169
3535	154	3687	160	3856	169, 156	3923	169
3536	154	3700	160	3857	169	3924	169
3541	154	3703	160	3858	169, 177	3925	169
3547	154	3707	161	3859	169	3926	169
3550	154	3708	161	3860	169	3927	169
3551	154	3722	178	3861	170	3928	169
3553	154	3723	178	3862	170	3937	170
3554	154	3724	178, 177	3863	170	3938	170
3563	155	3725	176, 178	3864	170	3944	170
3564	155	3726	177	3865	170	3950	170
3565	155	3730	162	3866	170	3951	179
3566	155	3733	177	3867	170	3953	170
3568	155	3734	163, 178	3868	170	3954	170
3570	155	3735	178, 177	3869	170	3955	171
3571	155	3736	176, 178	3870	170	3956	171
3575	156	3737	177	3871	170	3957	171
3577	156	3738	163	3872	170	3964	171
3578	156	3739	163	3873	169	3965	171
3580	156	3740	164, 176	3874	169	3966	172
3584	157	3741	177	3875	169	3967	172
3587	157	3742	178	3876	169	3968	172, 178
3592	158	3743	178, 164	3877	169	3969	172
3593	158, 177,	3744	178	3878	169	3972	172
	178	3745	164	3879	169	3976	172
3594	158	3746	164	3880	169	3977	172
3595	158	3747	164	3881	169	3982	173
3599	158	3748	164	3882	169, 168	3983	177
3600	158	3749	165, 178	3883	169	3987	173
3601	158	3752	165	3884	169	3988	173
3602	158	3753	176	3885	169	3990	173
3605	158	3754	176	3886	169	3991	173
3606	158	3758	177, 178	3887	169	3992	173
3607	158	3759	177	3888	169	3995	174
3608	158	3760	165	3889	169	4000	174
3609	158	3765	19	3890	169	4001	174
3610	158	3766	154	3891	169	4006	172
3611	158	3767	19	3892	169	4009	177
3612	158	3768	19	3893	169	4012	175
3620	158	3769	19	3894	169	4013	175
3622	158	3770	19	3895	169	4014	175
3623	158	3773	178, 177	3896	169	4015	175
3625	158	3774	178	3897	177	4016	175
3626	158	3775	176	3898	169	4017	175
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3631	177	3778	178	3900	169	4019	175

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4021	175	4345	182	4511	183	4820	185
4022	175	4346	182	4513	183	4821	185
4023	176, 177	4347	182	4567	183	4822	185
4024	176, 177,	4348	182	4595	183	4823	185
	178	4349	182	4609	183	4824	185
4027	176	4350	182	4619	183	4825	185
4031	177	4351	182	4620	183	4826	185
4032	177	4352	182	4693	183	4827	185
4033	177	4353	182	4708	184	4828	185
4034	177	4354	182	4709	184	4829	185
4037	177	4355	182	4710	184	4830	185
4038	177	4356	182	4713	184	4831	185
4039	177	4357	182	4717	184	4832	185
4040	177	4358	182	4721	184	4833	185
4041	177	4359	182, 8	4722	184	4834	185
4051	177	4360	182	4723	184	4835	185
4053	177	4361	182	4731	184	4836	185
4054	178	4362	182	4732	184	4837	185
4055	178	4363	182	4733	184	4838	185
4056	178	4364	182	4734	184	4839	185
4057	178	4365	182	4737	184	4840	185
4058	178	4366	182	4739	184	4841	185
4059	178	4367	182	4741	184	4842	185
4061	179	4369	182	4749	184	4843	185
4062	179	4371	182	4750	184	4844	185
4063	179	4378	182	4777	185	4845	185
4066	179	4379	182	4778	185	4846	185
4067	179	4380	182	4779	185	4847	185
4068	179	4381	182	4780	185	4848	185
4071	180	4382	182	4781	185	4849	185
4072	180	4383	182	4782	185	4850	185
4073	180	4392	182	4783	185	4851	185
4089	181	4393	182	4784	185	4852	185
4090	181	4394	182	4785	185	4853	185
4091	181	4395....	182	4786	185	4854	185
4092	181	4400	182	4787	185	4855	185
4093	181	4401	182	4788	185	4856	185
4094	181	4402	182	4789	185	4857	185
4095	181	4403	182	4790	185	4858	185
4096	181	4404	182	4791	185	4859	185
4097	181	4406	182	4792	185	4860	185
4098	181	4407	182	4793	185	4861	185
4099	181	4408	182	4794	185	4862	185
4100	181	4409	182	4795	185	4863	185
4101	181	4410	182	4796	185	4864	185
4102	181	4412	182	4797	185	4865	185
4103	181	4413	182	4798	185	4866	185
4104	181	4414	182	4799	185	4867	185
4105	181	4417	182	4800	185	4868	185
4114	63	4440	182	4801	185	4869	185
4210	63	4441	182	4802	185	4870	185
4211	63	4442	182	4803	185	4871	185
4213	63	4443	182	4804	185	4872	185
4299	182	4444	182	4805	185	4873	185
4306	182	4467	182	4806	185	4874....	185
4310	182	4468	182	4807	185	4875	185
4318	182	4482	183	4808	185	4876	185
4320	182	4483	183	4809	185	4877	185
4321	182	4484	183	4810	185	4878	185
4322	182	4485	183	4811	185	4879	185
4323	182	4486	183	4812	185	4880	185
4324	182	4487	183	4813	185	4881	185
4325	182	4493	183	4814	185	4882	185
4327	182	4499	183	4815	185	4883	185
4328	182	4500	183	4816	185	4884	185
4329	182	4508	183	4817	185	4885	185
4330	182	4509	183	4818	185	4886	185

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4890	185	4958	186	5029	191	5205	197, 188
4891	185	4959	187	5030	191	5206	188, 197
4892	185	4960	187	5031	191	5220	197
4893	185	4961	187	5032	191	5221	197
4894	185	4962	187	5033	191	5222	197, 73
4895	185	4963	187	5035	188	5238	188
4896	185	4964	187	5036	188	5239	200
4897	185	4965	187	5037	191, 188	5240	200
4898	185	4966	187	5038	191	5241	199
4899	185	4967	187	5039	191	5242	200
4900	185	4968	187	5040	191	5243	200
4901	185	4969	176, 182,	5041	191	5245	200
4902	185		187	5042	191	5246	200
4903	185	4970	176	5043	191	5249	200
4904	185	4971	187	5044	188	5345	201
4905	185	4972	187	5045	189	5375	73
4906	185	4973	187	5046	189	5377	202
4907	185	4974	187	5047	189	5378	202
4908	185	4975	187	5048	189	5398	203
4909	185	4976	176, 187	5049	189, 188	5401	203
4910	185	4977	187	5051	190	5421	201, 18
4911	185	4978	187	5052	190	5444	201
4912	185	4979	187	5055	190	5460	205, 32
4913	185	4980	187	5072	190	5461	205
4914	185	4981	187	5073	193	5462	205
4915	185	4982	190	5074	190	5466	12
4916	185	4983	187	5075	190	5478	206
4917	185	4984	187	5078	190	5480	206
4918	185	4985	187	5080	190	5496	206, 207
4919	185	4986	187	5090	194	5605	207
4920	185	4987	187	5092	195	5617	207
4921	185	4988	187	5101	190	5618	207
4922	187	4989	187	5102	190	5741	208
4923	185	4990	187	5103	190	5742	208
4924	185	4991	187	5105	190	5744	208, 32
4925	185	4992	187	5106	190	5749	208
4926	185	4993	187	5107	190	5852	209
4927	185	4994	187	5121	192	5897	204
4928	185	4995	187	5122	192	6180	74
4929	185	4996	187	5123	192	6181	74
4930	185	4997	187	5130	192	6182	74
4931	185	4998	187	5131	192	6183	74
4932	185	4999	187	5132	192	6184	74
4933	185	5000	187	5133	192	6185	74
4934	185	5001	187	5134	192	6186	74
4935	185	5002	190	5135	192	6187	74
4936	186	5003	190	5136	192	6188	74
4937	186	5004	190	5137	192	6189	74
4938	186	5005	190	5138	192	6190	74
4939	186	5006	190	5171	190	6191	74
4940	186	5007	190	5172	190	6192	74
4941	186	5008	187	5173	196	6193	74
4942	186	5009	187	5176	196	6194	74
4943	186	5010	200	5179	198	6195	74
4944	186	5011	187	5186	73	6205	210
4945	186	5012	190	5188	188, 73	6206	210
4946	186	5013	190	5189	188	6227	211
4947	186	5014	188	5190	188	6228	211
4948	186	5015	188	5191	188	6234	211
4949	186	5016	188	5192	188	6235	211
4950	186	5018	188	5193	188	6236	211
4951	186	5019	196	5194	188	6238	73
4952	186	5022	188	5195	188	6317	75
4953	186	5024	188	5196	188	6318	75
4954	186	5025	188	5197	188	6319	75

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6321	75	6407	78	6529	212	6870	220
6322	75	6408	78	6530	212	6871	220
6323	75	6409	78	6531	212	6872	220
6324	75	6410	78	6532	212	6873	220
6325	75	6411	78	6533	212	6874	220
6326	75	6412	78	6534	212	6875	220
6327	75	6413	78	6561	83	6876	220
6328	75	6414	79	6600	213	6877	220
6329	75	6415	79	6606	214	6878	220
6530	75	6416	79	6630	215	6879	220
6331	75	6417	79	6611	216	6880	220
6332	75	6418	79	6642	216	6881	220
6333	75	6419	79	6645	217	6882	220
6334	75	6420	79	6652	217	6883	220
6335	75	6421	79	6671	217	6884	220
6347	76	6422	79	6684	218	6885	220
6355	77	6423	79	6690	218	6886	220
6356	77	6424	79	6691	218	6887	220
6357	77	6425	79	6692	218	6888	220
6358	77	6426	79	6693	218	6889	220
6359	77	6427	79	6694	218	6890	220
6360	77	6428	79	6695	218	6891	220
6361	77	6429	79	6696	218	6892	220
6362	77	6430	79	6697	218	6893	220
6363	77	6431	80	6698	218	6894	220
6364	77	6432	80	6699	218	6895	220
6365	77	6433	80	6700	218	6900	220
6366	77	6434	80	6701	218	6908	221
6367	77	6452	81	6702	218	6911	221
6368	77	6453	81	6703	218	6951	222
6369	77	6454	81	6704	218	6955	222
6370	77	6492	82	6705	218	6967	223
6371	77	6493	82	6706	218	6972	225
6372	77	6494	82	6707	218	6980	225
6373	77	6495	82	6708	218	6982	225
6374	77	6496	82	6709	218	6983	137
6375	77	6497	82	6710	218	6984	137
6376	77	6498	82	6729	219	6985	137
6377	77	6499	82	6810	220	7085	226
6378	77	6500	82	6841	220	7148	227
6379	77	6501	82, 81	6842	220	7163	228
6380	77	6502	212	6843	220	7171	228
6381	77	6503	212	6844	220	7172	228
6382	77	6504	212	6845	220	7173	228, 129
6383	77	6505	212	6846	220	7180	228
6384	77	6506	212	6847	220	7181	228
6385	77	6507	212	6848	220	7183	228
6386	77	6508	212	6849	220	7184	228
6387	77	6509	212	6850	220	7185	228
6388	77	6510	212	6851	220, 32	7189	228
6389	77	6511	212	6852	220	7203	229
6390	77	6512	212	6853	220	7208	229
6391	77	6513	212	6854	220	7209	229
6392	77	6511	212	6855	220	7212	229
6393	77	6515	212	6856	220	7218	229
6394	77	6516	212	6857	220	7222	229
6395	77	6517	212	6858	220	7319	73
6396	77	6518	212	6859	220	7362	230
6397	77	6519	212	6860	220	7392	230
6398	77	6520	212	6861	220	7393	230
6399	83 77	6521	212	6862	220	7394	230
6400	77	6522	212	6863	220	7396	230
6401	77	6523	212	6864	220	7398	230
6402	77	6524	212	6865	220	7447	231
6403	77	6525	212	6866	220	7450	231
6404	77	6526	212	6867	220	7451	231
6405	77	6527	212	6868	220	7496	232

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7500	232	7942	240	8486	246	9052	250
7501	232	8087	243	8490	246	9053	250
7502	232	8089	243	8491	246	9054	250
7503	232	8090	220	8495	246	9055	250
7504	232	8160	241	8496	246	9056	250
7505	232	8161	241	8497	246	9057	250
7581	231	8166	241	8499	246	9058	250
7614	233	8178	241	8500	246	9059	250
7759	234, 73	8185	242	8502	246	9060	250
7778	235	8366	244	8504	246	9061	250
7787	236	8427	212	8528	246	9062	250
7791	237	8428	212	8582	217	9186	251
7809	237	8429	212	8618	213	9187	251
7830	237	8430	212	8645	218	9188	251
7832	237	8456	20	8803	249	9189	251
7848	238	8478	245, 11	8852	64	9562	252
7910	239	8479	245, 11	9051	250	9589	253

Code Commissioners' Bill No. 1

Subject: FORM OF BILLS

Senate File No. Referred to Committee on
House File No.
By Date

A BILL FOR

An act to amend, revise and codify sections forty-two (42) and forty-three (43) of the compiled code of Iowa, relating to the citation and form of bills for the amendment, revision, codification or repeal, of statutes.

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

That sections forty-two (42) and forty-three (43) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Citation of Compiled Code.

1 The compilation of the laws of Iowa, prepared by the code com-
2 mission appointed under the provisions of chapter fifty (50) of the
3 acts of the thirty-eighth general assembly, shall be known and cited
4 as the "Compiled Code".

[C. C. 42, 43, modified.]

Sec. 2. Citation of Permanent Code.

1 The permanent code to be published after the adjournment of
2 the extra session of the thirty-eighth general assembly shall be known
3 and cited as "The Code".

Sec. 3. Citation of Prior Codes.

1 All prior codes and supplements shall be cited by the year in
2 which published.

[C. C. 42, 43, modified.]

Sec. 4. Citation of Session Laws.

1 The session laws of each general assembly shall be known and
2 cited as “..... General Assembly, Chapter,
3 Section” (inserting the appropriate number).

[C. C. 42, 43, modified.]

Sec. 5. Citation of Future Supplements.

1 Any supplements to the code which may hereafter be issued under
2 authority of law, shall be known and cited as “Code Supplement,
3” (inserting the year of publication).

[C. C. 42, 43, modified.]

Sec. 6. Forms of Bills for Acts.

1 Bills designed to amend, revise, codify or repeal any law which
2 appears in the compiled code, “The Code”, or any supplement thereto,
3 or any session laws, shall refer as follows:

4 1. Those relating to sections of any code or supplement, to the
5 section, by number.

6 2. Those relating to any chapter of any code or supplement, to
7 such chapter and the number of the title in which it appears, by
8 number.

9 3. Those relating to any act of the general assembly not appear-
10 ing in any code or supplement, to the general assembly, the number
11 of the chapter, and section, by number.

12 4. All references shall be expressed in words followed by the

13 numerals in parentheses, and if omitted, the reporter of the supreme
 14 court in preparing acts for publication in the session laws, shall sup-
 15 ply the same.

[C. C. 42, 43, modified.]

Sec. 7. **Length of Sections—Sections to Be Germane.**

1 Where practicable, sections of bills shall not exceed sixteen (16)
 2 lines in length and shall be germane to the title, chapter or section to
 3 which they relate.

[New.]

Sec. 8. **Compiled Code.**

1 The compiled code submitted to the general assembly as a part
 2 of the code commissioners' report is adopted as the official code of
 3 Iowa, for convenience of reference in bills relating to the amendment,
 4 revision and codification of the laws; but this section shall not be
 5 construed as changing the meaning of any law.

[New.]

Sec. 9. **Title.**

1 The title of all bills to amend, revise and codify the laws shall be
 2 substantially as follows:

3 "A BILL FOR
 4 An act to amend, revise and codify title (or chapter
 5 of title , or section . , as
 6 the case may be) of the compiled code of Iowa, relating to (nam-
 7 ing the subject matter in general terms)."

[New.]

Sec. 10. **Enacting Clause.**

1 The enacting clause of such bills shall be substantially as follows:

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

3 That title (or chapter of title
4, or section, as the case may be) of
5 the compiled code of Iowa is amended, revised and codified to read
6 as follows:" (Here let sections of the bill follow in numerical order.)

[New.]

Sec. 11. **Head Notes and Citations.**

1 The proper head notes shall be placed at the beginning of each
2 section of the bills, and at the end of the section shall be the reference
3 to the section number of the compiled code from which the matter of
4 the bill was taken, but neither said head notes, nor the numbers of
5 the sections of the bills, nor said historical references shall be con-
6 sidered as a part of the law as enacted.

[New.]

Code Commissioners' Bill No. 2

Subject: ACQUISITION OF LANDS BY UNITED STATES

Senate File No... Referred to Committee on

House File No.....

By Date.....

A BILL FOR

An act to amend, revise and codify sections four (4) to eight (8), inclusive, 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, of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Acquisition of Lands by United States.

1 The United States of America may acquire by condemnation or
2 otherwise for any of its uses or purposes any real estate in this state,
3 and may exercise exclusive jurisdiction over the same for such uses
4 and purposes. This state reserves, when not in conflict with the con-
5 stitution of the United States or any law enacted in pursuance thereof,
6 the right of service on such real estate of any notice or process author-
7 ized by its laws; and reserves jurisdiction, except when used for naval
8 or military purposes, over all offenses committed thereon against its
9 laws and regulations and ordinances adopted in pursuance thereof.
10 Such real estate so acquired and held shall be exempt from all taxation,
11 including special assessments.

[C. C. 4-8.]

Code Commissioners' Bill No. 3

Subject: COMMITTEE ON RETRENCHMENT AND REFORM--COMMITTEE ON BILLS

Senate File No..... Referred to Committee on
House File No.....
By Date.....

A BILL FOR

An act to amend, revise and codify section thirty-nine (39) of the compiled code of Iowa, relating to the committee on retrenchment and reform, and providing for committee on bills.

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

That section thirty-nine (39) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Committee on Retrenchment and Reform.

1 The chairmen of the committees on ways and means, judiciary
2 and appropriations, of the senate and house, respectively, and two (2)
3 members of the minority party from the senate and two (2) members
4 of the minority party from the house, at each regular session, shall
5 constitute a standing committee, to be known as the joint committee
6 on retrenchment and reform.

[C. C. 39.]

Sec. 2. Minority Members.

1 The minority members shall be appointed by the president of the
2 senate and the speaker of the house, respectively, and if there be more
3 than one (1) minority party represented in either the house or senate,
4 consisting of five (5) or more members, one (1) member shall be ap-

5 pointed from each of said minority parties and if there be more than
6 two (2) such minority parties, the appointment shall be from the two
7 (2) minority parties having the greatest representation.

[C. C. 39.]

Sec. 3. Organization.

1 Said committee shall organize by electing a chairman and a secre-
2 tary from its membership, and may meet at such times and places as
3 may be ordered by resolution or upon call of the chairman and three
4 (3) other members of said committee.

[C. C. 39.]

Sec. 4. Authority After Adjournment.

1 The authority granted by law to the joint committee on retrench-
2 ment and reform shall continue after adjournment of the legislature
3 and until the succeeding legislature shall convene and organize, with
4 the same force and effect as is now granted by law to such committee
5 during the period the legislature is in session.

[C. C. 39.]

Sec. 5. Record.

1 Said committee shall make a record of its meetings and transac-
2 tions, which record shall be kept in the office of the secretary of state
3 and shall be open to public inspection.

[C. C. 39.]

Sec. 6. Expenses.

1 The actual expenses of attendance at meetings other than those
2 held during the time the legislature is in session shall be presented to
3 and audited by the state board of audit, and paid from any funds in the

4 state treasury not otherwise appropriated.

[C. C. 39.]

That the following is added to chapter two (2) of title one (1):

Sec. 7. Committee on Bills.

1 At the time of the announcement of the standing committees at
 2 each regular session of the general assembly, the president of the
 3 senate and the speaker of the house shall, respectively, appoint one
 4 (1) member of the senate and one (1) member of the house as a joint
 5 committee on bills.

[New.]

Sec. 8. Assistants—Appropriation.

1 The committee may appoint competent assistants and stenograph
 2 ers to aid in its work, and fix their compensation, which shall be paid
 3 out of any funds in the treasury not otherwise appropriated.

[New.]

Sec. 9. Duties.

1 The duties of the committee shall be:

- 2 1. To examine bills under consideration by the several commit-
 3 tees, on request of the committee.
- 4 2. To examine bills to determine the accuracy of the references
 5 therein to existing laws.
- 6 3. To examine into the relation to and effect of bills upon exist-
 7 ing laws and other pending bills.
- 8 4. To redraft bills, if deemed necessary, in direct and simple lan-
 9 guage, in short sections, so as to accomplish the object sought thereby.
- 10 5. To report the results of its investigations, with recommenda-

11 tions pertaining to such matters, to the committee or subcommittee
12 before which the bill is pending.

13 6. The committee shall perform like services for any member of
14 the general assembly upon request.

[New.]

Code Commissioners' Bill No. 4

Subject: LAWS EFFECTIVE BY PUBLICATION

Senate File No. Referred to Committee on
House File No.
By Date.....

A BILL FOR

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.

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

[C. C. 53.]

Subject: PUBLICATION OF SESSION LAWS

Senate File No.	Referred to Committee on
House File No. ....	.....
By	Date

A BILL FOR

An act to amend, revise and codify sections fifty-six (56), fifty-seven (57) and sixty-one (61) of the compiled code of Iowa, relating to the publication of the acts of the general assembly.

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

That Sections fifty-six (56) and fifty-seven (57) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Publication of Session Laws.

1 The reporter of the supreme court shall prepare the manuscript
2 copy of all laws, acts, joint resolutions and memorials passed at each
3 session of the general assembly, and arrange the same in chapters
4 in the order in which they are filed in the office of the secretary of
5 state. Each chapter shall show the number of the house or senate file.

[C. C. 56, modified.]

Sec. 2. Original Enrolled Bills.

1 In the preparation of said volume, the reporter shall have the
2 right to the possession of the enrolled bills.

[C. C. 57.]

Sec. 3. Style of Printing.

1 Said laws, acts, resolutions and memorials shall be printed in the

-
- 2 same size, style, type and appearance as the official edition of the code.
3 The said reporter shall prepare the index for said volume.

[C. C. 56.]

That section sixty-one (61) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 4. **Appropriation.**

- 1 There is hereby appropriated, out of any funds in the state treas-
2 ury not otherwise appropriated, for the purpose of providing the neces-
3 sary clerical assistance in preparing said volume, the sum of one
4 thousand two hundred dollars (\$1,200.00), or so much thereof as may
5 be necessary, for each special or regular session, which amount shall
6 be wholly available for each session immediately upon the legal organi-
7 zation of the general assembly.

[C. C. 61.]

Code Commissioners' Bill No. 6

Subject: DISTRIBUTION OF CODES AND SESSION LAWS

Senate File No..... Referred to Committee on
House File No.....
By Date.....

A BILL FOR

An act to amend, revise and codify chapters five (5) and six (6) of title one (1) of the compiled code of Iowa, relating to the sale and distribution of codes and session laws, and the method of accounting therefor.

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

That chapters five (5) and six (6) of title one (1) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Official Custodian of Laws.

1 The secretary of state shall be the legal custodian of all codes,
2 supplements thereto, and session laws, and shall sell and distribute the
3 same as provided in this chapter.

[C. C. 68.]

Sec. 2. Distribution by Secretary of State.

1 The secretary of state shall make free distribution of the code,
2 of all supplements thereto, and of the acts of each general assembly
3 as follows:

- 4 1. To state library for exchange purposes.....150 copies
5 2. To law library of state university for exchange pur-
6 poses 50 copies
7 3. To state historical department..... 10 copies
8 4. To state historical society..... 5 copies

DISTRIBUTION OF CODES AND SESSION LAWS

9	5. To each code commissioner, of the code of 1920	5 copies
10	6. To each judge of the supreme, district, superior and	
11	municipal courts of Iowa	1 copy
12	7. To each judge of the federal courts in Iowa	1 copy
13	8. To the clerk of the supreme court of Iowa	1 copy
14	9. To the clerk of each federal court in Iowa	1 copy
15	10. To each state institution	2 copies
16	11. To each state officer	2 copies
17	12. To the separate departments of principal state	
18	offices	1 copy
19	13. To permanent state boards or commissions	1 copy
20	14. To each office of permanent state boards or com-	
21	missions, when maintained at Des Moines, Iowa	1 copy
22	15. To each member of the general assembly	1 copy
23	16. To clerk of the house	1 copy
24	17. To secretary of the senate	1 copy
25	18. To each college and public library within the state	1 copy
26	19. To each state or territorial library in the United	
27	States	1 copy

[C. C. 62, modified.]

Sec. 3. Distribution by County Auditor.

1 Each county auditor shall, in his county, make free distribution
2 of said laws as follows :

- | | | |
|---|---|--------|
| 3 | 1. To each county officer | 1 copy |
| 4 | 2. To each justice of the peace, township clerk, and mayor, | |
| 5 | on written request | 1 copy |

[C. C. 62, modified.]

Sec. 4. Price of Code.

1 The code shall be sold at the uniform price of not more than five
2 dollars (\$5.00) per copy, the price to be fixed by the executive council.

[C. C. 68.]

Sec. 5. Delivery to and Receipt by County Auditors.

1 The secretary of state shall deliver to each county auditor the
2 number of copies needed by such auditor for sale and free distribution
3 in his county and charge such auditor accordingly. The said auditor
4 shall execute duplicate receipts therefor, one (1) of which shall be filed
5 in his office and the other with the secretary of state.

[C. C. 63.]

Sec. 6. Receipts to County Auditor.

1 The county auditor shall, in delivering free copies, take receipts in
2 duplicate therefor, one (1) of which shall be filed in his office and the
3 other forwarded to the secretary of state, along with the annual report.

[C. C. 63.]

Sec. 7. Accounting by Secretary of State and Auditor.

1 The secretary of state shall pay, to the treasurer of state, the
2 proceeds of all sales by him. Each county auditor shall, on or before
3 the first Monday in January of each year, pay to the county treasurer,
4 for the use of the state revenue, the proceeds of all sales by him. Said
5 auditors shall take duplicate receipts for such payments and at once
6 file one (1) of such receipts with the secretary of state.

[C. C. 64, modified.]

Sec. 8. Annual Report.

1 Each county auditor shall, on or before the first Monday of Janu-

2 ary each year, file with the secretary of state a verified, annual report,
3 which shall show:

4 1. The number of such volumes on hand at the beginning of the
5 the preceding annual period.

6 2. The number of volumes received during said annual period.

7 3. The number of volumes sold during said period.

8 4. The number of volumes gratuitously distributed during said
9 period.

10 5. The amount paid into the county treasury on account of sales.

[C. C. 65.]

Sec. 9. Duty of Secretary and Auditor of State.

1 The secretary of state shall credit the county auditor with the
2 number of copies sold and otherwise lawfully distributed as shown
3 by said report and the accompanying receipts, and at once certify to
4 the auditor of state the amount paid into the county treasury by said
5 auditor. The auditor of state shall charge the county treasurer ac-
6 cordingly.

[C. C. 65.]

Sec. 10. Accounting to Successor.

1 When a secretary of state or county auditor goes out of office,
2 he shall deliver all undisposed of copies of such laws to his successor
3 and take duplicate receipts therefor. The outgoing secretary of state
4 shall at once file one (1) of such receipts in the office of the secretary of
5 state. The outgoing county auditor shall at once file one (1) of said re-
6 cepts with the secretary of state. The receipts so filed shall consti-
7 tute a sufficient discharge for the respective officers.

[C. C. 66.]

Sec. 11. Officers to Account.

1 Every county officer, justice of the peace, mayor and township
2 clerk, receiving a copy shall give his receipt in duplicate therefor, and
3 shall pass the copy to his successor, or deliver it to the county auditor
4 for the use of subsequent officers, and each shall be liable therefor on
5 his official bond.

[C. C. 66.]

Sec. 12. Distribution of Early Session Laws.

1 The secretary of state and county auditors may distribute, gratui-
2 tously, to interested persons or associations the session laws of the
3 thirty-sixth and previous general assemblies; provided that the secre-
4 tary of state shall maintain in reserve the number of copies of the acts
5 of each of said general assemblies as may be fixed by law.

[C. C. 67.]

Sec. 13. Former Statutes to Colleges.

1 Upon application, in writing, from the librarian or chief executive
2 officer of any incorporated college in this state, the secretary of state
3 shall, upon the approval of the executive council, forward to said appli-
4 cant, without charge, bound volumes of the laws heretofore enacted.

[C. C. 76.]

Sec. 14. Official Statutes.

1 The code, supplements thereto, and session laws published under
2 authority of the state shall constitute the only authoritative publica-
3 tions of the statutes of this state, and all other publications of such
4 statutes are prohibited except as provided in the following section.
5 No other publications of the statutes of the state shall be used, cited

6 or recognized in the courts or in the reports or rules thereof.

[C. C. 73.]

Sec. 15. Exceptions.

1 State officers and commissions in their annual or biennial reports
2 may print extracts from the laws pertaining to their respective depart-
3 ments. Such extracts may be published in pamphlet form by such
4 officers or commissions, or by private parties, with the consent of the
5 executive council, and, in case of publication by the state, the same
6 shall be paid for as other public printing.

[C. C. 73.]

Code Commissioners' Bill No. 7

Subject: GOVERNOR

Senate File No..... Referred to Committee on

House File No.....

By Date.....

A BILL FOR

An act to amend, revise and codify sections ninety-three (93) and ninety-four (94) of the compiled code of Iowa, relating to the duties of the governor.

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

That sections ninety-three (93) and ninety-four (94) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Rewards.

1 When satisfied that a crime, punishable by death or by imprison-
2 ment for ten (10) years or more, has been committed within this state,
3 the governor may offer a reward not exceeding five hundred dollars
4 (\$500.00) for the arrest and delivery to the proper authorities of the
5 person charged with said crime. Such reward, when earned, shall be
6 paid from any unappropriated funds in the state treasury on certificate
7 of the governor that the same has been earned.

[C. C. 93.]

Sec. 2. Budget.

1 The governor shall, after the organization of each regular session
2 of the general assembly, transmit thereto a budget which shall contain
3 a statement in detail of the financial condition and needs of each de-

4 partment of the state, together with such explanations and recom-
5 mendations as he may see fit to make. Said budget shall be printed in
6 the journals of both houses.

[C. C. 94.]

Code Commissioners' Bill No. 8

Subject: AUDITOR OF STATE—UNIFORM SYSTEM OF ACCOUNTS

Senate File No..... Referred to Committee on

House File No.....

By Date.....

A BILL FOR

An act to amend, revise and codify sub-section seven (7) of section one hundred eighteen (118), and sections one hundred twenty-seven (127) to one hundred thirty-seven (137), inclusive, of the compiled code of Iowa, 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 sub-section seven (7) of section one hundred eighteen (118) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. To Superintend Fiscal Affairs.

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

[C. C. 118, modified.]

That sections one hundred twenty-seven (127) to one hundred thirty-seven (137), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

Sec. 2. Uniform System of Accounting.

1 The auditor of state shall prescribe a uniform system of blanks
2 and forms for all financial accounts, receipts and reports of all county,

3 city and town offices, irrespective of the particular form of government
4 of such cities or towns. Said system shall, as far as practicable, follow
5 the classifications and definitions of such transactions in use in the
6 national census office, when not in conflict with the laws of this state.
7 Said blanks and forms shall, by said auditor, be revised, from time to
8 time, in order to render the same more efficient and to meet changes
9 in the law.

[C. C. 127-136, modified.]

Sec. 3. Duty to Install.

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

[C. C. 127, 129-131.]

Sec. 4. Examination of Cities and Counties.

1 The auditor of state shall cause the financial condition and transac-
2 tions of all county offices to be examined, each year, by a state examiner
3 of accounts, and shall cause a like examination, biennially, of all offices
4 of all cities and towns having a population of three thousand (3,000)
5 or more, irrespective of the particular form of government of such city.

[C. C. 132, 133, 135, 4359, modified.]

Sec. 5. State Examiners.

1 The auditor of state shall appoint such number of state examiners
2 of accounts as may be necessary to make such examinations. Said
3 examiners shall be of recognized skill and integrity, familiar with the
4 system of accounting in county and city offices and with the laws re-
5 lating to county and city affairs. Each examiner shall give bond in the

6 sum of two thousand dollars (\$2,000.00), conditioned as the bonds of
7 county officers, which bonds shall be approved and filed as bonds of
8 state officers. Such examiners shall hold their positions for four (4)
9 years, unless sooner removed by the auditor of state for cause, and
10 shall be subject at all times to the direction of said auditor. They shall
11 receive six dollars (\$6.00) for each day actually and necessarily em-
12 ployed in making an examination and, in addition, their actual and
13 necessary expenses incurred by said examination.

[C. C. 132, 135.]

Sec. 6. Assistants.

1 The auditor of state shall appoint such additional assistants to
2 the examiners as may be necessary. Such assistants shall receive
3 such reasonable compensation as the auditor may fix, and be subject
4 to discharge at any time by the auditor. The compensation of such
5 assistants shall be considered as part of the cost of examination.

[C. C. 132.]

Sec. 7. Examinations.

1 Said examiners shall have the right while making said examina-
2 tions, to examine all papers, books, records and documents of any of
3 said offices and shall have the right, in the presence of the custodian or
4 his deputy, to have access to the cash drawers and cash in the official
5 custody of such officer, and like right, during business hours, to ex-
6 amine the public accounts of the county or city in any depository
7 which has public funds in its custody pursuant to law.

[C. C. 133, 135.]

Sec. 8. Scope of Examinations.

1 All examinations shall be made without notice to the office exam-

2 ined. On every examination inquiry shall be made as to the financial
3 condition and resources of the county or city; whether the cost price
4 for improvements and materials in said county or city is in excess of
5 the cost price for like things in other counties or cities of the state;
6 whether the county or city authorities are complying with the law;
7 and whether the accounts and reports are being accurately kept.

[C. C. 133.]

Sec. 9. Subpoenas.

1 The auditor of state, and all examiners shall, in all matters per-
2 taining to an authorized examination, have power to issue subpoenas
3 of all kinds, administer oaths and examine witnesses, either orally or
4 in writing, and the expense attending the same, including the expense
5 of taking oral examinations in shorthand, shall be paid as other ex-
6 penses of the examiner.

[C. C. 133, 135.]

Sec. 10. Refusal to Testify.

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

[C. C. 133.]

Sec. 11. Reports.

1 A report of such examination shall be made in triplicate, signed,
2 and verified by the officer making the examination; one (1) copy to be

3 filed with the auditor of state; one (1) copy with the officer under in-
4 vestigation, and one (1) copy with the auditor of the county if a county
5 office is under investigation, or with the mayor or city council if a city
6 office is under investigation. All reports shall be open to public inspec-
7 tion.

[C. C. 133, 135.]

Sec. 12. Duty of Attorney General.

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

[C. C. 133.]

Sec. 13. Disclosures Prohibited.

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

[C. C. 133.]

Sec. 14. Examination of Other Municipalities.

1 Any township, school, or municipal corporation, not embraced
2 within the foregoing provisions of this chapter, may, on application to
3 the auditor of state, secure an examination of its financial transactions
4 and the conditions of its funds, or a like examination may be had on an
5 application of twenty-five (25) or more taxpayers of such township,

6 school or other corporation, accompanied by such showing of facts
7 as, in the opinion of the auditor of state, will justify such examination.

[C. C. 134, 136.]

Sec. 15. **Bills.**

1 Each examiner shall, immediately upon completing an examina-
2 tion, file with the county or city auditor, as the case may be, and with
3 the auditor of state, a detailed and itemized statement of his per diem
4 and expenses, which statement shall be verified by the examiner to the
5 effect that the account is accurate and wholly unpaid. All such claims
6 shall constitute a legal and enforceable claim against the organization
7 examined.

[C. C. 132, modified.]

Code Commissioners' Bill No. 9

Subject: TREASURER OF STATE—APPROPRIATIONS

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

An act to amend, revise and codify sections one hundred forty-six (146) to one hundred sixty (160), inclusive, of the compiled code of Iowa, 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.

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

That sections one hundred forty-six (146) to one hundred fifty-two (152), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Deposits.

1 The treasurer of state may deposit checks, drafts, or other evi-
 2 dence of indebtedness received by him, and belonging to the state, in
 3 banks and other depositories in Des Moines, Iowa, provided said de-
 4 positaries are first approved by the executive council, and have given
 5 security to the state in amounts to be fixed by said council and ap-
 6 proved by it, conditioned for the prompt collection of all such paper
 7 and the payment of all deposits on the treasurer's order. Charges
 8 for collection by said depositories shall not exceed the minimum per
 9 cent charged private parties. This section shall not release the treas-
 10 urer of state, or his bondsmen, or any county treasurer, or their

11 bondsmen, from any liability now imposed by law.

[C. C. 148-151.]

Sec. 2. Interest on Deposits.

1 Depositories of state funds shall pay to the treasurer of state, for
2 the use of the state, interest on all deposits at such rate and at such
3 times as shall, with the approval of the executive council, be agreed
4 upon between such treasurer and depository.

[C. C. 150.]

That sections one hundred fifty-three (153) to one hundred fifty-seven (157), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

Sec. 3. Defense by Attorney General.

1 All actions to recover of the treasurer of state, either in his offi-
2 cial or private capacity, money collected by him in his official capacity,
3 and while acting under authority of any enactment of the general
4 assembly, and covered into the state treasury, shall, on request of the
5 defendant, be defended by the attorney general. Should judgment,
6 at any stage of the proceeding, be adverse to the defendant the execu-
7 tive council shall, on full, accurate and written report from the attor-
8 ney general, determine of record whether appeal shall be taken, and
9 the attorney general shall act accordingly. If appeal be so taken, it
10 shall supersede execution, without bond.

[C. C. 153, modified.]

Sec. 4. Payment of Judgment.

1 Should final judgment be adverse to the defendant, the attorney
2 general shall procure and file with said council a duly certified copy
3 of said judgment and costs, and the amount thereof, on proper audit,

4 shall be paid out of any unappropriated money in the state treasury,
5 by warrant payable to the clerk of the court rendering said judgment.
6 Upon the satisfaction of said judgment, the attorney general shall
7 procure proper receipts therefor and file the same with the said
8 council.

[C. C. 154, 157, modified.]

Sec. 5. No Additional Right Created.

1 Nothing in the two (2) preceding sections shall be construed as
2 giving the plaintiff any additional right. The provisions of said sections
3 shall apply to actions heretofore brought or hereafter brought, even
4 though the term of office of the defendant as state treasurer has ex-
5 pired.

[C. C. 155.]

That sections one hundred fifty-eight (158) to one hundred sixty
(160), inclusive, of the compiled code of Iowa are amended, revised and
codified to read as follows:

Sec. 6. Swamp Land Indemnity.

1 All swamp land indemnity money paid by the federal govern-
2 ment to this state under any act of congress relating thereto shall be
3 paid by the treasurer of state to the county treasurer of the county
4 where the land, on account of which such payment is made, is located.
5 The county treasurer shall be liable on his bond for the safe custody
6 of said funds and shall promptly notify the board of supervisors of
7 the receipt thereof. Said funds shall be applied by the said super-
8 visors as required by law.

[C. C. 158-160, modified.]

Code Commissioners' Bill No. 10

Subject: ATTORNEY GENERAL

Senate File No. Referred to Committee on

House File No.

By Date

A BILL FOR

An act to amend, revise and codify chapter six (6) of title two (2) of the compiled code of Iowa, relating to the department of justice and the attorney general.

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 is amended, revised and codified to read as follows:

Section 1. Department of Justice.

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

[C. C. 161.]

Sec. 2. Duties.

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

3 1. To prosecute and defend all causes in the supreme court in
4 which the state is a party or interested.

5 2. To prosecute and defend in any other court or tribunal, all
6 actions and proceedings, civil or criminal, in which the state may be
7 a party or interested, when, in his judgment, the interest of the state
8 requires such action, or when requested to do so by the governor,
9 executive council, or general assembly.

10 3. To prosecute and defend all actions and proceedings brought
11 by or against any state officer in his official capacity.

12 4. To give his opinion in writing, when requested, upon all ques-
13 tions of law submitted to him by the general assembly or by either
14 house thereof, or by any state officer, elective or appointive. Ques-
15 tions submitted by state officers must be of a public nature and relate
16 to the duties of such officer.

17 5. To prepare drafts for contracts, forms and other writings
18 which may be required for the use of the state.

19 6. To report to the governor, preceding each general assembly,
20 the condition of his office, opinions rendered, and business transacted
21 of public interest.

22 7. To supervise county attorneys in all matters pertaining to the
23 duties of their offices, and from time to time to require of them reports
24 as to the condition of public business intrusted to their charge.

25 8. To promptly account, to the treasurer of state, for all state
26 funds received by him.

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

31 10. To perform all other duties required by law.

[C. C. 162, modified.]

Sec. 3. Personal Interest in Suit.

1 When the attorney general or any of his deputies or assistants
2 have any personal interest in any such suit or proceeding, none of
3 them shall appear therein in his official capacity, but each may re-

4 spectively appear to defend himself or such interest. If there be no
5 other official attorney whose duty it is to prosecute or defend, the
6 executive council shall appoint some suitable person for that purpose,
7 and defray the reasonable expense thereof from any unappropriated
8 funds in the state treasury.

[New.]

Sec. 4. Assistants.

1 The attorney general may appoint four (4) assistants. They
2 shall perform such duties as may be assigned to them by the attorney
3 general and shall devote their entire time thereto. He shall name the
4 assistant who shall act in his stead, in case of his absence or inability
5 to act.

[C. C. 165, modified.]

Sec. 5. Special Counsel.

1 No compensation shall be allowed to any person for services as
2 an attorney or counselor to any department of the state government,
3 or the head thereof, or to any state board or commission, except in
4 cases specially authorized by law, but the executive council may em-
5 ploy legal assistance, at a reasonable compensation, in any pending
6 action or proceeding to protect the interests of the state, but only
7 upon a sufficient showing, in writing, made by the attorney general,
8 that his department can not for reasons stated by him perform said
9 service, which reasons and action of the council shall be entered upon
10 its records. Such compensation shall be payable out of any unappro-
11 priated funds in the state treasury.

[C. C. 163, modified.]

Sec. 6. Expenses.

1 The attorney general and his assistants shall be repaid their
2 actual and necessary expenses incurred in transacting their official
3 duties at places other than the seat of government.

[C. C. 211, modified.]

Code Commissioners' Bill No. 11

Subject: REPORTER OF SUPREME COURT

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

An act to amend, revise and codify chapter seven (7) of title two (2) of the compiled code of Iowa, relating to the reporter of the supreme court, the preparation, printing and distribution of the reports thereof, and making an appropriation therefor.

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

That chapter seven (7) of title two (2) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Appointment.

1 Within ninety (90) days prior to the first secular day in January,
 2 nineteen hundred twenty-three (1923), and every four (4) years
 3 thereafter the judges of the supreme court shall appoint a reporter
 4 of the supreme court who shall hold office for four (4) years from
 5 said secular day and until his successor has been appointed, and has
 6 qualified. Vacancies shall be filled by said judges for the unexpired
 7 portion of the term. Chapter twenty-four (24) of title four (4) shall
 8 not apply to appointments under this section.

[C. C. 166-175, 8478, 8479.]

Sec. 2. Office.

1 The office of the reporter of the supreme court shall be at the seat

2 of government. He shall devote his entire time to the duties of his
3 office.

[C. C. 166.]

Sec. 3. Access to Opinions.

1 He shall, under the direction of the judges of the supreme court,
2 have such access to the opinions of the court as will enable him to
3 discharge his duties.

[C. C. 167.]

Sec. 4. Syllabi—Index—Tables.

1 He shall promptly prepare syllabi for all opinions of the supreme
2 court, and an index and proper tables for each volume of the reports.
3 He shall have no pecuniary interest in the reports.

[C. C. 168.]

Sec. 5. Reports—Contract.

1 The supreme court reports shall be published under contract en-
2 tered into in the name of the state, under such terms, stipulations and
3 conditions as a majority of the judges of the supreme court, acting
4 through the chief justice, shall prescribe. Such contracts shall pro-
5 vide that the three hundred fifty (350) copies first issued of each
6 volume shall be delivered by the publisher to the secretary of state
7 free of all cost to the state.

[C. C. 169.]

Sec. 6. Distribution of Reports.

1 The copies received by the secretary of state shall be distributed
2 by him as follows:

- 3 1. To library of congress.. 2 copies
4 2. To library supreme court United States..... 2 copies

5	3. To each supreme, district, superior, and municipal	
6	judge (not including police judges)	1 copy
7	4. To each United States district judge whose dis-	
8	tricts lie within this state	1 copy
9	5. To the clerk of the supreme court	1 copy
10	6. To the attorney general	1 copy
11	7. To the state library	100 copies
12	8. To each county	1 copy
13	9. To each county where district court is held in more	
14	than one place	2 copies
15	10. To supreme court reporter	2 copies
16	11. To law library state university	20 copies
17	12. To library state historical society	5 copies
18	13. To the library Iowa state college of agriculture	
19	and mechanic arts	2 copies

[C. C. 170.]

Sec. 7. Exchange.

1 The remaining copies shall be used by the trustees of the state
 2 library in exchange for such books on law or equity, or reports of
 3 other states, as they may select. All books received in such exchange
 4 shall become a part of the state library.

[C. C. 170.]

Sec. 8. New Edition.

1 The supreme court may, when the public interest requires it,
 2 order the publication of a new edition of any volume of its reports of
 3 which the copyright is not owned by the state, and may require com-
 4 pliance therewith within six (6) months by an order entered of rec-

5 ord. Failure to comply with said order shall work a forfeiture of
6 said copyright to the state.

[C. C. 171.]

Sec. 9. **Editor of Code—Duties.**

1 The reporter of the supreme court shall be editor of the code
2 whose duties shall be:

3 1. To submit such recommendations in the form of bills as he
4 deems proper to each general assembly for the purpose of amending,
5 revising and codifying such portions of the law as may be conflicting,
6 redundant, ambaguous, or which require legislative action to make
7 clear.

8 2. To edit and compile the code after each session of the general
9 assembly so that the same may be printed in an up-to-date manner
10 at any time ordered by the general assembly.

11 3. To edit and prepare for publication a series of annotations of
12 the statutes of Iowa containing annotations of all such statutes as
13 have been construed by the supreme court of this state or the federal
14 courts, and the same shall be printed in separate volumes arranged in
15 the same manner as the titles, chapters, and sections of the code.

16 4. To re-edit and keep brought up to date the said annotations so
17 that the same may be reprinted at any time ordered by the general
18 assembly.

19 5. To issue, from time to time, at the direction of the supreme
20 court, a digest of the reported cases published in the current reports
21 of said court.

[C. C. 173, modified. See 38 G. A., ch. 50, sec. 5-7.]

Sec. 10. Publication and Distribution of Annotations and Digest.

1 The annotations and digests provided for in the preceding section
2 shall be printed and paid for in the same manner as other public print-
3 ing and the executive council shall provide for the sale and distribu-
4 tion of the same.

[See 38 G. A., ch. 50, sec. 6, 7.]

Sec. 11. Copies of Enrolled Bills.

1 The enrolling clerks of the house and senate shall prepare a clear
2 and distinct carbon copy of each enrolled bill or resolution at the time
3 of preparing the original, and immediately deliver said copy to the
4 reporter of the supreme court.

[C. C. 174.]

Sec. 12. Copyrights.

1 All the supreme court reports, books of annotations, and digests
2 hereafter published shall be copyrighted in the name of the state of
3 Iowa; but this shall not be construed to prevent the contractor by
4 whom any volume is published, his representatives, or assigns, from
5 continuing the exclusive publication and sale of such volume so long as
6 he or they shall, in all respects, comply with the requirements of their
7 contract.

[C. C. 172, modified.]

Sec. 13. Assistants—Appropriation.

1 The reporter of the supreme court may, with the approval of the
2 supreme court, employ the necessary assistants and clerical help, in
3 addition to those otherwise provided by law, and there is hereby
4 annually appropriated out of any money in the state treasury not

5 otherwise appropriated the sum of eight thousand dollars (\$8,000.00)
6 to be used for the purpose of carrying out the provisions of this
7 chapter.

[C. C. 175.]

Code Commissioners' Bill No. 12

**Subject: PUBLIC PRINTING AND BINDING, THE STATE BOARD OF
PRINTING, AND THE DOCUMENT EDITOR.**

Senate File No..... Referred to Committee on
House File No... ..
By Date

A BILL FOR

An act to amend, revise and codify chapters eight (8), nine (9) and ten (10) of title two (2) of the compiled code of Iowa, relating to public printing and binding, the state board of printing, and the document editor.

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

That chapters eight (8), nine (9) and ten (10) of title two (2) of the compiled code of Iowa are amended, revised and codified to read as follows:

CHAPTER 1.

REPORTS AND DOCUMENTS

Section 1. **Preparation.**

1 State officials, boards, commissions and heads of departments
2 shall prepare and file written official reports, in simple language and
3 concise form, which shall recite the transactions of the several de-
4 partments, contain a statement of services rendered and results accom-
5 plished, recommendations for the betterment of the public service,
6 useful or necessary statistical material, information, maps, charts,
7 illustrations or other germane material, and such other matters as
8 may be required by law or by the governor.

[C. C. 144, 216, 2042.]

Sec. 2. Biennial Reports.

1 Reports of the following officials and departments shall be for the
2 biennial period ending June thirtieth of each even-numbered year,
3 except as otherwise provided:

- 4 1. Governor, on pardons and commutations of sentences.
- 5 2. Secretary of state.
- 6 3. Auditor of state.
- 7 4. Treasurer of state.
- 8 5. Attorney general.
- 9 6. Superintendent of public instruction.
- 10 7. Adjutant general.
- 11 8. Adjutant general, on public buildings and property.
- 12 9. Librarian of the state library.
- 13 10. Industrial commissioner.
- 14 11. Labor commissioner.
- 15 12. Document editor.
- 16 13. Fish and game warden.
- 17 14. Board of examiners of shorthand reporters.
- 18 15. Live stock sanitary board.
- 19 16. Mine inspectors.
- 20 17. Board of control.
- 21 18. Board of education.
- 22 19. Board of health.
- 23 20. Board of parole.
- 24 21. Board of engineer examiners.
- 25 22. Board of accountancy.
- 26 23. Board of conservation.

-
- 27 24. Board of vocational training.
28 25. Entomologist.
29 26. Steamboat inspectors.
30 27. Curator of the historical department.
31 28. Board of curators of the state historical society.

[C. C. 118, 144, 217, 233, 234, 297.]

Sec. 3. Annual Reports.

1 Reports of the following officials and departments shall be for
2 the annual period ending June thirtieth, except as otherwise provided:

- 3 1. Board of railroad commissioners.
4 2. Executive council, on railway assessments.
5 3. Auditor of state, on municipal finances.
6 4. Commissioner of insurance.
7 5. Superintendent of banking.
8 6. Food and drug commissioner.
9 7. Fire marshal.
10 8. Highway commission.
11 9. Library commission.
12 10. Apiarist.
13 11. Weather and crop service.

[C. C. 118, 144, 217, 233, 234, 297.]

Sec. 4. Time of Filing Reports.

1 The official reports shall be filed with the governor as soon as
2 practicable after the end of the reporting period, and except as other-
3 wise provided, not later than the first day of the following September.

[C. C. 296, modified.]

Sec. 5. Extension of Time—Governor to Enforce Obedience.

1 The governor shall have authority to grant an extension of time
2 for the completion of any report or any portion thereof, but in the
3 case of any delay deemed by him to be unnecessary or unreasonable
4 he shall enforce the provisions of the preceding section as to time of
5 filing and take whatever steps may be necessary to have the delayed
6 report prepared for filing.

[New.]

Sec. 6. Exceptions—Extension of Time.

1 The report of the attorney general shall cover the period of his
2 regular term and he may have until the conclusion of the term to file
3 the portions of the record not available September first. The report
4 of the insurance commissioner shall be due on May first of each year.
5 The report of the auditor on municipal finances shall be filed on or
6 before August first of each year.

[C. C. 3662, 5466, modified.]

Sec. 7. Official Reports—Number—Style of Printing.

1 The annual and biennial reports shall be published, printed and
2 bound in sufficient number for the members of the general assembly,
3 for the information of the public and to supply the needs of the vari-
4 ous departments of state, and to provide a reserve supply for future
5 use or distribution. They shall be printed on good paper, in legible
6 type with pages substantially six (6) inches by nine (9) inches in
7 size. They may be divided for binding where one (1) portion should
8 receive larger distribution than another, or be issued in parts or sec-
9 tions for greater convenience.

[C. C. 181, 204, 216, 217, modified.]

Sec. 8. Iowa Documents—Contents.

1 At the time of printing the official reports there shall also be
2 printed from the same type or plates an edition of not less than one
3 thousand (1,000) copies to be grouped together and bound in volumes
4 of convenient size to be known as the Iowa documents, of which there
5 shall be one (1) edition for each biennial period. Each volume as
6 thus grouped shall contain a table of contents of all the volumes.
7 There shall be included in the Iowa documents, in addition to the offi-
8 cial reports, the inaugural address, the message and budget of the
9 governor, and such other documents as may be directed by the general
10 assembly.

[C. C. 94, 181, 216, modified.]

Sec. 9. General Assembly Journals—Number—Other Printing.

1 The record of the transactions of the senate and house shall be
2 published in a daily journal, printed in number as authorized by the
3 general assembly or directed by the document editor. The completed
4 journal shall be published in book form, with index and record of bills,
5 in an edition of not less than one thousand (1,000) in library binding
6 and one thousand (1,000) in paper covers. There shall also be printed
7 for the general assembly or the members thereof such other material
8 necessary for the transaction of legislative business.

[C. C. 181, 225, modified.]

Sec. 10. Sale of Journals and Bills.

1 The daily journals of the general assembly and the printed bills
2 shall be sent by the document editor by mail to subscribers therefor.
3 The journals of both houses for any one (1) session shall be sent on
4 payment of two dollars (\$2.00), and the bills on payment of five dol-

5 lars (\$5.00). The document editor shall cause to be printed a suffi-
6 cient number of copies to fill orders received and reported to him.

[C. C. 223, 227, 228, 229, 230, modified.]

Sec. 11. Miscellaneous Documents.

1 There shall be published, printed and bound uniform with the
2 official reports unless otherwise provided, the following miscellaneous
3 documents, each of which shall be compiled by the head or secretary
4 of the department having charge thereof:

- 5 1. Year book of agriculture, annually.
- 6 2. Horticultural report, annually.
- 7 3. Official register, biennially.
- 8 4. Proceedings of state teachers' association, annually.
- 9 5. Proceedings of pioneer lawmakers' association, biennially.
- 10 6. Biennial state expense report, biennially.
- 11 7. Proceedings Iowa academy of science, annually.
- 12 8. Report on assessment of telegraph and telephone property,
13 annually.
- 14 9. State census of Iowa, when taken and compiled.
- 15 10. Report of geological survey, annually.

[C. C. 100, 233, 234, 275, 1627, 1628, 1693, 2792.]

Sec. 12. Additional Miscellaneous Documents.

1 There shall be published other miscellaneous documents, reports,
2 bulletins, books and booklets that are needed for the use of the various
3 officials and departments of state or are of value for the information
4 of the general assembly or the public, in form and number most use-
5 ful and convenient.

[New.]

Sec. 13. Controlled by Governor.

1 The governor shall have the right to fix a date for the completion
2 of or filing of any copy or manuscript for any miscellaneous document
3 or other publication, or for any portion of the manuscript, and to com-
4 pel compliance with such orders the same as in the case of the official
5 reports. The document editor shall report to the governor any failure
6 to furnish manuscript or other delay affecting any publication.

[New.]

Sec. 14. Number of Documents Printed.

1 The number of copies of the various documents and reports to be
2 printed shall be fixed by the document editor, consideration being
3 given to the needs and demands for the same and allowance being
4 made for a reasonable reserve supply. The officials and heads of de-
5 partments shall furnish the document editor with information neces-
6 sary to determine the number of copies to be printed.

[C. C. 181, 217, 221, modified.]

CHAPTER 2.**DOCUMENT DEPARTMENT.****Sec. 15. Document Editor.**

1 The governor shall, during the session of the general assembly
2 in nineteen hundred twenty-three (1923) and each four (4) years
3 thereafter, appoint with the approval of two-thirds ($\frac{2}{3}$) of the
4 members of the senate a document editor, who shall have practical
5 knowledge of the printing business and of editorial work, and who shall
6 hold office for a term of four (4) years commencing on July first follow-
7 ing his appointment; and such appointments shall be submitted to
8 the general assembly within sixty (60) days after the convening of the

9 same. Vacancies in the office of document editor occurring while the
10 general assembly is not in session shall be filled by the governor and
11 such appointments shall expire on the organization of the next general
12 assembly.

[C. C. 176, modified.]

Sec. 16. **Duties of Document Editor.**

1 The document editor shall:

2 1. *Office.* Have an office at the seat of government and devote
3 his entire time to the duties of his office.

[C. C. 177.]

4 2. *Document department.* Have control and direction of the docu-
5 ment department.

[C. C. 184.]

6 3. *Assistant.* Appoint an assistant who shall be skilled in the
7 printing trades.

[New.]

8 4. *Enforcement of law.* Enforce the law in all matters relative
9 to printing.

[New.]

10 5. *Records.* Be the custodian of all records, correspondence, ac-
11 counts, specifications, bids, contracts, bonds, samples, bills, receipts,
12 vouchers, and all papers and material pertaining to public printing
13 and keep the same open to inspection at his office.

[C. C. 179, 189, 206.]

14 6. *Supervision of printing.* Supervise the publication of all offi-
15 cial reports and documents and all other printing and printed matter
16 for the state, or for any department thereof, or to be paid for out of
17 any funds provided by law, including all matters relating to printing
18 in any and all its forms and the distribution of the product.

[C. C. 180, 181, 184, 185.]

19 7. *Orders for printing.* Give all orders for printing and in all
20 cases, so far as practicable, give such orders in writing, and see that
21 the printing and related work is done in accordance with his directions.

[C. C. 189.]

22 8. *Filing and checking of bills.* Cause all bills for printing, or
23 for materials, or advertising in connection with printing, or for any-
24 thing properly related to printing, to be filed with him and figure and
25 check the same against the contracts and the orders he has given and
26 determine whether they are in accordance with law, and certify to
27 the printing board the amounts due thereon.

[C. C. 199, modified.]

28 9. *Printing stock.* Have charge of the stock purchased or owned
29 by the state for use in printing, keep a record of all transactions in
30 regard to the same, give authority for its use in connection with the
31 printing, and make settlement with the persons authorized to use the
32 same.

[C. C. 209, modified.]

33 10. *Departmental expense.* Prepare from the records of his de-
34 partment a statement showing the expenditures for each department
35 in connection with printing and cause the same to be printed in the
36 biennial expense report.

[C. C. 274, modified.]

37 11. *Biennial report.* Make a biennial report, which shall embrace
38 among other matters:

39 a. A list of reports and other publications authorized or issued
40 during the period.

41 b. The number and cost thereof.

- 42 c. The expenditures for printing for each department.
- 43 d. The sums paid for work or material to each contractor or
44 other person.
- 45 e. A summary of the work and transactions of the printing
46 board.

[C. C. 183, 207.]

Sec. 17. Editing of Manuscript.

1 The manuscript of every report or document, or for any book,
2 booklet, bulletin or anything to be printed, or a copy thereof, shall
3 be transmitted to the document editor, at the time it is filed or as
4 soon as it is ready for printing, with all photographs, drawings, maps,
5 engravings, charts or other material properly a part thereof. He shall
6 edit, revise, condense and arrange the same for printing, simplify
7 where practicable the typographical arrangement, and give all neces-
8 sary instructions for the type, illustrations, headings, titles, paper,
9 cover, binding and other similar details. The authority here given
10 to edit, revise, condense and eliminate portions of manuscript shall
11 apply notwithstanding any provisions elsewhere. Where tables or
12 other matters are once printed it shall be sufficient thereafter to refer
13 to the same without repeating them.

[C. C. 180.]

Sec. 18. Additional Authority for Publication.

1 If the document editor is unable to determine the authority for
2 any publication or printing, or in case of a request for publication or
3 printing from any official or department not otherwise provided for,
4 he may submit the matter to the printing board and its approval shall
5 be sufficient to authorize the expenditure required.

[New.]

Sec. 19. Cooperation of Editor and Department Heads.

1 It shall be the duty of the document editor to advise with the
2 officials and heads of departments as to the preparation of manuscript
3 or copy for any printed matter, so the same may be handled in the
4 most economical manner in the editing and printing. Officials or em-
5 ployees shall conform so far as practicable to all reasonable regula-
6 tions of the editor for the improvement of the reports or other publi-
7 cations, or for decreasing the expense of preparation, printing or dis-
8 tribution.

[C. C. 180, 181, modified.]

Sec. 20. Appeals.

1 In case of a disagreement between the document editor and the
2 head of any department either as to the editing of manuscript, the
3 number of copies to be issued or the printing thereof, an appeal may
4 be taken to the governor who shall have authority to determine the
5 matter in controversy. The complainant shall give written notice of
6 the appeal and the reasons therefor and all persons interested shall
7 have opportunity to be heard before a decision is rendered.

[C. C. 180, 181, modified.]

Sec. 21. Record of Orders.

1 He shall keep a record of the number of each report or document
2 ordered printed, the number received and the number and manner of
3 distribution.

[New.]

Sec. 22. Reserve Supply of Documents.

1 He shall designate, subject to the approval of the printing board,
2 the number of copies to be held in reserve, and copies thus held in

3 reserve shall be distributed only upon the written request of the head
4 of the department, approved by the document editor, and ordered by
5 the printing board.

[C. C. 221, modified.]

Sec. 23. Surplus Documents—Disposal.

1 He shall from time to time make report to the printing board of
2 any documents in his custody deemed not needed and which have been
3 printed five (5) years or more, and if such report has the written
4 approval of the head of the department from which the documents
5 were issued, the printing board may condemn and order such docu-
6 ments sold.

[C. C. 239, 240, 241.]

Sec. 24. Custody and Distribution.

1 The document editor shall receive and have the custody of the
2 Iowa documents and all other printed matter and make and supervise
3 the distribution of the same in such manner as will be most economical
4 and useful to the public. He shall have charge of the state storage
5 building or rooms, in which he shall keep the reports and documents
6 that are held in reserve by the state for future use or distribution.

[C. C. 101, 181, 182, 185, 217, 219, 220, modified.]

Sec. 25. Information as to Reports.

1 He shall advise the public of the publication of reports and docu-
2 ments and of the nature of the material therein, and give information
3 as to the publications that are for free distribution and how to obtain
4 them.

[C. C. 185.]

Sec. 26. Mailing Lists.

1 He shall require from officials or heads of departments mailing
2 lists, or addressed labels or envelopes, for use in distribution of re-
3 ports and documents. He shall revise such lists, eliminating dupli-
4 cations and adding thereto libraries, institutions, public officials and
5 persons having actual use for the material. He shall arrange such
6 lists so as to reduce to the minimum the postage or other cost for
7 delivery.

[C. C. 185.]

Sec. 27. Distribution to Departments.

1 He shall furnish the various officials and departments with copies
2 of their reports needed for office use or to be distributed to persons
3 calling for the same.

[New.]

Sec. 28. Distribution to Assembly Members.

1 The Iowa documents, the official reports, the completed journals
2 of the general assembly, the miscellaneous documents, other publica-
3 tions, and at least sixty (60) copies of the official register, shall be
4 sent to each of the members of the general assembly, and, so far as
5 they are available, additional copies upon their request.

[C. C. 101, 218, modified.]

Sec. 29. Distribution to Colleges.

1 The Iowa documents, the completed journals of the general as-
2 sembly and the official register shall be sent to each free public library
3 in Iowa, the state library, the library commission, libraries at state
4 institutions and college libraries.

[C. C. 101, 218, modified.]

Sec. 30. Distribution to Newspapers.

1 The journals of the general assembly and the official register shall
2 be sent to each newspaper of general circulation in Iowa, and editors
3 of newspapers in Iowa shall be entitled to other publications on re-
4 quest when they are available.

[C. C. 101.]

Sec. 31. Distribution to Congressional Library.

1 Two (2) copies of each publication shall be sent to the library
2 of congress.

[C. C. 218.]

Sec. 32. Distribution to County Auditors.

1 The Iowa documents, the completed journals of the general as-
2 sembly and the official register shall be sent to each county auditor,
3 who shall be required to keep the same at all times available for the
4 inspection of the public.

[C. C. 218, modified.]

Sec. 33. Distribution of Official Register.

1 The official register shall be distributed, in addition to the fore-
2 going provisions, to the school libraries, through the county super-
3 intendent of schools to whom they shall be sent in bulk and who shall
4 direct their distribution each in his own county.

[C. C. 101, 185.]

Sec. 34. Additional Copies.

1 The document editor may send additional copies of publications
2 to other state officials, and individuals, institutions, libraries or societies
3 that make requests therefor.

[New.]

Sec. 35. Distribution of Geological Reports.

1 The reports and bulletins of the geological survey shall be placed
2 at the disposal of the state geologist.

[C. C. 218.]

Sec. 36. Distribution of Laws.

1 The codes, supplements and session laws shall be turned over to
2 the secretary of state for distribution.

[C. C. 218.]

Sec. 37. Printing for General Assembly.

1 The document editor shall supervise all printing for the general
2 assembly. He shall cause to be printed the blanks, books, stationery
3 and other printed supplies necessary for the transaction of legislative
4 business. He shall, from time to time, report to the printing com-
5 mittees of the general assembly his recommendations as to any legis-
6 lative printing.

[C. C. 181, 187, 214.]

Sec. 38. Daily Journal.

1 The reports of the legislative proceedings shall be delivered by
2 the secretary of the senate and the clerk of the house to the docu-
3 ment editor promptly upon completion, and he shall cause such re-
4 ports to be printed in accordance with the contracts covering the same.
5 He shall require that proof copies of the daily journal be furnished
6 the next legislative day after date and shall promptly deliver them
7 to the sergeants at arms of each house. The corrections and changes
8 made therein by the general assembly shall be made before the print-
9 ing of the corrected or completed journal.

[C. C. 222, 227, modified.]

Sec. 39. Corrected Journal.

1 The journal, as corrected by order of the general assembly, shall
2 be printed promptly and be delivered by the document editor to the
3 sergeants at arms of each house. An index, record and history of
4 bills, and list of bills passed, shall be prepared by the document editor
5 for the completed edition of the journal.

[C. C. 231.]

Sec. 40. Bills—Form and Number.

1 The bills introduced in the general assembly shall be printed on
2 good paper with pages approximately eight (8) inches by ten (10)
3 inches in size, with type not less than ten-point in size, the lines
4 spaced with pica slugs, each printed line to be one (1) line of the orig-
5 inal bill as introduced, and the lines of each section to be separately
6 numbered. The number of copies of each bill to be printed shall be
7 fixed by the document editor, according to the needs of the general
8 assembly, and to supply subscribers therefor:

[C. C. 236, par. 5.]

Sec. 41. Legalizing Bills.

1 A bill which seeks to legalize the acts of any official or board or
2 other official body, in regard to any matter not of public nature, shall
3 not be considered until it is printed as a bill and distributed to
4 members of the general assembly, and the printing shall be without
5 expense to the state. The document editor shall order any such bill
6 printed only when he has received a deposit to cover the cost thereof
7 at the rate of not less than two dollars (\$2.00) per page, and shall
8 exclude from the journals all such bills.

[N. C. See House Journal, page 189, 2 G. A.]

Sec. 42. Index of Bills.

1 The document editor shall compile an index of bills which he shall
 2 cause to be printed when approved by the president of the senate and
 3 the speaker of the house. Such index shall contain a brief history
 4 of each bill, conveniently indexed, and detailed information as to the
 5 status of legislation.

[C. C. 181, 187, 213, 214, 222, 223, 224, 231.]

Sec. 43. List of Bills Passed.

1 The document editor shall compile and at the close of each legis-
 2 lative session print a classified list of bills passed and mail the same
 3 to each member of the general assembly.

[New.]

CHAPTER 3.**PRINTING BOARD.****Sec. 44. The Printing Board.**

1 The governor, secretary, treasurer, and auditor of state shall con-
 2 stitute the printing board. The document editor shall be the secre-
 3 tary thereof.

[C. C. 188, 189.]

Sec. 45. Authority of the Printing Board.

1 The printing board shall enter into contracts for and on behalf
 2 of the state for all printing and work or material related thereto, for
 3 the officials, boards, commissions, and departments of the state, and
 4 the general assembly. The contracts herein authorized shall be for
 5 the procuring or purchase of everything pertaining to the printing of
 6 the laws and acts, reports, miscellaneous documents, journals of
 7 the general assembly, and all books, bulletins, pamphlets, circulars.

8 leaflets, blanks, cards, envelopes, letter heads, and all job printing,
9 including all material, processes, or operations necessary to produce
10 the finished printed product.

[C. C. 188, 193, 235, 236, 237, 259. modified.]

Sec. 46. Exceptions.

1 Nothing in this chapter shall be taken to include printing and
2 related work or materials in the following classes:

- 3 1. Reports of the supreme court.
- 4 2. State historical society.
- 5 3. Department of agriculture, in carrying on the state fair.
- 6 4. Colleges and schools under the board of education.
- 7 5. Institutions under the board of control.

[New.]

Sec. 47. Duties of the Secretary.

1 The secretary of the board shall have general supervision of all
2 matters pertaining to the enforcement and fulfillment of such con-
3 tracts. He shall have charge of the stock, plates and material re-
4 quired in connection therewith, keep the record of meetings of the
5 printing board and of the award of contracts, prepare the specifica-
6 tions and advertisements required and perform such other duties as
7 are necessary or incident to the contracts herein provided.

[C. C. 189.]

Sec. 48. Specifications for Printing.

1 The printing board shall, from time to time, adopt and print
2 specifications and rules covering all matters relating to printing that
3 are the subject of contracts, which specifications and rules shall con-
4 tain, among other things, the following:

5 1. *Classifications.* Provisions for the grouping of the work to be
6 done or material furnished, so far as the same can be made the subject
7 of general contracts, into classes according to the character or use
8 thereof, or with relation to the department for which intended, or
9 in any manner most convenient for securing bids and entering into
10 contracts.

11 2. *Estimates.* Estimates of the probable amount of work to be
12 done, or material to be purchased, under each class or item, during
13 the period of the proposed contracts.

14 3. *Samples.* Provisions for furnishing and keeping on file samples
15 of the work or stock, and other things necessary to assure compliance
16 with the contracts.

17 4. *Standards.* Fixed standards for books, and booklets, and for
18 other printing so far as practicable, and for stock and material.

19 5. *Wages.* Provisions that contractors for all printing or bind-
20 ing shall pay the wages and work the hours established by the print-
21 ing trades and related organizations of labor in the city or town where
22 the work is to be done.

23 6. *Schedule of rates.* A schedule of maximum rates or prices, so
24 far as the same can be made applicable, with provision that bids not
25 within the maximum (each class being computed as a unit), may be
26 rejected.

27 7. *Place of performance.* A requirement that printing for the
28 general assembly shall be done at the state capital, and restrictions
29 as to the place at which other classes of work are to be done, that
30 will promote economy.

31 8. *Safeguarding stock.* Details as to the delivery of stock to the
32 state and placing the same in possession of contractors, and for de-
33 livery of the finished product and for a complete accounting for stock
34 and reasonable allowance for waste where it is unavoidable.

35 9. *Part payment.* A rule as to part payment for work in process
36 of completion, or material in process of delivery, in proportion to the
37 part completed or delivered.

38 10. *General rules.* General regulations necessary to assure
39 prompt and satisfactory compliance with the proposed contracts, the
40 submission of samples, the delivery of the product, the preparation
41 and filing of bills, and such general matters as will assure to the state
42 the utmost economy and efficiency.

[C. C. 195, 197, 198, 201, 202, 208, 209, 216, 231, 235, 262,
modified.]

Sec. 49. **General Contracts.**

1 The printing board shall annually award general contracts for
2 printing and all work and materials related thereto coming under the
3 provisions of this chapter. Such contracts shall be for the year com-
4 mencing with July first.

[C. C. 188, 194, 195.]

Sec. 50. **Advertisements—Specifications Furnished.**

1 The secretary of the board shall cause to be printed in one (1)
2 daily newspaper in each of seven (7) cities of the first class, three
3 (3) or more times prior to the first day of May, an advertisement
4 inviting bids and giving notice of intent to award contracts on the
5 date fixed by law and stating where and how specifications and other
6 necessary information may be obtained. The secretary shall send out

7 to prospective bidders, or upon request, the specifications and rules
8 adopted by the printing board, and supply all prospective bidders with
9 information that is desired pertaining to the subject. Specifications
10 shall include, or be accompanied by the necessary blanks for bids or
11 proposals. The specifications shall also be kept on file in the office
12 of the document editor, open to inspection, together with samples, so
13 far as possible, of the work to be done or material to be furnished.

[C. C. 194, 195, modified.]

Sec. 51. **Form of Bids.**

1 Each bid must be made out in ink, and only on the blanks fur-
2 nished in connection with the specifications, signed by the bidder, sub-
3 mitted in sealed envelopes, and be in the hands of the secretary of
4 the board at the time fixed for opening the bids.

[C. C. 194, 195, modified.]

Sec. 52. **Certified Check.**

1 Each bidder must submit with his bid a certified check payable
2 to the state treasurer, in an amount to be fixed in the specifications,
3 either covering all classes or items, or separate checks for each bid
4 in case of more than one (1). Certified checks submitted by unsuc-
5 cessful bidders and by successful bidders, when they have entered
6 into the contracts proposed, shall be returned to them.

[C. C. 194, 195.]

Sec. 53. **Opening Bids.**

1 The printing board shall meet, annually, on the third Monday in
2 May at ten (10) o'clock a. m. in public session in its office and open
3 the bids. The award shall be made separately on each class or divi-
4 sion and to the lowest and best bidder, and in determining this the

5 board shall take into account the equipment and plant of the bidders
6 with relation to promptness of service and convenience and economy
7 in supervision, and all other matters in the specifications or coming
8 to the knowledge of the board that might affect the service. The
9 bidders shall be promptly notified of the awards made.

[C. C. 194, 195, modified.]

Sec. 54. Rejection of Bids.

1 The board shall have the right to reject any or all bids, and in
2 case of rejection or because of failure of a bidder to enter into a con-
3 tract, the board may advertise for and secure new bids as provided
4 for emergency contracts.

[C. C. 194, 195, modified.]

Sec. 55. Execution of General Contracts.

1 Each successful bidder must, within ten (10) days after the
2 award, enter into a contract in accordance with his bid, and unless
3 this is done, or the delay is for reasons satisfactory to the board,
4 the certified check submitted with the bid shall be forfeited to the
5 state. The specifications with the bids thereon shall be made a part
6 of the contract.

[C. C. 195, 196.]

Sec. 56. General Contract Provisions.

1 Such contracts shall, among other provisions, provide:

2 1. That the contractor shall receive and be entitled during the
3 year, in the regular course of business, to orders for, and perform and
4 complete all work thus ordered, or furnish the material ordered.

5 2. That the contractor shall complete all unfinished portions of
6 jobs or orders in hand at the expiration of the contract.

7 3. That the contract shall not be transferable or any part thereof
8 be sublet, except by authority of the printing board, made of record.

9 4. That the contract may be canceled, or other agreed penalty
10 imposed for failure to perform the terms thereof in a manner satis-
11 factory to the printing board.

12 5. That the contractor may be released on such conditions as may
13 be agreed on, in case of injury to his plant by fire, or other provi-
14 dential contingency.

[C. C. 195, 196, 199, 200, modified.]

Sec. 57. Bond.

1 A bond shall be required in connection with each contract in an
2 amount to be fixed by the printing board proportionate to the business
3 estimated to fall under the contract, which bond shall be approved by
4 the board and obligate the contractor to perform all the conditions
5 of the said contract in accordance with his bid.

[C. C. 195.]

Sec. 58. Attorney General to Approve.

1 The form of contract and bond shall be approved by the attorney
2 general.

[C. C. 197.]

Sec. 59. Emergency Contracts Exceeding Two Hundred Dollars.

1 The printing board shall have the right to award an emergency
2 contract for work or material estimated to cost in excess of two hun-
3 dred dollars (\$200.00) where no contract is in existence or the work
4 can not conveniently or properly be done under some of the existing
5 contracts, or where there has been cancellation of a contract in the
6 manner provided by law, or a failure on the part of a contractor to

7 carry out the provisions of his contract.

[C. C. 205, modified.]

Sec. 60. Procedure on Emergency Contracts.

1 Contracts provided for in the preceding section shall be entered
2 into only after publication of a notice of intent to let such contract
3 and invitation to bidders in at least two (2) daily newspapers pub-
4 lished at the capital of the state. Such publication shall be at least
5 one (1) week prior to the letting of the contract.

[C. C. 205, modified.]

Sec. 61. Special Contracts Not Exceeding Two Hundred Dollars.

1 The board may at any time award a special contract for any work
2 or material coming within the provisions of this chapter but not in-
3 cluded in contracts already in existence, or which can not properly be
4 made the subject of a general contract, if the amount of each such
5 contract shall not exceed the amount of two hundred dollars (\$200.00),
6 and if special bids have been duly solicited by the said board from
7 persons or firms engaged in the kind of work under consideration who
8 have indicated a desire to bid on the class of work to be done.

[C. C. 205, modified.]

Sec. 62. Work Done at State Institutions.

1 The printing board may enter into contracts or make provision
2 for doing any of the work coming under the provisions of this chapter
3 at any school or institution under the ownership or control of the state.
4 In all such cases, the work shall be done under conditions substantially
5 the same as though provided for in the case of contracts with indi-
6 viduals and the same standard of quality or product shall be required.

[C. C. 212, modified.]

Sec. 63. Appropriations.

1 There is hereby annually appropriated out of any unappropriated
2 funds in the state treasury a sum sufficient to pay all obligations in-
3 curred under this chapter for printing, stock, advertising and other
4 things relating to printing.

[New.]

Sec. 64. Audit of Bills.

1 All bills accruing under contracts entered into by the printing
2 board shall be filed with the printing board. They shall be in dupli-
3 cate, or in larger numbers if ordered by the board, verified and item-
4 ized with full details necessary for computation according to the terms
5 of the contract and orders given in relation thereto or according to
6 law, and shall be accompanied by samples of the work or materials
7 when practicable and when so ordered by the board. All such bills
8 shall be fully audited by the printing board and the duplicate vouchers
9 passed to the auditor of state who shall issue warrants therefor.

[C. C. 199, 235, modified.]

Code Commissioners' Bill No. 13

Subject: CUSTODIAN OF PUBLIC BUILDINGS AND GROUNDS

Senate File No.

Referred to Committee on

House File No.

By

..

Date

A BILL FOR

An act to amend, revise and codify chapter eleven (11) of title two (2) of the compiled code of Iowa, relating to the custodian of public buildings and grounds.

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

That chapter eleven (11) of title two (2) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. **Adjutant General.**

1 The adjutant general shall be ex officio custodian of public build-
2 ings and grounds. He shall execute bond in such amount as the execu-
3 tive council may require.

[C. C. 242, modified.]

Sec. 2. **Duties.**

1 It shall be the duty of the custodian, except as otherwise provided
2 by law:

3 1. To have charge of, preserve and adequately protect the state
4 capitol and grounds, and all other state grounds and buildings at the
5 seat of government, and all property connected therewith or used
6 therein or thereon.

7 2. To see that all apartments of said buildings are properly ven-
8 tilated and kept clean and in order.

9 3. To see that all visitors, at proper hours, are properly escorted
10 over said grounds and through said buildings, free of expense.

11 4. To have, at all times, charge of and supervision over the police
12 and janitors, in and about the capitol, and to employ and discharge
13 the same as the public interest may require.

14 5. To institute, in the name of the state, and with the advice and
15 consent of the attorney general, civil and criminal proceedings against
16 any person for injury or threatened injury to any public property
17 under his control.

18 6. To employ such labor as may be authorized by law and re-
19 quired in order for him to discharge his duties.

20 7. To keep in his office a complete record containing an itemized
21 list of all state property under his care and control, with accurate
22 plans and surveys of the public grounds and of buildings and under-
23 ground construction at the seat of government.

24 8. To perform all other duties required by law or order of the
25 executive council.

[C. C. 242-245, modified.]

Sec. 3. Biennial Report.

1 The custodian shall, on or before September thirtieth preceding
2 each regular session of the general assembly, make a verified report
3 to the governor which shall cover all transactions for the preceding
4 biennial period and shall show in detail:

5 1. All expenditures made on account of the department of public
6 buildings and property.

7 2. An itemized statement of all money, received for property sold
8 or collections made.

9 3. The condition of all real and personal property of the state
10 under his care or control, together with a report of any loss or de-
11 struction, or injury to any such property, with the causes thereof.

12 4. The measures necessary for the care and preservation of the
13 property under his control.

14 5. Any recommendations as to methods which would tend to
15 render the public service more efficient and economical.

16 6. An inventory of all state property under his control.

17 7. Any other matter ordered by the executive council.

[C. C. 245, 246.]

Code Commissioners' Bill No. 14

Subject: EXECUTIVE COUNCIL

Senate File No. Referred to Committee on

House File No.

By Date

A BILL FOR

An act to amend, revise and codify sections two hundred fifty-two (252) to two hundred seventy-five (275), inclusive, of the compiled code of Iowa, relating to the duties of the executive council.

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

That sections two hundred fifty-two (252) to two hundred seventy-five (275), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. **Anticipation of Revenues.**

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

[C. C. 252.]

Sec. 2. **Compromise of Claims.**

1 The executive council, on a written report to it by the attorney
2 general together with his opinion as to the legal effect of the facts,

3 may determine by resolution to be duly entered in its official records,
4 the terms on which claims of doubtful equity or collectibility, and in
5 favor of or against the state, may be compromised and settled with
6 all or any of the parties thereto. Such terms may be withdrawn prior
7 to acceptance, or in case the debtor fails to comply therewith within
8 a reasonable time. The attorney general shall have full authority to
9 execute all papers necessary to effect any such settlement.

[C. C. 253, modified.]

Sec. 3. Court Costs.

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

[C. C. 254.]

Sec. 4. Report of Unexpended Balances.

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

[C. C. 255.]

Sec. 5. Notice of Hearing to Transfer Balance.

1 When said council is satisfied that the work for which such spe-
2 cial fund was created has been completed, or abandoned, it shall fix
3 a day for hearing on the question whether the unexpended balance

4 then on hand should be transferred to the general revenue fund of
5 the state, and shall cause a ten (10) days' notice of such hearing to
6 be given such commission, board, officer, or person, at which hearing,
7 showing may be made why such unexpended balance should not be so
8 transferred.

[C. C. 255.]

Sec. 6. Order of Transfer.

1 If after such hearing the council shall find that said special work
2 has been completed, or abandoned, and that there is no good reason
3 why such transfer should not then be made, such findings shall be
4 made a matter of record in the minutes of its proceedings.

[C. C. 255.]

Sec. 7. Duty to Transfer.

1 The auditor and treasurer of state shall, on receipt from the
2 secretary of the council of a copy of such record, make such transfer.

[C. C. 255.]

Sec. 8. Exception.

1 The four (4) preceding sections shall not apply to any appropria-
2 tion for any purpose connected with the operation of any state institu-
3 tion under the control of the state board of control of state institutions,
4 or under the control of the state board of education, unless the board
5 shall certify to the said council that an unexpended balance of such
6 appropriation will not be needed.

[C. C. 255, 297, modified.]

Sec. 9. Assignment of Rooms.

1 The executive council shall control the assignment of rooms in
2 the capitol building, provided that rooms eleven (11) and twelve (12)

3 on the first floor of said building shall be the permanent quarters of
4 the state department of agriculture, and room four (4) in the base-
5 ment story shall be the permanent quarters of the Grand Army of
6 the Republic, department of Iowa. The judges of the supreme court
7 shall control the assignment of rooms in the temple of justice. As-
8 signments may be changed at any time. Assignment of rooms which
9 are necessary for legislative purposes, shall terminate on the conven-
10 ing of the general assembly. The various officers to whom rooms
11 have been so assigned, may control the same while the assignment
12 to them is in force, but shall have no authority to employ any person
13 at state expense, unless authorized by law. Official apartments shall
14 be used only for the purpose of conducting the business of the state.

[C. C. 256, 257, 258, modified.]

Sec. 10. Repairs—Supplies.

1 The executive council may contract for the repairing of all bu-
2 ings and grounds of the state at the seat of government, for the neces-
3 sary telephone, telegraph, lighting and water service for such buildings
4 and grounds, for all necessary furniture, fuel, stores and supplies for
5 the said buildings and grounds, and for the various departments of
6 the state government at the seat of government. Payment for tele-
7 phone, telegraph, water and lighting service shall not exceed the mini-
8 mum charge to private parties.

[C. C. 258, 259.]

Sec. 11. Advertisement for Bids.

1 The secretary of the executive council shall, from time to time,
2 on the order of the council, advertise in two (2) newspapers published
3 at the seat of government, and in such other newspapers as the coun-

4 cil may order, for sealed proposals for furnishing supplies, except
 5 government postage, which advertisements shall state the kind, qual-
 6 ity, quantity and time and place of delivery, the time and place when
 7 such proposals will be opened and when the same must be filed with
 8 such secretary, and such other matters as the council may direct.

[C. C. 260.]

Sec. 12. Contracts.

1 All bids shall be opened at the time and place specified. Con-
 2 tracts shall be let to the lowest responsible bidder, provided the coun-
 3 cil may reject all bids and readvertise. Successful bidders shall give
 4 security, to be approved by the council, for the faithful performance
 5 of all contracts.

[C. C. 260, 261.]

Sec. 13. Identification of State Property.

1 All paper purchased for the use of the state shall have a distin-
 2 guishing mark, or water line, by which it can be identified, and all
 3 furniture, stores or supplies for use in and about the capitol shall,
 4 when practicable, be marked with the word "Iowa".

[C. C. 259.]

Sec. 14. Sale of State Property.

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

[C. C. 259.]

Sec. 15. Supply Account.

1 The executive council shall take charge of all property purchased,
 2 and shall keep a complete and itemized account of all such property,

3 with the cost and disposition thereof.

[C. C. 262, 263.]

Sec. 16. Officers Entitled to Supplies.

1 The council shall, unless otherwise provided, furnish the follow-
2 ing officers and departments with all articles and supplies required
3 for the public use and necessary to enable them to perform the duties
4 imposed upon them by law:

- 5 1. Governor.
- 6 2. Secretary of state.
- 7 3. Auditor of state.
- 8 4. Treasurer of state.
- 9 5. Attorney general.
- 10 6. Judges of supreme court.
- 11 7. Clerk of supreme court.
- 12 8. Reporter of supreme court.
- 13 9. Railroad commissioners.
- 14 10. Commerce counsel.
- 15 11. General assembly and members thereof.
- 16 12. Standing and special committees of the general assembly.
- 17 13. Chief clerk of the house.
- 18 14. Secretary of the senate.
- 19 15. Superintendent of public instruction.
- 20 16. Board of control of state institutions.
- 21 17. State board of education and the finance committee thereof.
- 22 18. Banking department.
- 23 19. Insurance department.

-
- 24 20. Department of agriculture, except articles and supplies for
25 carrying on the state fair.
- 26 21. Horticultural department.
- 27 22. Historical department.
- 28 23. Dairy and food commissioner.
- 29 24. Mine inspectors.
- 30 25. Labor commissioner.
- 31 26. Commissioners of pharmacy.
- 32 27. Geological board and state geologist.
- 33 28. Board of parole.
- 34 29. State board of health.
- 35 30. State board of audit.
- 36 31. State board of educational examiners.
- 37 32. State library.
- 38 33. Law library.
- 39 34. State library commission.
- 40 35. State document editor.
- 41 36. State veterinary surgeon.
- 42 37. State fire marshal.
- 43 38. Iowa industrial commissioner.
- 44 39. Adjutant general and custodian of public buildings and
45 grounds.
- 46 40. Chief oil inspector.
- 47 41. District oil inspectors.
- 48 This section shall not be construed to prevent the furnishing of
49 supplies to other officers who are entitled to receive them under other
50 provisions of law.

[C. C. 262, modified.]

Sec. 17. Postage.

1 Postage shall not be furnished to the general assembly, its mem-
2 bers, officers, employees, or committees.

[C. C. 262.]

Sec. 18. Drawing Supplies.

1 Supplies shall be delivered only on a written requisition on the
2 secretary of said council, signed by the officer entitled thereto, speci-
3 fying the amount and kind necessary. The secretary shall take re-
4 ceipts for all such supplies and file and preserve the same.

[C. C. 263.]

Sec. 19. Account With Officer.

1 The council shall keep an accurate, itemized account with each
2 office, board, commission, or person drawing supplies, charging there-
3 to the several articles furnished at the cost price.

[C. C. 263.]

Sec. 20. Paper Account.

1 The state shall keep an accurate account with any one doing
2 printing for the state, and charge him with the value of all paper
3 drawn, and credit him with all paper used on behalf of the state, and
4 compel an accounting for all paper not so used.

[C. C. 263.]

Sec. 21. Performance of Duty—Expense.

1 The executive council shall not employ others, or incur any ex-
2 pense, for the purpose of performing any duty imposed upon such
3 council when such duty may, without neglect of their usual duties, be
4 performed by the members, or by their regular employees, but, sub-
5 ject to such limitation, the council may incur the necessary expense

6 to perform or cause to be performed any legal duty imposed on said
7 council, and pay the same out of any money in the state treasury not
8 otherwise appropriated.

[C. C. 264-268, modified.]

Sec. 22. Necessary Record.

1 Before incurring any expense authorized by the preceding sec-
2 tion, the council shall, in each case, by resolution, entered upon its
3 records, set forth the necessity for incurring such expense, the special
4 fitness of the one employed to perform such work, the definite rate of
5 compensation or salary allowed, and the total amount of money that
6 may be expended. Compensation or salary for personal services in
7 such cases must be determined by unanimous vote of all members of
8 the council.

[C. C. 264-268.]

Sec. 23. Additional Compensation and Expenses.

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

[C. C. 267.]

Sec. 24. Annual Settlements—Expert Accountant.

1 The executive council shall annually, and oftener in its discretion,
2 make a full settlement between the state and all state officers, com-
3 missioners, boards, associations, societies, organizations, departments,
4 and all persons receiving or expending state funds, and to this end
5 shall employ an expert accountant and the assistants necessary to

6 make the examination of accounts.

[C. C. 270, 272.]

Sec. 25. **Duty of Accountant.**

1 Said accountant shall report in writing to said council:
2 1. The actual condition found to exist on any examination.
3 2. All illegal or unbusinesslike practices.
4 3. Any matter which would, in his opinion, effect greater sim-
5 plicity, accuracy, efficiency and lessened cost in the operation of the
6 business of the state.

[C. C. 270, 272.]

Sec. 26. **Methods of Accounting.**

1 The executive council shall have authority to direct the method,
2 manner and form in which the records and accounts of all state de-
3 partments shall be kept when not otherwise specifically prescribed by
4 law. It shall be the specific duty of the heads of all departments of
5 the state to install and maintain in said department the system of
6 accounts and records prescribed therefor by said council, and a failure
7 to perform such duty shall be ground for suspension from office.

[C. C. 269.]

Sec. 27. **Employment of Specialists.**

1 To properly inform itself the council may, in conjunction with
2 said accountant, employ a specialist in the methods of operating any
3 department wherein changes may be deemed advisable, or may cause
4 said accountant to examine the methods of conducting like or similar
5 departments in other states. Such specialist or accountant shall, in
6 writing, report his findings and recommendations to the council.

[C. C. 270.]

Sec. 28. Board of Control.

1 Nothing in this chapter shall be so construed as to interfere with
2 the system of management and care of the institutions under the
3 charge of the board of control, or of the state board of education.

[C. C. 272.]

Sec. 29. Appropriation.

1 There is hereby appropriated, annually, out of any money in the
2 state treasury not otherwise appropriated, a sum sufficient to enable
3 said council to comply with the four (4) preceding sections.

[C. C. 273.]

Sec. 30. Biennial Report of Expenditures.

1 The executive council shall, on or before the first day of Septem-
2 ber of each year preceding the convening of the general assembly,
3 compile a complete report of the expenditures of the several state
4 offices, and institutions, except institutions under the management of
5 the state board of control, and state board of education. Such report
6 shall show:

7 1. The amount and nature of all expenditures reported.

8 2. The price paid for things purchased or furnished for said de-
9 partments or institutions.

10 3. The rates paid as salary or per diem, with the names of the
11 officers, clerks or employees receiving compensation, or payment for
12 expenses.

13 4. A statement of all supplies drawn by the several offices.

14 5. A statement of the printing and binding done for the several
15 offices.

16 6. A statement of the fees collected by each of the several offices,

17 boards, commissions and institutions and the disposition of such fees.

[C. C. 274.]

Sec. 31. **Additional Data.**

1 All data required for the foregoing report and not otherwise pro-
 2 vided for, shall be reported to said council by the several officers,
 3 departments and institutions at such times and in such form as the
 4 council may direct.

[C. C. 274.]

Sec. 32. **Distribution of Report.**

1 The biennial report of expenditures shall be distributed as fol-
 2 lows:

3	To each member of the general assembly	15 copies
4	To each state officer, member of board or commission	1 copy
5	To each public, free and college library in the state	1 copy
6	To state library	10 copies
7	To state historical department	5 copies
8	To each county auditor, treasurer and clerk of the dis-	
9	trict court	1 copy
10	To each newspaper in the state	1 copy

11 The remaining copies in excess of the reserve list shall be dis-
 12 tributed by the document editor as provided by law.

[C. C. 275.]

Code Commissioners' Bill No. 15

Subject: STATE BOARD OF AUDIT—PAYMENT OF CLAIMS

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

An act to amend, revise and codify chapter thirteen (13) of title two (2) and sections seven hundred fourteen (714) and seven hundred fifteen (715) of the compiled code of Iowa, 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) of title two (2) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. State Board of Audit.

1 The state board of audit shall consist of the auditor of state, the
2 attorney general, or one of his authorized assistants to be designated
3 by him, and the secretary of the executive council or his first assistant,
4 who shall be secretary of said board.

[C. C. 276.]

Sec. 2. Duties.

1 All claims for money due from the state, to be paid from the state
2 treasury, except the salaries of the various officers whose salaries are
3 fixed by law, shall be approved and certified by the state board of audit
4 before warrants in payment of the same are drawn. No claim shall
5 be audited by the board when such claim is presented after the lapse
6 of two (2) years from its accrual. Said board shall have no authority

7 to authorize the creation of a claim against the state.

[C. C. 277, 278, 281.]

Sec. 3. Duty in Auditing Claims.

1 Said board, before approving a claim, shall determine:

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

[C. C. 254.]

Sec. 4. Rules.

1 The board of audit shall establish and publish such rules and

2 regulations as it may deem necessary in order to determine the abso-

3 lute accuracy of every claim, and may, in any case, require such fur-

4 ther information as will enable it to discharge its duty and fully pro-

5 tect the state.

[C. C. 279.]

Sec. 5. Itemized Vouchers Required.

1 Before a warrant shall issue for any claim payable from the state

2 treasury, the claimant shall file duplicate, itemized and verified vouch-

3 ers which shall show in detail the items of service, expense, thing

4 furnished, or contract upon which payment is sought. If the claim

5 be for salary fixed by law, said vouchers shall be filed with the auditor

6 of state. If the claim be for other than such salary, said vouchers
7 shall be filed with the secretary of the state board of audit.

[C. C. 274, 282.]

Sec. 6. Exception.

1 Duplicate vouchers shall not be required to be filed for disburse-
2 ments made on account of institutions under the management of the
3 board of control, or of the state board of education.

[C. C. 274, 282.]

Sec. 7. Audit of Salary Claims—Duplicate Voucher Filed.

1 The auditor of state shall audit all claims for salaries authorized
2 by law, and shall, after issuance of the proper warrant, file one (1)
3 of said duplicate vouchers with the executive council.

[C. C. 274.]

Sec. 8. Duplicate Vouchers Filed.

1 Upon the audit of a claim by the state board of audit, one (1)
2 of said duplicate vouchers shall be filed with the executive council and
3 one (1) with the auditor of state, who shall issue warrant in accord-
4 ance with said audit.

[C. C. 282.]

Sec. 9. Warrants—How Drawn.

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

[C. C. 282.]

Sec. 10. Warrants—How Drawn.

1 All warrants shall be drawn in the name of the person, firm or

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

[C. C. 282.]

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. 11. Monthly Statements of Per Diem and Expense.

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

[C. C. 714.]

Sec. 12. Salaries Paid From Fees.

1 Where the law provides that the amounts allowed for per diem
2 and expenses shall be limited to or paid from fees collected, the war-
3 rants for said items shall be drawn against the funds realized from
4 such fees and shall not exceed the amount thereof.

[C. C. 715.]

Code Commissioners' Bill No. 16

Subject: CENSUS

Senate File No. _____ Referred to Committee on _____

House File No. _____

By _____ Date _____

A BILL FOR

An act to amend, revise and codify chapter fourteen (14) of title two (2) of the compiled code of Iowa, relating to the census.

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

That chapter fourteen (14) of title two (2) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. **Forms.**

1 The executive council shall cause blank forms to be prepared and
2 printed for the purpose of taking the census in the year nineteen
3 hundred twenty-five (1925) and every ten (10) years thereafter.

[C. C. 283, 284.]

Sec. 2. **Population.**

1 The forms relating to population shall comprehend, for each per-
2 son, the name, age, color, sex, conjugal condition, place of birth, place
3 of birth of parents, whether alien or naturalized, number of years in
4 the United States and in Iowa, occupation, months unemployed, liter-
5 acy, school attendance, and ownership of farms and homes.

[C. C. 283.]

Sec. 3. **Agriculture.**

1 The forms relating to agriculture shall comprehend for each farm

2 the name and color of occupant, whether native born, alien, or nat-
3 uralized, tenure, acreage of farm, value of farm and improvements,
4 acreage, quantity, and value of different products for the year ending
5 December thirty-first next preceding the enumeration, and number and
6 value of live stock.

[C. C. 283.]

Sec. 4. Form of Inquiries.

1 The council may exercise its discretion as to the form, number
2 and division of the inquiries necessary to secure said information.

[C. C. 283.]

Sec. 5. Soldiers and Sailors.

1 The forms relating to residents of this state who are, or have
2 been, in the military or naval service of the United States, shall com-
3 prehend for each person, his name, company, regiment, or other branch
4 of such service, and present place of residence.

[C. C. 283.]

Sec. 6. Delivery of Blanks.

1 Said blanks must be delivered to the several county auditors and
2 by the latter to the several assessors, on or before the first Monday
3 in January of the census year.

[C. C. 283.]

Sec. 7. Duty of Assessor.

1 Each assessor shall, in each census year, take such census, in his
2 district, by making accurate entries on such blanks of all matters of
3 information thereon required, and shall return the same to the county
4 auditor on or before June first of the census year.

[C. C. 284.]

Sec. 8. City Supervisor and Assistants.

1 In all cities having a population of over fifteen thousand (15,000)
2 the assessor shall, in addition to other duties, act as supervisor of the
3 census, and may, for each two thousand (2,000) population as shown
4 by the last preceding federal census, appoint one (1) enumerator, who
5 shall qualify in the same manner as assessors and be subject to the
6 same provisions in so far as they relate to the census. The assessor
7 in such cities may also appoint not more than three (3) clerks to check
8 the daily work of the enumerators. The compensation of said enu-
9 erators and clerks shall not exceed three dollars and fifty cents (\$3.50)
10 per day for each eight (8) hours' actual work. No enumerator shall
11 be employed for longer than sixty (60) days, and no clerk for longer
12 than thirty (30) days. Said enumerators and clerks shall be chosen
13 on competitive civil service examination (the rules, blanks and ques-
14 tions for which to be prescribed by the executive council), and shall be
15 removable only for cause.

[C. C. 284.]

Sec. 9. False Returns.

1 Any assessor, enumerator or clerk who makes any false return
2 shall forfeit the right to all compensation accrued and be immediately
3 discharged.

[C. C. 284.]

Sec. 10. Refusal to Give Information.

1 Any person who shall refuse to make answers to any question ap-
2 pearing on the blank, and who persists in such refusal after being
3 informed that the law requires such answer, shall be arrested on

4 information filed by the assessor or enumerator.

[C. C. 284.]

Sec. 11. Penalty.

1 If the one so refusing, on being brought before the magistrate,
2 answers the required questions, he shall be discharged on payment of
3 the costs. If the accused be tried and found guilty he shall be fined
4 not less than five dollars (\$5.00) nor more than one hundred dollars
5 (\$100.00), and ordered committed to the county jail until said fine is
6 paid. Each such refusal to answer shall be deemed a separate offense.

[C. C. 284.]

Sec. 12. Failure to Perform Duty.

1 The county auditor shall appoint some suitable person to take the
2 census, as provided by law, at as early a date as practicable and at the
3 expense of the county whenever any assessor fails to take such census
4 in a satisfactory manner by June first of the census year.

[C. C. 285.]

Sec. 13. Returns of Census.

1 The county auditor shall forward the returns of the census to the
2 executive council at the earliest possible date and not later than July
3 first. Should said census be not made, or the returns be not received
4 by July fifteenth, the council may, at the expense of the county, cause
5 such census to be made in the district where such failure occurs, or
6 cause the returns to be brought up. Said returns shall be filed and
7 preserved in the office of the secretary of state.

[C. C. 286.]

Sec. 14. Abstracts of Census.

1 The executive council shall cause abstracts or compilations of

2 said census to be prepared and recorded by the secretary of state, and
3 said council may add thereto such available statistics relative to other
4 matters of public interest as it may deem advisable. Said secretary
5 shall attach to said record a certificate, dated and signed by him, to
6 the effect that said record constitutes a true compilation of said census.

[C. C. 287.]

Sec. 15. Assistants.

1 All assistants employed in the preparation of said abstracts and
2 compilation shall be selected on their merits, after competitive exam-
3 ination, and shall be subject to removal at the pleasure of the council.

[C. C. 288.]

Sec. 16. Publication of Census.

1 Said council shall cause said compiled census and certificate to be
2 published in a book to be known as the "Census of Iowa."

[C. C. 289.]

Sec. 17. Federal and State Cooperation.

1 The executive council is authorized, so far as practicable, to co-
2 operate with the census bureau of the United States in the gathering,
3 compilation, and publication of census statistics.

[C. C. 291.]

Sec. 18. Federal Census.

1 The secretary of state shall, whenever a general census is taken
2 by the federal government, procure from the supervisor of such census,
3 or other proper federal official, a copy of such part of said census as
4 gives the population of the state of Iowa by counties, by cities, and by
5 towns, and file the same in his office and attach thereto, dated and
6 signed by him, a certificate that the same is the census report fur-

7 nished to him by said federal official.

[C. C. 292.]

Sec. 19. Publication.

1 He shall at once cause such census report and certificate to be
2 published once in each of two (2) daily newspapers of the state and
3 of general circulation, and from and after the date of such publication
4 said census shall be in full force and effect throughout the state. On
5 payment of a fee of two dollars (\$2.00) he shall furnish a certified
6 copy of the whole or any part of such census report.

[C. C. 292.]

Sec. 20. Publication in Official Register.

1 The secretary of state shall publish said federal census report and
2 certificate aforesaid in full in each copy of the Iowa official register
3 until a census is taken by the state.

[C. C. 292.]

Sec. 21. Evidence—Population.

1 Said certified census records in the office of the secretary of state,
2 and said authorized publications, including the certificates attached
3 thereto, shall be competent evidence of all matters therein contained.
4 Whenever the population of any county, city or town is referred to in
5 any law of this state, it shall be determined by the last certified, or
6 certified and published, official census, whether the same be a state or
7 national census, unless otherwise provided.

[C. C. 290, 292.]

Code Commissioners' Bill No. 17

Subject: DEPUTIES OF STATE OFFICERS

Senate File No..... Referred to Committee on
 House File No.....
 By Date.....

A BILL FOR

An act to amend, revise and codify chapter fifteen (15) of title two (2) of 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 compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Deputies.

1 The secretary, auditor and treasurer of state, may each **appoint,**
 2 in writing, any person, except one holding a state office, as **deputy, for**
 3 whose acts the appointing officer shall be responsible, and from whom
 4 the appointing officer shall require bond, which **appointment and bond**
 5 must be approved by the officer having the approval of the principal's
 6 bond, and such **appointment may be revoked in the same manner. The**
 7 **appointment and revocation shall be filed with and kept by the secre-**
 8 **tary of state.**

[C. C. 293-295.]

Sec. 2. Duty to Qualify.

1 The deputy shall qualify by taking the oath of the **principal, to be**
 2 **indorsed upon and filed with the certificate of appointment, and when**
 3 **so qualified he shall, in the absence or disability of the appointing**

- 4 officer, unless otherwise provided, perform all the duties pertaining to
5 the office of the appointing officer.

[C. C. 293-295.]

Code Commissions' Bill No. 18

Subject: REPORTS OF OFFICERS

Senate File No. _____ Referred to Committee on _____
 House File No. _____
 By _____ Date _____

A BILL FOR

An act to amend, revise and codify chapter sixteen (16) of title two (2) of the compiled code of Iowa, relating to reports of public officers.

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

That chapter sixteen (16) of title two (2) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. **Time for Making Reports.**

1 When reports are required of public officers, boards and commis-
 2 sions and no time is fixed for the making and filing of the same, the
 3 executive council shall fix such time as will render such reports avail-
 4 able to the ensuing general assembly.

[C. C. 296, modified.]

Sec. 2. **Biennial Fiscal Term—Reports to Cover.**

1 The biennial fiscal term of the state ends on the thirtieth day of
 2 June in each even-numbered year, and the succeeding biennial fiscal
 3 term begins on the day following. All biennial reports shall cover the
 4 period thus indicated, except when otherwise provided, and shall show
 5 the conditions of such offices and institutions, respectively, on that day.

[C. C. 297, modified; see sec. 8, C. B. 14.]

Sec. 3. Reports by Secretary of State.

1 The secretary of state shall, on or before August the fifteenth of
2 each year preceding the convening of the general assembly in regular
3 session, file with the governor a biennial report, which shall embrace
4 the following data, separately and consecutively numbered, under the
5 respective heads.

6 1. *Domestic Corporations.*

7 Names of companies filing articles of incorporation.

8 Total stock authorization of each separate company.

9 Total stock authorization of all companies.

10 Names of companies filing amendments increasing capital
11 stock.

12 Total increase of capital stock of each separate company.

13 Total increase of capital stock of all companies.

14 Names of companies filing amendments not included in above.

15 Names of companies failing to make annual reports.

16 Names of companies dissolved.

17 Names of companies cancelled on recommendation of attorney
18 general.

19 Names of banks incorporated, distinguishing between state
20 and savings banks.

21 Names of insurance companies and building and loan associa-
22 tions, distinguishing between each.

23 Total fees collected from each separate source.

24 Recapitulation of all fees collected.

25 2. *Foreign Corporations.*

26 Total amount invested in this state by each such company.

-
- 27 Names of companies filing amendments.
- 28 Names of companies withdrawing from the state.
- 29 Names of companies delinquent in the making of reports and
30 payment of fees.
- 31 Names of companies forfeiting right to transact business in
32 this state.
- 33 Total fees collected from each separate source.
- 34 Recapitulation of all fees collected.
- 35 3. *Investment Companies.*
- 36 Names of companies filing applications for sale of stock.
- 37 Names of companies whose applications for sale of stock have
38 been approved and rejected, distinguishing between each.
- 39 Total amount of stock authorized to be sold by each separate
40 company.
- 41 Total amount of stock authorized to be sold by all companies.
- 42 Names of companies whose applications for sale of stock have
43 been withdrawn or cancelled, distinguishing between each.
- 44 Names of owners and brokers authorized to sell stock, and for
45 what company.
- 46 Total amount of fees collected from each separate source.
- 47 Recapitulation of all fees collected.
- 48 Total amount of money expended in enforcement of law.
- 49 4. *Motor Vehicle Department.*
- 50 Number of automobiles, trucks, motorcycles and trailers reg-
51 istered in each county, and the total number registered in
52 the state.

- 53 Number of transfers made in each county, and the total num-
54 ber made in the state.
- 55 Amount of fees received from each source from each county,
56 and the total amount received from all sources.
- 57 Number of employees and salaries paid in the operation of said
58 department.
- 59 Total fees received for dealers' and chauffeurs' licenses, extra
60 plates and lost plates, stating each item separately.
- 61 Total expenditure for equipment and supplies for said depart-
62 ment and the several county treasurers in the state.
- 63 A recapitulation of all fees received.
- [C. C. 5421, modified.]

Sec. 4. Estimates for Budget.

- 1 All officers, boards or commissions having charge of any depart-
2 ment of the state which receives an annual appropriation of money
3 from the state shall, biennially, on or before November fifteenth of
4 each even-numbered year, submit to the governor tabulated statements
5 showing in detail:
- 6 1. The amounts appropriated for the current biennial period.
- 7 2. Estimates of the amounts required for the ensuing biennial
8 period, with an explanation for any increase in appropriation.
- 9 3. All receipts for the current biennial period, and the source
10 thereof.
- 11 4. All expenditures for the current biennial period.

[C. C. 298.]

Code Commissioners' Bill No. 19.

**Subject: MEMORIAL HALLS AND MONUMENTS FOR SOLDIERS,
SAILORS AND MARINES**

Senate File No. _____ Referred to Committee on _____

House File No. _____

By _____ Date _____

A BILL FOR

An act to amend, revise and codify sections thirty-three hundred forty-eight (3348) to thirty-three hundred fifty-three (3353), inclusive, thirty-seven hundred sixty-five (3765), and thirty-seven hundred sixty-seven (3767) to thirty-seven hundred seventy (3770), inclusive, of the compiled code of Iowa, 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-three (3353), inclusive, thirty-seven hundred sixty-five (3765), and thirty-seven hundred sixty-seven (3767) to thirty-seven hundred seventy (3770), inclusive, of the compiled code of Iowa 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.**

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

5 1. Any county which has not heretofore made an appropriation
6 for such purpose under any prior law.

7 2. Any town or city operating under any form of government.

[C. C. 3348, 3349, 3765, modified.]

Sec. 2. Petition—Requisites of.

1 The petition for the erection and equipment of any such hall or
2 monument shall request the submission of the proposition to a vote
3 of the people and shall:

4 1. When it is proposed to erect the same at the expense of the
5 county, be signed by fifteen per cent (15%) of the legal voters thereof,
6 or by a majority of the members of the regular organizations of war
7 veterans of the county.

8 2. When it is proposed to erect the same at the expense of a city
9 or town, by fifteen per cent (15%) of the legal voters thereof.

[C. C. 3348, 3768.]

Sec. 3. Election Called—Proposition Submitted.

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

5 “Shall the county (or city or town) of erect and
6 equip (or purchase and equip) a memorial building (or erect a monu-
7 ment) as provided in chapter of title of the code,
8 and issue bonds in the sum of dollars to cover the
9 expense of the same (or levy a tax of mills on the dollar
10 for a period of years) to defray the expense of the same?”

[C. C. 3768.]

Sec. 4. Notice of Election.

1 Notice of such election shall be given by publication in two (2)
2 newspapers published in the county, city or town, as the case may be,
3 once each week for at least four (4) consecutive weeks. If no news-
4 paper is published therein, then such notice may be made by posting
5 in three (3) public places within the limits of said corporation, and by
6 publication for four (4) consecutive weeks in a newspaper of general
7 circulation in the county; the last publication to be not less than five
8 (5) nor more than twenty (20) days prior to such election.

[C. C. 3348, 3768.]

Sec. 5. Acquisition of Site.

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

[C. C. 3765, 3768.]

Sec. 6. Bonds to Be Issued.

1 For the purpose of providing funds for the acquisition of neces-
2 sary ground therefor and purchasing, erecting, constructing or recon-
3 structing such building, or monument, and for the necessary equip-
4 ment therefor, bonds to be known as memorial bonds may be issued,
5 and sold in the manner provided by law for the sale of other county or
6 city bonds. They shall provide for portions of such bonds to become
7 due at different, definite periods, but none less than five (5) nor
8 more than fifty (50) years from date

[C. C. 3767.]

Sec. 7. Limitation—Liquidation.

1 In issuing such bonds the county, city or town, as the case may
2 be, may become indebted in an amount which, added to all other
3 indebtedness, shall not exceed five (5) per centum of the actual value
4 of the taxable property therein, as determined by the last state and
5 county tax lists, anything in section forty hundred fifty-four (4054)
6 to the contrary notwithstanding. For the purpose of liquidating such
7 bonds, together with the interest thereon, such county, city or town
8 shall levy upon all the property within the limits thereof, subject to
9 taxation for such purpose, in addition to all other taxes provided by
10 law, a special tax not exceeding in any one (1) year five (5) mills on
11 the dollar for a period of not exceeding fifty (50) years.

[C. C. 3767, 3342, modified.]

Sec. 8. Tax Levy.

1 In case any building be constructed, or purchased and equipped, or
2 any monument be erected, as provided in this chapter, the county, city
3 or town, as the case may be, shall thereafter provide annually a levy
4 of not more than three (3) mills on the dollar upon the taxable prop-
5 erty of such county, city or town for the care and maintenance of such
6 building or monument.

[C. C. 3769.]

Sec. 9. Commissioners Appointed.

1 When the proposition to erect any such building or monument has
2 been carried by a majority vote, the board of supervisors or the city
3 or town council, as the case may be, shall appoint a commission con-
4 sisting of five (5) members, which shall have charge of the erection,

5 and when erected, the management and control of such building or
6 monument.

[C. C. 3350, 3353, modified.]

Sec. 10. Who Eligible—Terms of Office—Vacancies.

1 Each such commissioner shall be an honorably discharged soldier,
2 sailor or marine of the United States, and their terms of office shall
3 be for three (3) years. Vacancies shall be filled in the same manner
4 as original appointments.

[C. C. 3343, 3351, modified.]

Sec. 11. Disbursement of Funds.

1 All funds voted, under the provisions of this chapter, shall be dis-
2 bursed by the county or city officers, only upon the written order of
3 said commissioners. Such commission shall report to, and make set-
4 tlement with the board of supervisors or the city council, as the case
5 may be, at the time and in the manner required of county and city
6 officers.

[C. C. 3349, modified.]

Sec. 12. Gifts and Bequests May Be Accepted.

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

[C. C. 3770, modified.]

Sec. 13. Named by Commission—Uses.

1 Any such memorial hall or building shall be given an appropriate
2 name and shall be available for the following purposes:

3 1. The special accommodations of soldiers, sailors, marines, nurses

4 and other persons who have been in the military or naval service of
5 the United States.

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

8 3. County or city hall, offices for any county or municipal pur-
9 pose, community house or recreation center or memorial hospital.

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

[C. C. 3765.]

Sec. 14. Memorial Halls—Record—Monuments—How Inscribed.

1 When any such memorial hall shall be erected, the commission
2 shall cause to be kept a record therein which shall contain the name of
3 each soldier, sailor and marine, who served honorable in any of the
4 wars in which the United States has been engaged, and who enlisted
5 or entered the service from the county, city or town, as the case may
6 be, stating the time of his service, the name of the war and organiza-
7 tion in which he served, and whether or not he died in the service.
8 When any such monuments shall be erected, the names of the deceased
9 soldiers, sailors and marines referred to in this section, shall be placed
10 thereon, and from time to time the names of others who subsequently
11 die.

[C. C. 3348, modified.]

Code Commissioners' Bill No. 20

Subject: TIME OF HOLDING ELECTIONS—TERMS OF OFFICERS

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

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.

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.

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

[C. C. 343, modified.]

Sec. 2. Special Election.

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

[C. C. 344.]

Sec. 3. Proclamation Concerning Election.

1 At least thirty (30) days before any general election, the governor
2 shall issue his proclamation, designating all the offices to be filled by
3 the vote of all the electors of the state, or by those of any congress-
4 sional, legislative or judicial district, and transmit a copy thereof to
5 the sheriff of each county. Said proclamation shall designate by num-
6 ber the several districts in which congressional and judicial officers
7 are to be chosen without other description.

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

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

13 The office of representative in the state legislature shall be desig-
14 nated as follows:

15 “In the districts numbered (giving the number of each district in
16 which two (2) representatives are to be chosen), each two (2) repre-
17 sentatives. In all other representative districts of the state, each one
18 (1) representative.”

[C. C. 345.]

Sec. 4. Proclamation Concerning Revision of Constitution.

1 In the years in which the constitution requires a vote on the ques-
2 tion of calling a convention and revising the constitution, the following
3 question shall be included in said proclamation:

4 “Shall there be a convention to revise the constitution and amend
5 the same?”

[C. C. 345.]

Sec. 5. Notice of Election.

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

[C. C. 346.]

Sec. 6. Notice of Special Election.

1 A similar proclamation shall be issued before any special elec-
2 tion ordered by the governor, designating the time at which such spe-
3 cial election shall be held; and the sheriff of each county in which such
4 election is to be held shall give notice thereof, as provided in the pre-
5 ceding section.

[C. C. 347.]

Sec. 7. Time of Choosing Officer.

1 At the general election next preceding the expiration of the term
2 of any officer his successor shall be elected.

[C. C. 348.]

Sec. 8. Term of Office.

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

[C. C. 349.]

Sec. 9. State Officers—Term.

1 The governor, lieutenant governor, secretary of state, auditor of
2 state, treasurer of state and attorney general shall hold office for a

3 term of two (2) years.

[C. C. 350.]

Sec. 10. United States Senators.

1 Senators in the congress of the United States shall be elected in
2 the same manner in which state officers are elected.

[C. C. 365.]

Sec. 11. Judges of the Supreme Court.

1 Two (2) judges of the supreme court shall be chosen at each gen-
2 eral state election. In the year nineteen hundred twenty (1920) and
3 each six (6) years thereafter, one (1) additional judge shall be elected.
4 The term of office of each judge shall be six (6) years.

[C. C. 351, 8456.]

Sec. 12. Superintendent of Public Instruction.

1 The superintendent of public instruction shall be elected at the
2 general election in nineteen hundred twenty-two (1922) and each four
3 (4) years thereafter. The term of such officer shall commence on the
4 first secular day in July following said election.

[C. C. 352.]

Sec. 13. Railroad Commissioners.

1 Two (2) railroad commissioners shall be elected at the general
2 election in nineteen hundred twenty-two (1922) and every four (4)
3 years thereafter. One (1) railroad commissioner shall be elected in
4 the year nineteen hundred twenty (1920) and every four (4) years
5 thereafter.

[C. C. 353.]

Sec. 14. Judges of District Court.

1 Judges of the district court shall be elected at the general elec-

2 tion in each judicial district and hold office for four (4) years, except
 3 when elected to fill a vacancy, in which case the election shall be only
 4 for the unexpired term.

[C. C. 354.]

Sec. 15. State Senators.

1 Senators in the general assembly shall be elected at the general
 2 election in the respective senatorial districts and shall hold office for
 3 the term of four (4) years.

[C. C. 355.]

Sec. 16. Representatives.

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

[C. C. 356.]

Sec. 17. County Officers.

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

[C. C. 357.]

Sec. 18. Board of Supervisors and Township Trustees.

1 There shall be elected, biennially, members of the board of super-
 2 visors and township trustees for a term of three (3) years to succeed
 3 those whose terms of office will expire on the second secular day in
 4 January following said election; there shall also be elected a member
 5 or members for a term of three (3) years to succeed those whose terms
 6 will expire on the second secular day in January one (1) year later

7 than the aforesaid date. It shall be specified on the ballot when each
8 shall begin his term of office.

[C. C. 357, 358.]

Sec. 19. Board of Supervisors—Limitation.

1 No person shall be elected a member of the board of supervisors
2 who is a resident of the same township with any of the members
3 holding over except that:

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

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

[C. C. 357.]

Sec. 20. Justices and Constables.

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

[C. C. 359.]

Sec. 21. Township Clerk—Assessor.

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

[C. C. 360.]

Sec. 22. Township Assessor.

1 Township assessors shall be elected biennially and shall hold office
2 for two (2) years. In townships embracing no city or town, the elec-
3 tion shall be by the voters of the entire township. In townships em-

4 bracing a city or town, the election shall be by the voters of the town-
5 ship residing outside the corporate limits of such city or town. Such
6 assessor shall be a resident of the territory of the township outside
7 such city or town.

[C. C. 360.]

Sec. 23. **Special Election in New Townships.**

1 When a new township has been created in a year in which no
2 general election is held the county board of supervisors of the county
3 affected shall call a special election for the election of three (3) trus-
4 tees and other township officers of the new township, which officers
5 shall continue in office until their successors are elected at the next
6 biennial election and have qualified.

[C. C. 361.]

Code Commissioners' Bill No. 21

Subject: NOMINATIONS BY PRIMARY ELECTIONS

Senate File No. Referred to Committee on

House File No.

By Date

A BILL FOR

An act to amend, revise and codify chapter two (2) of title four (4) of the compiled code of Iowa, relating to nominations by primary elections.

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

That chapter two (2) of title four (4) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Primary Election Defined.

1 The term "primary election" as used in this chapter shall be con-
2 strued to apply to an election by the members of various political
3 parties:

4 1. For the purpose of placing in nomination candidates for pub-
5 lic office.

6 2. For selecting delegates to conventions.

7 3. For the selection of party committeemen.

[C. C. 362.]

Sec. 2. Political Party Defined.

1 The term "political party" shall mean a party which, at the last
2 preceding general election, cast for its candidate for governor at least
3 two per centum (2%) of the total vote cast at said election. A polit-

1 ical organization which is not a "political party" within the meaning
 5 of this section may nominate candidates and have the names of such
 6 candidates placed upon the official ballot by proceeding under chapter
 7 three (3) of this title.

[C. C. 363.]

Sec. 3. Offices Affected by Primary.

1 Candidates of all political parties for the following offices shall,
 2 at the time and in the manner hereinafter directed, be nominated by a
 3 primary election, to wit:

4 1. Offices which are filled at the regular biennial election by direct
 5 vote of the people, except the office of judge of the supreme and dis-
 6 trict court.

7 2. United States senators.

8 3. Presidential electors.

[C. C. 364.]

Sec. 4. Delegates and Party Committeemen.

1 Delegates to the county convention of political parties and party
 2 county committeemen of such parties shall be elected at said primary
 3 election at said times and places.

[C. C. 364.]

Sec. 5. Applicable Statutes.

1 The provisions of chapters six (6) and seven (7) of this title and
 2 chapter fifty-three (53) of title thirty-three (33) shall apply, so far
 3 as applicable, to all said primary elections, except as hereinafter pro-
 4 vided.

[C. C. 364, modified.]

Sec. 6. Nomination of United States Senators.

1 Senators in the congress of the United States, in case of a full
 2 term, shall be nominated in the year preceding the expiration of the
 3 term of office of the incumbent. In case of a vacancy, such senators
 4 shall be nominated in the year in which occurs the first biennial elec-
 5 tion following the occurrence of the vacancy.

[C. C. 365.]

Sec. 7. Time of Holding.

1 The primary election by all political parties shall be held at the
 2 usual voting places of the several precincts on the first Monday in
 3 June in each even-numbered year.

[C. C. 366.]

Sec. 8. Secretary of State to Furnish Blanks.

1 The secretary of state shall, at state expense, furnish blank nomi-
 2 nation papers, in the form provided in this chapter, to any qualified
 3 elector who desires to petition for the nomination of any candidate,
 4 or to any person who intends to be a candidate, for any office for which
 5 nomination papers are required to be filed in his office.

[C. C. 367.]

Sec. 9. County Auditor to Furnish Blanks.

1 The county auditor shall, at county expense, perform the duty
 2 specified in the preceding section, as to all offices for which nomi-
 3 nation papers are required to be filed in his office.

[C. C. 367.]

Sec. 10. Blanks Furnished by Others.

1 Blank nomination papers which are in form substantially as pro-
 2 vided by this chapter may be used even though not furnished by the

3 secretary of state or county auditor.

[New.]

Sec. 11. Filing of Nomination Papers.

1 Nomination papers in behalf of a candidate shall be filed:

2 1. For an elective county office, in the office of the county auditor
3 at least thirty (30) days prior to the day fixed for holding the primary
4 election.

5 2. For United States senator, for presidential elector, for an elec-
6 tive state office, for representative in congress, and for member of
7 the general assembly, in the office of the secretary of state at least
8 forty (40) days prior to the day fixed for holding said primary elec-
9 tion.

[C. C. 368.]

Sec. 12. Noting Time of Filing.

1 The officer receiving nomination papers for filing shall indorse
2 thereon the day, and time of day, of filing.

[New.]

Sec. 13. Failure to File Nomination Papers.

1 No candidate for any office named in the second preceding sec-
2 tion shall have his name printed on the official primary ballot of his
3 party unless nomination papers are filed as therein provided.

[C. C. 368.]

Sec. 14. Form of Nomination Papers.

1 All nomination papers shall be about eight and one-half (8½)
2 by thirteen (13) inches in size and in substantially the following form:

3 "I, the undersigned, a qualified elector of . . .
4 county, and state of Iowa, and a member of the . . .

5 party, hereby nominate of
 6 county, state of Iowa, who has affiliated with and is a member of the
 7 party, as a candidate for the office of
 8 to be voted for at the primary election to be held in June, 19 .”
 9 No signatures shall be counted unless they are on sheets each
 10 having such form written or printed at the top thereof.
 [C. C. 368.]

Sec. 15. Requirements in Signing.

1 The following requirements shall be observed in the signing and
 2 preparation of nomination blanks:

- 3 1. Each signer may sign as many nomination papers to the same
 4 office as there are officers to be elected to said office, and no more.
- 5 2. Each signer shall add his residence, with street and number,
 6 if any, and the date of signing.
- 7 3. All signers, for all nominations, of each separate part of a
 8 nomination paper, shall reside in the same county.
- 9 4. When more than one (1) sheet is used, the sheets shall be
 10 neatly arranged and securely fastened together before filing, and shall
 11 be considered one (1) nomination paper.
- 12 5. Only one (1) candidate shall be petitioned for or nominated
 13 in the same nomination paper.

[C. C. 368.]

Sec. 16. Withdrawals and Additions Not Allowed.

1 A nomination paper, when filed, shall not be withdrawn nor
 2 added to, nor any signature thereon revoked.

[C. C. 368.]

16 on this day of, 19.. ..

17”

18 (Official title)

[C. C. 368.]

Sec. 19. Manner of Filing Affidavit.

1 The affidavit provided in the preceding section shall be filed with
2 the nomination papers when such papers are required; otherwise
3 alone.

[C. C. 368.]

Sec. 20. Signatures Required.

1 Nomination papers shall be signed as follows:

2 1. If for a state office, United States senator, or elector at large,
3 by at least one per centum (1%) of the voters of the party of such
4 candidates, in each of at least ten (10) counties of the state, and in
5 the aggregate not less than one-half ($\frac{1}{2}$) of one per centum (1%) of
6 the total vote of his party in the state, as shown by the last general
7 election.

8 2. If for a representative in congress, district elector, or senator
9 in the general assembly in districts composed of more than one (1)
10 county, by at least two per centum (2%) of the voters of his party,
11 as shown by the last general election, in at least one-half ($\frac{1}{2}$) of the
12 counties of the district, and in the aggregate not less than one per
13 centum (1%) of the total vote of his party in such district, as shown
14 by the last general election.

15 3. If for an office to be filled by the voters of the county, by at
16 least two per centum (2%) of the party vote in the county, as shown
17 by the last general election.

18 In each of the above cases, the vote to be taken for the purpose
19 of computing the percentage shall be the vote cast for the head of the
20 ticket.

[C. C. 368.]

Sec. 21. Candidates for Township or Precinct Office.

1 The name of a candidate for an office to be filled by the voters
2 of any subdivision of a county, including the office of party commit-
3 teeman, shall be printed on the official primary ballot of his party:

4 1. If a nomination paper signed by ten (10) qualified voters of
5 said subdivision is filed in his behalf with the county auditor at least
6 fifteen (15) days prior to such primary election.

7 2. If the candidate files with the county auditor, fifteen (15) days
8 prior to such primary election, his personal affidavit as provided by
9 section eighteen (18) of this chapter.

[C. C. 368.]

Sec. 22. Nominations Certified.

1 The secretary of state shall, at least thirty (30) days before a
2 primary election, furnish to each county auditor a certificate under
3 his hand and seal, which certificate shall show:

4 1. The name and postoffice address of each person for whom a
5 nomination paper has been filed in his office, and for whom the voters
6 of said county have the right to vote at said election.

7 2. The office for which such person is a candidate.

8 3. The political party from which such person seeks a nomina-
9 tion.

10 4. The order in which the names of all candidates for offices to
11 be filled by the voters of the entire state shall be arranged and printed

12 on the primary ballot in said county.

[C. C. 369.]

Sec. 23. Order of Names of Candidates.

1 The secretary of state shall arrange the various counties in the
2 order of the vote cast by each political party in each county for its
3 candidate for governor at the last preceding general election, or for
4 the head of the ticket of any political party when it had no candidate
5 for governor at such election, numbering the counties consecutively
6 on each list from one (1) to ninety-nine (99), inclusive, beginning
7 with the county which cast the largest vote, which shall be numbered
8 "1." He shall then arrange the surnames of such candidates in alpha-
9 betical order for the respective offices for the several political parties
10 for the first county on the respective lists; thereafter, for each suc-
11 ceeding county, the names appearing first for the respective offices in
12 the last preceding county shall be placed last, so that the names that
13 occupied second position before the change shall occupy first position
14 after the change.

[C. C. 369.]

Sec. 24. Notice of Election.

1 Such auditor shall, immediately after receiving said certified mat-
2 ter from the secretary of state, publish a proclamation of the time of
3 holding the primary election, the hours during which the polls will
4 be open, the offices for which candidates are to be nominated and that
5 the primary election will be held in the regular polling places in each
6 precinct.

[C. C. 369.]

Sec. 25. Publication of Notice.

1 Such notice shall be published once each week for two (2) c.
 2 consecutive weeks before the primary election, in not to exceed two (2)
 3 newspapers of general circulation in such county. One (1) of such
 4 newspapers shall represent the political party which cast the largest
 5 vote in such county at the last preceding general election, and the
 6 other, if any, shall represent the political party which cast the next
 7 largest vote in such county at such general election.

[C. C. 369.]

Sec. 26. Correction of Errors.

1 The county auditor shall correct any errors or omissions in the
 2 names of candidates and any other errors brought to his knowledge
 3 before the printing of the ballots.

[C. C. 369.]

Sec. 27. Ballot—Form.

1 The official primary election ballot shall be prepared, arranged
 2 and printed substantially in the following form:

3 PRIMARY ELECTION BALLOT

4 (Name of Party)

5 of

6 Township or Precinct, Ward, City or Town
 7 of....., County of, State of Iowa.

8 Primary election held on the..... day of June, 19

9 FOR UNITED STATES SENATOR.

10 (Vote for one.)

11 William K. Brown

12 J. R. Wayne

NOMINATIONS BY PRIMARY ELECTIONS

13

14 FOR GOVERNOR.

15 (Vote for one.)

16 Howard Collins

17 William Longley

18

19 (Followed by other elective state and district officers in order.)

20 FOR COUNTY AUDITOR.

21 (Vote for one.)

22 William Strong

23 Robert Thompson

24

25 (Followed by other elective county officers in order.)

26 FOR DELEGATES TO COUNTY CONVENTION.

27 (Vote for)

28

29

30

31

32

33 FOR TOWNSHIP CLERK.

34 (Vote for one.)

35 John H. Black

36 Joseph Raymond

37

38 FOR TOWNSHIP TRUSTEES.

39 (Vote for two.)

NOMINATIONS BY PRIMARY ELECTIONS

40 Clarence Foster

41 William Jones

42 H. S. Wilson

43

44 (Followed by other elective township officers in order.)

45 FOR PARTY COMMITTEEMAN.

46 (Vote for one.)

47 John Doe

48 Richard Roe

49

[C. C. 370.]

Sec. 28. **Printing of Ballots.**

1 The ballots of each political party shall be printed in black ink,
2 on separate sheets of paper, uniform in color, quality, texture and
3 size, with the name of the political party printed at the head of said
4 ballots, which ballots shall be prepared by the county auditor in the
5 same manner as for the general election, except as in this chapter
6 provided.

[C. C. 371.]

Sec. 29. **Names of State Candidates.**

1 The names of candidates for offices to be filled by the voters of
2 the entire state shall be arranged and printed on the primary ballot,
3 in the order in which they are certified by the secretary of state.

[C. C. 371.]

Sec. 30. **Names of District and County Candidates.**

1 The names of candidates for offices to be filled by the voters of a
2 county, and by the voters of any district of the state composed of

3 more than one (1) county, shall be arranged and printed upon the
4 primary election ballots in the following manner: The county au-
5 ditor shall prepare a list of the election precincts of his county, by
6 arranging the various townships, towns and cities in the county in
7 alphabetical order, and the wards or precincts of each city, town or
8 township in numerical order under the name of such city, town or
9 township. He shall then arrange the surnames of all candidates for
10 such offices alphabetically for the respective offices for the first pre-
11 cinct in the list; thereafter, for each succeeding precinct, the names
12 appearing first for the respective offices in the last preceding precinct
13 shall be placed last, so that the names that were second before the
14 change shall be first after the change.

[C. C. 371.]

Sec. 31. Name of Township or District Candidates.

1 The names of candidates for all offices to be filled by the voters
2 of a territory smaller than a county shall be arranged and printed
3 alphabetically according to the surnames for the respective offices.

[C. C. 371.]

Sec. 32. Sample Ballots.

1 The county auditor shall take from the official printed ballots of
2 each precinct ten (10) ballots of each political party, and shall write
3 or stamp, in red ink, near the top of each ballot, the words "sample
4 ballot" and shall sign or stamp his official signature thereunder. Said
5 ballots shall be delivered to the judges but shall not be voted, received
6 or counted. Said judges shall, before the opening of the polls, cause
7 said sample ballots to be posted in and about the polling places.

[C. C. 372.]

Sec. 33. Judges and Clerks.

1 Judges and clerks of primary elections shall be appointed, and
 2 shall organize, and vacancies shall be filled, as in case of general elec-
 3 tions. Judges are authorized to administer oaths as hereinafter pro-
 4 vided.

[C. C. 373.]

Sec. 34. Expenses of Primary Elections.

1 The expenses of primary elections shall be paid in the same man-
 2 ner as expenses of general elections. The compensation of judges
 3 and clerks shall be thirty cents (30c) per hour.

[C. C. 373.]

Sec. 35. Supplies—Poll Books and Ballots.

1 All necessary election supplies, including poll books as provided
 2 by law for the general election, together with a sufficient number of
 3 official primary ballots of each party, shall be furnished for the pri-
 4 mary election board for each precinct by the county auditor.

[C. C. 374.]

Sec. 36. Form of Poll Books.

1 Such poll books shall contain blank spaces for the names of the
 2 candidates of the several parties for the different offices to be written
 3 in and shall be in substantially the following form:

No.	Name	Repub- lican	Demo- crat	Prohibi- tionist	Socialist
1	James Smith	X			
2	Tom Jones		X		
3	Dan Brown			X	
4	George White				X

[C. C. 374.]

Sec. 37. Designating Party Affiliation.

1 It shall be the duty of the clerks of the primary election when
2 entering the name of a voter to place in the poll books a cross, thus
3 (X), in the column designating the party ticket which was given to
4 said voter upon his application for a ticket.

[C. C. 374.]

Sec. 38. Australian Ballot.

1 The Australian ballot system as now used in this state, except
2 as herein modified, shall be used at said primary election. The
3 indorsement of the judges and the facsimile of the auditor's signature
4 shall appear upon the ballots as provided for general elections.

[C. C. 375.]

Sec. 39. Opening of Polls.

1 In cities where registration is required, the polls shall be open
2 from seven (7) o'clock a. m. to eight (8) o'clock p. m., and in all other
3 precincts from nine (9) o'clock a. m. to eight (8) o'clock p. m.

[C. C. 375.]

Sec. 40. Voter Confined to Party Ticket.

1 The elector shall be allowed to vote for candidates for nomina-
2 tion on the ballot of the party with which he is registered as affiliated,
3 and shall receive no other ballot. The voter shall return the ballot,
4 folded, to one of the judges who shall deposit it in the ballot box.

[C. C. 375.]

Sec. 41. Ballot for Another Party's Candidate.

1 If any primary elector write upon his ticket the name of any
2 person who is a candidate for the same office upon some other party
3 ticket than that upon which his name shall be so written, such ball-

4 shall be so counted for such person only as a candidate of the party
5 upon whose ballot his name is written, and shall in no case be counted
6 for such person as a candidate upon any other ticket.

[C. C. 375.]

Sec. 42. Records of Party Affiliation.

1 The official records of party affiliation now existing in the office
2 of the several county auditors of the state shall be used in the primary
3 election of nineteen hundred twenty (1920). Prior to all subsequent
4 primary elections, the county auditor shall, for each precinct, prepare
5 two (2) alphabetically arranged lists of all voters, with their party
6 affiliation, as shown by the poll books of the last preceding primary
7 election, and deliver the same to the judges at least one (1) day prior
8 to each primary election. All such lists shall, with the poll books, be
9 returned by the judges to the auditor.

[C. C. 376, modified.]

Sec. 43. Change of Party Affiliation.

1 Any elector, who, having declared his party affiliation, desires to
2 change the same, may not less than ten (10) days prior to the date
3 of any primary election, file a written declaration with the county
4 auditor stating his change of party affiliation, and the auditor shall
5 enter a record of such change on the poll books of the last preceding
6 primary election in the proper column opposite the voter's name and
7 on the voting list.

[C. C. 377.]

Sec. 44. New Voters.

1 Any elector whose party affiliation has not, for any reason, been
2 registered, or any elector who has changed his residence to another

3 precinct, or a first voter or citizen of this state casting his first vote
 4 in this state, shall be entitled to vote at any primary election in the
 5 same manner as one whose party affiliation has been registered.

[C. C. 377.]

Sec. 45. Challenges.

1 Each political party shall be entitled to have two (2) party chal-
 2 lengers present at each polling place, to be appointed by the respective
 3 party committeemen. Any judge or clerk of the primary election or
 4 any party challenger may challenge any voter upon the grounds men-
 5 tioned in section four hundred forty-three (443) and such challenge
 6 shall be determined as there provided.

[C. C. 378.]

Sec. 46. Change of Affiliation—Challenge.

1 Any elector whose party affiliation has been recorded as provided
 2 by this chapter, and who desires to change his party affiliation on
 3 the primary election day, shall be subject to challenge. If the person
 4 challenged insists that he is entitled to vote the ticket of the political
 5 party to which he has transferred his political affiliation and the chal-
 6 lenge is not withdrawn, one of the judges shall tender to him the
 7 following oath: "You do solemnly swear (or affirm) that you have
 8 in good faith changed your party affiliation to and desire to be a
 9 member of the.....party." If he take such oath he
 10 shall thereupon be given a ticket of such political party and the clerks
 11 of the primary election shall change his enrollment of party affiliation
 12 accordingly.

[C. C. 378.]

Sec. 47. Counting Ballots and Preparing Returns.

1 Upon the closing of the polls the judges and clerks shall imme-
2 diately:

3 1. Place the ballots of the several political parties in separate
4 piles.

5 2. Separately count the ballots of each party, and make the cor-
6 rect entries thereof on the tally sheets.

7 3. Certify to the number of votes cast upon the ticket of each
8 political party for each candidate for each office.

9 4. Seal the ballots cast on behalf of each of the parties in sep-
10 arate envelopes, and on the outside of such envelope write or print
11 the names of said party's candidates for all offices and opposite each
12 name enter the number of votes cast for such candidate in said pre-
13 cinct.

14 5. Seal all the envelopes of all political parties in one (1) large
15 envelope and on the outside thereof, or on a paper attached thereto,
16 write or print, in perpendicular columns, the names of the several
17 political parties, with the names of the candidates for the different
18 offices under their party name, and opposite each candidate's name
19 enter the number of votes cast for such candidate in said precinct.

20 6. Enter, at the bottom of each party column on the said large
21 envelope the total vote cast by said party in said precinct.

[C. C. 379.]

Sec. 48. Delivering Returns.

1 Said judges and clerks shall deliver said poll books, tally sheets,
2 certificates and envelopes to the county auditor within twenty-four
3 (24) hours after the close of the polls. Said auditor shall carefully

4 preserve said returns and envelopes in the condition in which received
5 and deliver them to the county board of canvassers.

[C. C. 379.]

Sec. 49. Messenger Sent for Returns.

1 If the returns from any precinct be not so delivered within said
2 twenty-four (24) hours, the county auditor shall forthwith send a
3 messenger for any such missing returns, and said messenger shall be
4 paid, as provided by law, for the general election.

[C. C. 379.]

Sec. 50. Elector May Ascertain Vote Cast.

1 Any elector of the county shall have the right, before the day
2 fixed for canvassing the returns, to ascertain the vote cast for any
3 candidate in any precinct in the county, as shown on the outside of
4 the large envelope.

[C. C. 379.]

Sec. 51. Canvass by County Board of Canvassers.

1 On the second Tuesday next following the primary election, the
2 board of supervisors shall meet, open and canvass the returns from
3 each voting precinct in the county, and make abstracts thereof, stat-
4 ing in words written at length:

5 1. The number of ballots cast in the county by each political
6 party, separately, for each office.

7 2. The name of each person voted for and the number of votes
8 given to each person for each different office.

[C. C. 380.]

Sec. 52. Signing and Filing of Abstract.

1 The members of the board shall sign said abstracts and certify

2 to the correctness thereof, and file the same with the county auditor.

[C. C. 380.]

Sec. 53. Finality of Canvass.

1 Such canvass and certificate shall be final as to all candidates for
2 nomination to any elective county office or office of a subdivision of a
3 county.

[C. C. 380.]

Sec. 54. Who Nominated for County Office.

1 The candidate or candidates of each political party for each office
2 to be filled by the voters of the county having received the highest
3 number of votes, and not less than thirty-five per cent (35%) of all
4 the votes cast by the party for such office, shall be duly and legally
5 nominated as the candidate of his party for such office, except that
6 no candidate whose name is not printed on the official ballot who
7 receives less than ten per cent (10%) of the whole number of votes
8 cast in the county for governor on the party ticket with which he
9 affiliates, at the last general election, shall be declared to have been
10 nominated to any such office.

[C. C. 380.]

Sec. 55. Who Nominated for Township Office.

1 The candidate or candidates of each political party for each
2 office to be filled by the voters of any subdivision of a county having
3 received the highest number of votes shall be duly and legally nomi-
4 nated as the candidate of his party for such office, except that no
5 candidate whose name is not printed on the official primary ballot,
6 who received less than five per cent (5%) of the votes cast in such
7 subdivision for governor on the party ticket with which he affiliates,

8 at the last general election, nor less than five (5) votes, shall be de-
9 clared to have been nominated to any such office.

[C. C. 380.]

Sec. 56. Nominee's Right to Place on Ballot.

1 Each candidate so nominated shall be entitled to have his name
2 printed on the official ballot to be voted for at the general election
3 without other certificate.

[C. C. 380.]

Sec. 57. Nominees Certified.

1 The said canvassing board shall separately prepare and certify
2 a list of the candidates of each party so nominated. It shall deliver
3 to the chairman of each party central committee for the county a copy
4 of the list of candidates nominated by the party he represents; and
5 shall also certify and deliver to such chairman a list of the offices to
6 be filled by the voters of a county for which no candidate of his party
7 was nominated because of the failure of any candidate for any such
8 office to receive the legally required number of votes, together with
9 the names of the candidate for each of such offices voted for at the
10 primary election and the number of votes received by each of such
11 candidates.

[C. C. 380.]

Sec. 58. Recount of Ballots.

1 Any candidate whose name appears upon the official primary bal-
2 lot of any voting precinct may require the board of supervisors of the
3 county in which such precinct is situated to recount, at the time fixed
4 for canvassing the returns of the judges of election, the ballots cast
5 in any such precinct as to the office for which he was a candidate, by

6 filing with the county auditor not later than the day before such
7 meeting, a showing in writing, duly sworn to by such candidate, that
8 fraud was committed, or error or mistake made, in counting or return-
9 ing the votes cast in any such precinct as to the office for which he
10 was a candidate.

[C. C. 381.]

Sec. 59. Showing Must Be Specific.

1 The showing for such recount must be specific, and from it there
2 must appear reasonable ground to believe that a recount of the ballots
3 would produce a result as to the applicant's candidacy different from
4 the returns made by the judges.

[C. C. 381.]

Sec. 60. Recount Granted.

1 If such showing is made to the satisfaction of the board, it shall
2 thereupon recount the ballots cast in any such precinct for the office
3 for which the contestant was a candidate, and if the result reached
4 by the board on the recount of the ballots as to such office be different
5 from that returned by the judges of election, it shall be substituted
6 therefor as the true and correct return and so regarded in all subse-
7 quent proceedings. The action of the board shall be final and no other
8 contest of any kind shall be permitted.

[C. C. 381.]

Sec. 61. Candidate Defined.

1 The term "candidate" as used in the three (3) preceding sections
2 shall include and apply to persons voted for as delegates and party
3 committeemen.

[C. C. 381.]

Sec. 62. Abstracts to Secretary of State.

1 The county board of canvassers shall also make a separate ab-
2 stract of the canvass as to the following offices and certify to the same
3 and forthwith forward it to the secretary of state, viz.:

- 4 1. United States senator,
- 5 2. Presidential electors,
- 6 3. All state offices,
- 7 4. Representative in congress,
- 8 5. Senators and representatives in the general assembly.

[C. C. 382.]

Sec. 63. Returns Filed and Abstracts Recorded.

1 When the canvass is concluded, the board shall deliver the orig-
2 inal returns to the auditor, who shall file the same and record each of
3 the abstracts above mentioned in the election book.

[C. C. 383.]

Sec. 64. Proceedings to be Published.

1 The published proceedings of the canvassing board shall be con-
2 fined to a brief statement of:

3 1. The names of the candidates nominated by the electors of the
4 county or subdivision thereof and the offices for which they are so
5 nominated.

6 2. The offices for which no nomination was made by a political
7 party, participating in the primary, because of the failure of the can-
8 didate to receive the legally required number of votes cast by the party
9 for such office.

[C. C. 383.]

Sec. 65. Canvass by State Board.

1 On the second Monday after the June primary election, the execu-
2 tive council shall meet as a canvassing board, and open and canvass
3 the abstract returns received from each county in the state. The
4 board shall make an abstract of its canvass, stating in words written
5 at length, the number of ballots cast by each political party, separately,
6 for each office designated in the abstracts forwarded to the secretary
7 of state, the names of all the persons voted for, and the number of
8 votes received by each person for each office, and shall sign and cer-
9 tify thereto.

[C. C. 384.]

Sec. 66. State Canvass Conclusive.

1 The canvass and certificates by the state board of canvassers
2 shall be final as to all candidates named therein.

[C. C. 384.]

Sec. 67. Who Nominated.

1 The candidate of each political party for each office to be filled
2 by vote of the people having received the highest number of votes in
3 the state or district of the state, as the case may be, provided he
4 received not less than thirty-five per cent (35%) of all the votes cast
5 by the party for such office, shall be duly and legally nominated as the
6 candidate of his party for such office, except as provided in the fol-
7 lowing section.

[C. C. 384.]

Sec. 68. Minimum Requirement for Nomination.

1 A candidate, whose name is not printed on the official ballot,
2 must, in order to be nominated, receive such number of votes as will

3 equal at least ten per cent (10%) of the whole number of votes cast
 4 for governor at the last general election in the state, or district of the
 5 state, as the case may be, on the party ticket with which such candi-
 6 date affiliates.

[C. C. 384.]

Sec. 69. Nominee's Right to Place on Ballot.

1 Each candidate so nominated shall be entitled to have his name
 2 printed on the official ballot to be voted at the general election without
 3 other certificate.

[C. C. 384.]

Sec. 70. Certified List of Nominees.

1 The state board of canvassers shall prepare and certify separate
 2 lists of the candidates nominated by each party, as shown by the state
 3 canvass, and deliver to the chairmen of each party central committee
 4 for the state a copy of the list of candidates nominated by the party
 5 which said chairman represents.

[C. C. 384.]

Sec. 71. Certificates in Case of Failure to Nominate.

1 Said state board shall, at once after completing its canvass, pre-
 2 pare separate certificates for each political party as to each office for
 3 which no candidate was nominated because of the failure of any can-
 4 didate for any such office to receive the legally required number of
 5 votes cast by such party for such office. Such certificates shall show
 6 the names of the several candidates for each of such offices voted for
 7 at the primary election and the number of votes received by each of
 8 said candidates.

[C. C. 384.]

Sec. 72. Delivery of Certificates.

1 The certificate provided in the last preceding section shall be sent :

2 1. To the chairman of the state central committee, of said party,
3 in case of offices to be filled by the voters of the entire state.

4 2. To the chairman, if known, of the district central committee
5 of said party, and to each county auditor, in case of offices to be filled
6 by the voters of any district of the state composed of more than one
7 (1) county.

8 3. To the chairman of the county central committee of said party,
9 and to the county auditor, in case of offices to be filled by the voters
10 of a district of the state composed of one (1) county.

[C. C. 384.]

Sec. 73. Messenger Sent for Abstracts.

1 If returns of abstracts have not been received by the state can-
2 vassing board from all the counties by the time fixed for such state
3 canvass, the secretary of state shall immediately send a messenger
4 after said missing abstracts, and the said board may adjourn from
5 time to time until said abstracts are received.

[C. C. 384.]

Sec. 74. State Returns Filed and Recorded.

1 When the canvass is concluded, the board shall deliver the orig-
2 inal abstract returns to the secretary of state, who shall file the same
3 in his office and record the abstracts of the canvass of the state board
4 and certificates attached thereto in the book kept by him known as
5 the election book.

[C. C. 385.]

Sec. 75. Secretary of State to Certify Nominees.

1 Not less than fifteen (15) days before the general election the
2 secretary of state shall certify to the auditor of each county, under sep-
3 arate party headings, the name of each person nominated as shown
4 by the official canvass made by the executive council, or as certified
5 to him by the proper persons when any person has been nominated
6 by a convention or by a party committee, or by petition, his place of
7 residence, the office to which he is nominated, and the order in which
8 the tickets of the several political parties shall appear on the official
9 ballot.

[C. C. 385, 431.]

Sec. 76. Certificate in Case of Vacancy.

1 Should a vacancy in the nominations occur and be filled after the
2 foregoing certificate has been forwarded, a like certificate shall at
3 once be made by the secretary of state and sent to the proper officer,
4 together with a statement showing the reason for its subsequent issue.

[C. C. 385.]

Sec. 77. Tie Vote.

1 In case of a tie vote resulting in no nomination for any office, or
2 election of delegates or party committeeman, the tie shall forthwith
3 be terminated by lot by the board of canvassers, or judges of election,
4 as the case may be.

[C. C. 386.]

Sec. 78. Vacancies Prior to Convention.

1 Vacancies occurring in nominations made in the primary election
2 before the holding of the county, district or state convention, shall be
3 filled:

4 1. By the county convention if the office in which the vacancy in
5 nomination occurs is to be filled by the voters of the county.

6 2. By a district convention if the office in which the vacancy in
7 nomination occurs is to be filled by the voters of a district composed
8 of more than one (1) county.

9 3. By the state convention if the office in which the vacancy occurs
10 is to be filled by the voters of the entire state.

[C. C. 386.]

Sec. 79. Vacancies Subsequent to Convention.

1 Vacancies in nominations in such offices occurring after the hold-
2 ing of a county, district or state convention, or on failure of any such
3 convention to fill a vacancy in a nomination, shall be filled by the
4 party committee for the county, district or state, as the case may be.

[C. C. 386.]

Sec. 80. Vacancies in Nomination of United States Senator.

1 In case of United States senators, if such vacancy occurs after
2 the holding of said convention and thirty (30) days prior to the hold-
3 ing of the regular November election, said delegates to said conven-
4 tion shall be reconvened within ten (10) days after such vacancy has
5 occurred, by the chairman of said party's state central committee, and
6 a party candidate shall be named in said convention to fill such va-
7 cancy.

[C. C. 387.]

Sec. 81. Vacancies Before Primary.

1 If a vacancy shall occur in any such office too late for the filing
2 of nomination papers for candidates therefor in the primary election
3 and before the holding of a county, district or state convention, as

4 the case may be, then the convention having jurisdiction shall make
5 nomination for such office.

[C. C. 386.]

Sec. 82. Vacancies Subsequent to Convention.

1 If a vacancy in any such office shall occur after the holding of a
2 county, district or state convention, then nomination for such office
3 may be made by the party committee for the county, district or state,
4 as the case may be.

[C. C. 386.]

Sec. 83. Vacancies in Office for Subdivision of County.

1 Vacancies in nominations for offices to be filled by the voters of
2 a territory smaller than a county shall be filled by the members of
3 the party committee for the county from such subdivision.

[C. C. 386.]

Sec. 84. Certification of Vacancy Nominations.

1 Nominations made in case of vacancies, and nominations made
2 by state, district and county conventions, shall, under the name, place
3 of residence, and postoffice address of the nominee, and the office to
4 which he is nominated, and the name of the political party making
5 the nomination, be forthwith certified to the proper officer by the
6 chairman and secretary of the convention, or by the committee, as
7 the case may be, and if such certificate is received in time, the names
8 of such nominees shall be printed on the official ballot the same as if
9 the nomination had been made in the primary election.

[C. C. 386.]

Sec. 85. County Convention.

1 Each political party shall hold a county convention at the county

2 seat on the fourth Saturday following each primary election, which
3 convention shall convene at eleven (11) o'clock a. m.

[C. C. 388.]

Sec. 86. Delegates—Committee to Fix Number.

1 Said county convention shall be composed of delegates elected at
2 the last preceding primary election. The number of delegates from
3 each voting precinct shall be determined by a ratio adopted by the
4 respective party county central committees, and a statement desig-
5 nating the number from each voting precinct in the county shall be
6 filed by such committee in the office of the county auditor at least
7 thirty (30) days before the primary election; if not so done, the au-
8 ditor shall fix the number.

[C. C. 388.]

Sec. 87. Election of Delegates.

1 The requisite number of names of candidates of his choice for
2 delegates to the county convention to which each precinct is entitled
3 shall be written, or pasted with uniform white pasters, on the blank
4 lines upon the ballot, by the voter while in the booth, or by someone
5 designated by a voter unable to write, after the ballots are received
6 and before they are deposited, and the requisite number of persons
7 from each precinct who receive the highest number of votes shall be
8 the delegates from the precinct to the county convention.

[C. C. 388.]

Sec. 88. Returns as to Delegates and Committeeman.

1 Returns shall be made by the judges of election respecting dele-
2 gates and members of the county central committee in the same man-
3 ner as for other offices, except that the judges of election shall canvass

4 the returns as to delegates and members of the county central com-
5 mittee, and certify the result to the auditor with the returns.

[C. C. 388.]

Sec. 89. Notification and Certificate as to Delegates.

1 The auditor shall, immediately after the final count and canvass
2 of the votes and returns by the board of supervisors, notify the dele-
3 gates and members of the county central committee who have thus
4 been elected, of their election, and of the time and place of holding
5 the county convention, and shall on the second Thursday following
6 the primary election, deliver a certified list thereof to the chairmen
7 of the respective party central committees for the county.

[C. C. 388.]

Sec. 90. Term of Office of Delegates.

1 The term of office of such delegate shall begin on the day follow-
2 ing the final canvass of the votes by the board of supervisors, and
3 shall continue for two (2) years and until their successors are elected.

[C. C. 388.]

Sec. 91. Calling Convention to Order—List of Offices.

1 When the delegates, or a majority thereof, or when delegates
2 representing a majority of the precincts, thus elected, shall have
3 assembled in the county convention, the convention shall be called to
4 order by the chairman of the county central committee, who shall
5 present the certified list of delegates and members of the county cen-
6 tral committee, and a list of the offices for which no nomination was
7 made at the primary election by reason of the failure of any candi-
8 date for any such office to receive the legally required number of all

9 votes cast by such party therefor.

[C. C. 388.]

Sec. 92. **Proxies Prohibited.**

1 If any precinct shall not be fully represented the delegates present
2 from such precinct shall cast the full vote thereof, and there shall be
3 no proxies.

[C. C. 388.]

Sec. 93. **Duties Performable by County Convention.**

1 The said county convention shall:

2 1. Make nominations of candidates for the party for any office
3 to be filled by the voters of a county when no candidate for such office
4 has been nominated at the preceding primary election by reason of
5 the failure of any candidate for any such office to receive the legally
6 required number of votes cast by such party therefor.

7 2. Elect delegates to the next ensuing regular state convention,
8 to the state judicial convention, and to all district conventions of that
9 year, including judicial district convention, upon such ratio of repre-
10 sentation as may be determined by the party organization for the
11 state, district or districts of the state, as the case may be, but no
12 delegates shall be so selected to any of the district conventions, unless
13 a call therefor has been issued.

14 3. Elect a member of the party central committee for the sena-
15 torial and congressional districts composed of more than one (1)
16 county.

17 4. Elect the member, or members, of the judicial district central
18 committee as required by section four hundred four (404).

[C. C. 388.]

Sec. 94. Nominations Prohibited.

1 In no case shall the county convention make a nomination for an
 2 office for which no person was voted for in the primary election of
 3 such party.

[C. C. 388.]

Sec. 95. Party Committeeman and Term of Office.

1 One (1) member of the county central committee for each polit-
 2 ical party shall, at said primary election, be elected from each precinct.
 3 His term of office shall begin immediately following the adjournment
 4 of the county convention and shall continue for two (2) years and
 5 until his successor is elected and qualified, unless such committeeman
 6 shall be removed by the county central committee for inattention to
 7 the duties of his position, incompetency, or failure to support the
 8 ticket nominated by the party which elected him to such position.

[C. C. 388.]

Sec. 96. Organization of Central Committee.

1 The county central committee elected in the primary election shall
 2 organize on the day of the convention, immediately following the same.
 3 Vacancies in such committee may be filled by majority vote of the
 4 committee.

[C. C. 388.]

Sec. 97. District Convention.

1 Each political party shall, not earlier than the first, or later than
 2 the fifth, Thursday following the county convention, hold a senatorial
 3 or congressional convention in any such district composed of more
 4 than one (1) county, in case no nomination was made in the primary
 5 election for the office of senator in the general assembly, or for the

6 office of representative in congress, because of the failure of any can-
7 didate for senator or representative in congress, as the case may be,
8 to receive the legally required number of votes cast by his party for
9 such candidates, as shown by the certificate of the state board of can-
10 vassers.

[C. C. 389.]

Sec. 98. Publication of Call for District Convention.

1 A call for such senatorial or congressional convention shall be
2 issued by the party central committee for any such district not less
3 than ten (10) days and not more than sixty (60) days before the day
4 fixed for holding the county convention. Said call shall state the num-
5 ber of delegates each county of the district shall be entitled to, and
6 the time and place of holding the convention. Such call shall be
7 signed by the chairman of the party central committee for such dis-
8 trict and shall be filed by said chairman with the county auditor at
9 at least ten (10) days before the county convention.

[C. C. 389.]

Sec. 99. Duty of County Auditor.

1 The county auditor shall attach a true copy of said call to the
2 certified list of delegates required to be delivered by him to the chair-
3 men of the respective party county central committees.

[C. C. 389.]

Sec. 100. Organization and Procedure.

1 The organization of and procedure in any such district conven-
2 tion shall be the same as in the state convention.

[C. C. 389.]

Sec. 101. Nominations Authorized.

1 The convention when organized shall make nominations of candi-
2 dates for the party for any such district office when no candidate for
3 such office has been nominated at the preceding primary election, by
4 reason of the failure of any candidate for any such office to receive
5 the legally required number of votes cast by such party therefor.

[C. C. 389.]

Sec. 102. Nominations Prohibited.

1 In no case shall any district convention of a party make a nomi-
2 nation for an office for which no person was voted for in the primary
3 election of such party.

[C. C. 389.]

Sec. 103. State Convention.

1 Each political party shall, not earlier than the first, or later than
2 the fifth Wednesday following the county convention, hold a state
3 convention at such time and place as may be determined by the party
4 organization.

[C. C. 390.]

Sec. 104. Organization—Proxies Prohibited.

1 The convention shall be called to order by the chairman of the
2 state central committee, who shall thereupon present a list of dele-
3 gates, as certified by the various county conventions, and effect a tem-
4 porary organization. If any county shall not be fully represented, the
5 delegates present from such county shall cast the full vote thereof,
6 and there shall be no proxies.

[C. C. 390.]

Sec. 105. Nominations Authorized.

1 Said state convention shall make nominations of candidates for
2 the party for any office to be filled by the voters of the entire state,
3 when no candidate for such office has been nominated at the preceding
4 primary election by reason of the failure of any candidate for any
5 such office to receive the legally required number of votes, cast by such
6 party therefor, as shown by the canvass of the returns by the state
7 canvassing board.

[C. C. 390.]

Sec. 106. Nominations Prohibited.

1 In no case shall the state convention of a party make a nomina-
2 tion for an office for which no person was voted for in the primary
3 election of such party.

[C. C. 390.]

Sec. 107. State Central Committee—Platforms.

1 Said conventions shall elect a state central committee consisting
2 of not less than one (1) member from each congressional district,
3 adopt state platforms, and transact such other business as may prop-
4 erly be brought before it. The state central committee elected at said
5 state convention may organize at pleasure for political work as is
6 usual and customary with such committees, and shall continue to act
7 until succeeded by another committee duly elected.

[C. C. 390.]

Sec. 108. Primary Elections in Certain Cities.

1 This chapter shall, so far as applicable, govern the nominations
2 of candidates by political parties for all offices to be filled by a direct
3 vote of the people in cities of the first class and cities acting under a

4 special charter having a population of over fifteen thousand (15,000),
 5 except all such cities as have by vote of the people adopted a plan of
 6 municipal government which specifically provides for a nonpartisan
 7 primary election.

[C. C. 391.]

Sec. 109. Duty of City and Town Officers.

1 The duties devolving upon the county auditor and board of super-
 2 visors, by this chapter, shall, in municipal elections, devolve upon
 3 the city auditor and city council, respectively. Said council shall meet
 4 to perform said duties within two (2) days next following the pri-
 5 mary election.

[C. C. 391.]

Sec. 110. Time of Holding Municipal Primary.

1 Municipal primaries shall be held on the last Monday in February
 2 of the year in which general municipal elections are held.

[C. C. 391.]

Sec. 111. Percentage of Signers in Municipal Primary.

1 The percentage of voters signing petitions required for printing
 2 the name of a candidate upon the official primary ballot shall be the
 3 same as is required of a candidate for a county office and shall be
 4 based upon the vote cast for mayor by the respective parties in the
 5 preceding city election.

[C. C. 391.]

Sec. 112. Certain Names Not Printed on Ballots.

1 The names of candidates for ward aldermen, for city precinct
 2 committeemen and for delegates to the city convention, shall not be
 3 printed upon the official primary ballot but in each case a blank line

4 or lines shall be provided therefor.

[C. C. 391.]

Sec. 113. When Plurality Vote Nominates and Elects.

1 A plurality shall nominate the party candidate for alderman and
2 a plurality shall elect the precinct committeemen and delegates to the
3 city convention.

[C. C. 391.]

Sec. 114. Expense of Municipal Primary.

1 The entire expense of conducting said municipal primary election
2 shall be audited by the city council and paid by the city.

[C. C. 391.]

Sec. 115. Misconduct of Election Officials—Penalty.

1 Any party committeeman or any primary election or other public
2 officer upon whom a duty is imposed by this chapter or by chapters
3 herein made applicable, who shall wilfully neglect to perform any
4 such duty, or who shall wilfully perform it in such a way as to hinder
5 the objects thereof, or shall disclose to anyone, except as may be or-
6 dered by any court of justice, the manner in which a ballot may have
7 been voted, shall be punished by a fine of not less than one hundred
8 dollars (\$100.00) nor more than one thousand dollars (\$1,000.00),
9 or by imprisonment in the penitentiary not to exceed five (5) years,
10 or by both such fine and imprisonment.

[C. C. 392.]

Sec. 116. Bribery—Illegal Voting.

1 Whoever is guilty of any of the following acts shall be fined not
2 less than one hundred dollars (\$100.00) or more than five hundred
3 dollars (\$500.00), or be imprisoned in the county jail not less than

4 thirty (30) days or more than six (6) months, to wit:

5 1. Offering or giving a bribe, either in money or other consider-
6 ation, to any elector for the purpose of influencing his vote at a pri-
7 mary election.

8 2. Receiving and accepting such bribe by an elector entitled to
9 vote at any primary election.

10 3. Making false answers by any person to any of the provisions
11 of this chapter relative to his qualifications and party affiliations.

12 4. Wilfully voting or offering to vote at a primary election by
13 one who has not been a resident of this state for six (6) months next
14 preceding said primary election, or who is not twenty-one (21) years
15 of age, or who is not a citizen of the United States.

16 5. Wilfully voting or offering to vote at a primary election by
17 one who knows himself not to be a qualified elector of the precinct
18 where he votes or offers to vote.

19 6. Violating any provision of this chapter, or any provision of
20 law made applicable to this chapter.

21 7. Knowingly procuring, aiding, or abetting any violation speci-
22 fied in this section.

[C. C. 393.]

Sec. 117. Nominations by Petition.

1 This chapter shall not be construed to prohibit nomination of
2 candidates for office by petition as hereafter provided in this title, but
3 no person so nominated shall be permitted to use the name of any
4 political party authorized or entitled under this chapter to nominate
5 a ticket by primary vote, or that has nominated a ticket by primary

6 vote under this chapter.

[C. C. 394.]

Sec. 118. **Special Election.**

1 This chapter shall not apply to special elections to fill vacancies.

[C. C. 395.]

Code Commissioners' Bill No. 22

**Subject: NOMINATIONS BY POLITICAL ORGANIZATIONS WHICH
ARE NOT POLITICAL PARTIES—NOMINATIONS BY PETITION**

Senate File No.

Referred to Committee on

House File No.

By .

Date

A BILL FOR

An act to amend, revise and codify chapter three (3) of title four (4) of the compiled code of Iowa, relating to nominations by convention or petition.

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

That chapter three (3) of title four (4) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Nominations by Political Organizations Not Parties.

1 Any convention of delegates of, or any caucus representing, a
2 political organization which is not a political party as defined by law,
3 may, for the state, or for any division or municipality thereof, or for
4 any county, or for any subdivision thereof, for which such convention
5 or caucus is held, make one (1) nomination of a candidate for each
6 office to be filled therein at the general election.

[C. C. 396.]

Sec. 2. Nominations Certified.

1 Nominations made under the preceding section shall be certified
2 by the chairman and secretary of the convention or caucus, who shall
3 enter their place of residence opposite their signatures, and attach to

4 said certificate their affidavit to the effect that the certificate is true.

[C. C. 397.]

Sec. 3. Contents of Certificate.

1 Said certificate shall state:

2 1. The name of each candidate nominated.

3 2. The office to which each candidate is nominated.

4 3. The name of the party or political organization making such
5 nomination, expressed in not more than five (5) words.

6 4. The place of residence of each nominee, with the street or
7 number thereof, if any.

8 5. In case of presidential electors, the name of the candidates for
9 president and vice president shall be added to the party name.

10 6. The names and addresses of each member of the party's execu-
11 tive or central committee, and the provision, if any, made for filling
12 vacancies in nominations.

[C. C. 397.]

Sec. 4. Objections—Time and Place of Filing.

1 Objection to the legal sufficiency of a certificate of nomination or
2 to the eligibility of the candidate may be filed by any person who
3 would have the right to vote for a candidate for the office in question.

4 Such objections must be filed with the officer with whom such certifi-
5 cate is filed and within the following time:

6 1. Those with the secretary of state, not less than twenty (20)
7 days before the day of election.

8 2. Those with other officers, not less than eight (8) days before
9 the day of election.

10 3. In case of nominations to fill vacancies occurring after said

11 twenty (20) or eight (8) days, as the case may be, or in case of nomi-
12 nations made to be voted on at a special election, within three (3)
13 days after the filing of the certificate.

[C. C. 398, modified.]

Sec. 5. Notice of Objections.

1 When objections are filed notice shall forthwith be given to the
2 candidate affected thereby, addressed to his place of residence as given
3 in the certificate of nomination, stating that objections have been
4 made to said certificate, also stating the time and place such objections
5 will be considered.

[C. C. 398.]

Sec. 6. Hearing Before Secretary of State.

1 Objections filed with the secretary of state shall be considered
2 by the secretary and auditor of state and attorney general, and a ma-
3 jority decision shall be final; but if the objection is to the certificate
4 of nomination of one (1) or more of the above named officers, said
5 officer or officers so objected to shall not pass upon the same, but their
6 places shall be filled, respectively, by the treasurer of state, the gov-
7 ernor and the superintendent of public instruction.

[C. C. 398.]

Sec. 7. Hearing Before County Auditor.

1 Objections filed with the county auditor shall be considered by
2 the county auditor, clerk of the district court and county attorney,
3 and a majority decision shall be final; but if the objection is to the
4 certificate of nomination of one (1) or more of the above named county
5 officers, said officer or officers so objected to shall not pass upon such
6 objection, but their places shall be filled, respectively, by the county

7 treasurer, the sheriff and county superintendent.

[C. C. 398.]

Sec. 8. Hearing Before Mayor.

1 Objections filed with the city or town clerk shall be considered by
2 the mayor and clerk and one (1) member of the council chosen by the
3 council by ballot, and a majority decision shall be final; but if the ob-
4 jection is to the certificate of nomination of either of said city or town
5 officials, he shall not pass upon said objection, but his place shall be
6 be filled by a member of the council against whom no such objection
7 exists, chosen as above provided.

[C. C. 398.]

Sec. 9. Withdrawals.

1 Any candidate named under this chapter may withdraw his nomi-
2 nation by a written request, signed and acknowledged by him before
3 any officer empowered to take acknowledgment of deeds. Such with-
4 drawal must be filed as follows:

5 1. In the office of the secretary of state, at least thirty (30) days
6 before the day of election.

7 2. In the office of the proper county auditor, at least fifteen (15)
8 days before the day of the election.

9 3. In the office of the proper city or town clerk, at least twelve
10 (12) days before the day of the election.

11 4. In the office of the secretary of state, in case of a special elec-
12 tion to fill vacancies, at least sixteen (16) days before the day of
13 election.

14 5. In the office of the proper county auditor, or city or town clerk,
15 in case of a special election to fill vacancies, at least twelve (12) days

16 before the day of election.

[C. C. 400.]

Sec. 10. Effect of Withdrawal.

1 No name so withdrawn shall be printed on the official ballot under
 2 such nomination.

[C. C. 400.]

Sec. 11. Vacancies Filled.

1 If a candidate named under this chapter declines a nomination,
 2 or dies before election day, or should any certificate of nomination be
 3 held insufficient or inoperative by the officer with whom it may be
 4 filed, or in case any objection made to any certificate of nomination, or
 5 to the eligibility of any candidate therein named, is sustained by the
 6 board appointed to determine such questions, the vacancy or vacancies
 7 thus occasioned may be filled by the convention, or caucus, or in such
 8 manner as such convention or caucus has previously provided.

[C. C. 401.]

Sec. 12. Insufficient Time to Hold Convention.

1 If the time is insufficient for again holding such convention or
 2 caucus, or in case no such previous provisions have been made, such
 3 vacancy shall be filled by the regularly elected or appointed executive
 4 or central committee of the particular division or district representing
 5 the political organization holding such convention, or caucus.

[C. C. 401.]

Sec. 13. Certificates in Matter of Vacancies.

1 The certificates of nominations made to supply such vacancies
 2 shall state, in addition to the facts required in an original certificate,
 3 the name of the original nominee, the date of his death or declination

4 of nomination, or the fact that the former nomination has been held
5 insufficient or inoperative, and the measures taken in accordance with
6 the above requirements for filling a vacancy, and shall be signed and
7 sworn to by the presiding officer and secretary of the convention, or
8 caucus, or by the chairman and secretary of the committee, as the
9 case may be.

[C. C. 401.]

Sec. 14. **Filing of Certificates.**

1 Said certificates of nominations shall be filed as follows:

2 1. For state, congressional, judicial and legislative offices, with
3 the secretary of state, not more than sixty (60), nor less than forty
4 (40), days before the general election.

5 2. For all other offices, except for cities and towns, with the
6 county auditors of the respective counties, not more than sixty (60),
7 nor less than thirty (30), days before the general election.

8 3. For city and town offices, with the clerks thereof, not more
9 than forty (40), nor less than fifteen (15), days before the city or
10 town election.

11 4. In case of special elections to fill vacancies for offices to be
12 filled by the electors of a larger district than a county, with the secre-
13 tary of state, not less than fifteen (15) days before the time of hold-
14 ing such special election.

15 5. In case of special elections to fill vacancies for offices to be
16 filled by the voters of a county, with the county auditor, not less than
17 twelve (12) days before the time of holding such special election.

[C. C. 402.]

Sec. 15. Presumption of Validity.

1 Certificates thus filed, and being apparently in conformity with
2 law, shall be regarded as valid, unless objection in writing thereto
3 shall be made, and, under proper regulations, shall be open to public
4 inspection, and preserved by the receiving officer for not less than six
5 (6) months after the election is held.

[C. C. 402.]

Sec. 16. Correction of Errors.

1 Any error found in such certificate may be corrected by the sub-
2 stitution of another, executed as is required for an original.

[C. C. 402.]

Sec. 17. Nominations by Petition.

1 Nominations for candidates for state offices may be made by
2 nomination paper or papers signed by not less than five hundred (500)
3 qualified voters of the state; for county, district or other division, not
4 less than a county, by such paper or papers signed by not less than
5 twenty-five (25) qualified voters, residents of such county, district or
6 division; and for township, city, town or ward, by such paper or papers
7 signed by not less than ten (10) qualified voters, residents of such
8 township, city, town or ward.

[C. C. 399.]

Sec. 18. Adding Name by Petition.

1 The name of a candidate placed upon the ballot by any other
2 method than by petition shall not be added by petition for the same
3 office.

[C. C. 399.]

Sec. 19. Signing and Preparation of Petition.

1 Each petitioning voter shall add to his signature his place of
2 business, postoffice address and date of signing. Before filing said
3 petition, there shall be indorsed thereon or attached thereto the affi-
4 davit of at least one (1) of the signers of said petition, which affidavit
5 or affidavits shall show :

6 1. The name and residence (including street and number, if any)
7 of said nominee, and the office to which he is nominated.

8 2. That each of said signers are qualified voters of the state and
9 entitled to vote for such nominee for such office.

10 3. That each of said petitioners voluntarily signed said petition.
11 Such petition when so verified shall be known as a nomination paper.

[C. C. 399.]

Sec. 20. Filing—Presumption—Withdrawals—Objections.

1 The time and place of filing nomination petitions, the presumption
2 of validity thereof, the right of a candidate so nominated to withdraw
3 and the effect of such withdrawal, and the right to object to the legal
4 sufficiency of such petitions, or to the eligibility of the candidate, shall
5 be governed by the law relating to nominations by political organiza-
6 tions which are not political parties.

[C. C. 396-402.]

Code Commissioners' Bill No. 23

Subject: NOMINATION AND ELECTION OF SUPREME, DISTRICT AND SUPERIOR JUDGES

Senate File No. Referred to Committee on

House File No.

By Date

A BILL FOR

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.

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

[C. C. 403.]

Sec. 2. Call for State Judicial Convention.

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

[C. C. 403.]

Sec. 3. Election of Delegates to State Convention.

1 Delegates to the state judicial convention shall be elected at, and

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

[C. C. 403.]

Sec. 4. Number of Delegates.

1 Each county shall be entitled to the same number of delegates at
2 the state judicial convention as it is entitled to have at the regular
3 state convention.

[C. C. 403.]

Sec. 5. Organization—Voting.

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

[C. C. 403.]

Sec. 6. Nomination of Judges.

1 The state judicial convention shall nominate candidates for the
2 office of judges of the supreme court and transact such other busi-
3 ness as is proper. Such judges shall be elected at the general election
4 in November in the same manner as the governor is elected, except
5 that the state board of canvassers shall canvass the returns and de-
6 clare the result.

[C. C. 403, modified.]

Sec. 7. District Central Committee—How Constituted.

1 In each judicial district there shall be a district central commit-
2 tee composed of one (1) member from each county of such district,
3 provided that in districts composed wholly of one (1) county there
4 shall be three (3) members of such committee, and in districts com-

5 posed of two (2) counties there shall be two (2) members of such
6 committee from the county having the larger population. Such com-
7 mitteemen shall be selected by the county convention in each county
8 held in accordance with the provisions of the law relative to nomina-
9 tions by primary election. Vacancies in any such district committee
10 shall be filled by the county central committee of the county where
11 such vacancy occurs.

[C. C. 404.]

Sec. 8. District Judicial Convention.

1 In each judicial district in which a judge, or judges, of the dis-
2 trict court is to be elected, a judicial convention shall be held by each
3 political party participating in the primary election of that year. Such
4 convention shall not be held earlier than the first, nor later than the
5 fifth, Thursday following the date of holding the county convention.

[C. C. 404.]

Sec. 9. Call for District Judicial Convention.

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

[C. C. 404.]

Sec. 10. Filing, Publishing and Presenting Call.

1 Such call shall be filed with the county auditor in each county in
2 the district not less than five (5) days before the date of holding the

3 county convention as now fixed by law, and the county auditor shall
 4 attach a copy thereof to the certified list of delegates required to be
 5 delivered by him to the chairman of the county central committee of
 6 the respective political parties.

[C. C. 404.]

Sec. 11. Selection of Delegates—Number.

1 Each county convention held in such judicial district shall select
 2 such number of delegates to the judicial convention as is specified in
 3 the call for such judicial convention.

[C. C. 404.]

Sec. 12. Organization of Judicial District Convention.

1 The organization and procedure in such judicial district conven-
 2 tion shall be the same as in the state convention. Said convention
 3 may nominate as many candidates for the office of judge of the dis-
 4 trict court in said district as there are judges in said district to be
 5 elected at the general election to be held in the year in which such
 6 convention is held, and may transact such other business as may
 7 properly come before it.

[C. C. 404.]

Sec. 13. District Judges—How Elected.

1 Judges of the district court shall be elected at the general elec-
 2 tion in the same manner as state senators are elected.

[C. C. 404.]

Sec. 14. Certification to Secretary of State.

1 All nominations for the office of supreme and district judge shall
 2 be certified to the secretary of state, as near as may be, in the same
 3 manner that nominations for other state offices are now certified under

4 existing law.

[C. C. 405.]

Sec. 15. Certification to County Auditor.

1 The names of candidates for the office of supreme and district
2 judge nominated and certified to the secretary of state, as provided
3 in this chapter, shall, at the time of certifying nominations under the
4 primary election, be certified by the secretary of state, to the officer
5 having charge of the printing of the ballots.

[C. C. 405.]

Sec. 16. Form of Printing of Ballots.

1 The names of such nominees shall be printed on the ballot under
2 the proper party designation in the same manner as required by law
3 for the printing of the names of candidates for state and district
4 officers therein.

[C. C. 405.]

Sec. 17. Objections to Certificate of Nomination.

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

[New.]

Sec. 18. Judges of Superior Court.

1 Judges of the superior court shall be nominated and elected in the
2 manner now provided by law for the nomination and election of other
3 elective officers in the city where such court is located.

[C. C. 406.]

Sec. 19. General Election Laws Applicable.

1 All the laws relating to the certificates of nomination, filing the
2 same, certifying nominations to the officers having charge of the
3 printing of the ballots, printing of the names of candidates on the
4 official ballot, the method of withdrawal, filling vacancies, conducting
5 general elections, canvassing the ballot, announcing the result, re-
6 counting the ballot, publishing notice of nomination and election, con-
7 testing the election, and the penalty for illegal voting, misconduct of
8 the election officials, and the making of the sworn return, shall, so far
9 as applicable, be the same for the election of supreme, district and
10 superior judges as is now provided by the general election laws of
11 Iowa for the election of state, district, county and city officers.

[C. C. 407.]

Sec. 20. Nomination by Petition.

1 Candidates for the offices named in this chapter may be nominated
2 by petition as elsewhere provided in this title, but no person so nomi-
3 nated shall be permitted to use the name of any political party author-
4 ized under this chapter to nominate candidates for such office.

[C. C. 408.]

Code Commissioners' Bill No. 24

Subject: REGISTRATION OF VOTERS

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

An act to amend, revise and codify chapter five (5) of title four (4) of the compiled code of Iowa, 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 is amended, revised and codified to read as follows:

Section 1. Registration Required.

1 Registration of men voters shall be made for all elections, in all
2 cities, including cities acting under special charter, having a popula-
3 tion of six thousand (6,000), not counting inmates of any state insti-
4 tution.

5 Registration of women voters shall be made only for presidential
6 elections.

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

[C. C. 409, 411, 412.]

Sec. 2. Appointment of Registers.

1 The city council shall, on or before the sixth Monday preceding
2 each general election, appoint one (1) suitable person from each of the
3 two (2) political parties which cast the greatest number of votes at

1 the last general election, from three (3) names presented by each
 5 chairman of the city central political committee of such parties, to be
 6 registers of voters in each election precinct in the city.

[C. C. 409.]

Sec. 3. Vacancies.

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

[C. C. 409.]

Sec. 4. Consolidation of Precincts.

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

[C. C. 409.]

Sec. 5. Consolidation--Books and Supplies.

1 In case of consolidation as aforesaid, the registers for the con-
 2 solidated district shall be furnished with separate blank registration
 3 books for each voting precinct embraced in the consolidation, and each
 4 registration shall be entered in the books for that voting precinct of
 5 which the registering voter is a resident and in no other books. Said

6 registers shall perform within said consolidated district all the duties
 7 which would devolve upon the several boards of registers in case there
 8 were no consolidation.

[New.]

Sec. 6. Effect of Consolidation.

1 An order of consolidation as aforesaid shall have the effect of
 2 terminating the term of office of all registers of all precincts embraced
 3 in the consolidation, and the registers appointed to act in the con-
 4 solidated district shall serve only for the election in question.

[New.]

Sec. 7. Qualification of Registers.

1 Said registers shall be electors of the precinct in which they are
 2 to serve, of good clerical ability, temperate, of good habits and reputa-
 3 tion, and shall be able to speak the English language understandingly.

[C. C. 409.]

Sec. 8. Oath of Registers.

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

[C. C. 409.]

Sec. 9. Term of Office and Compensation.

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

[C. C. 409.]

Sec. 10. Notice of Registration.

1 The times and places of making registration of voters shall be

2 published by the mayor in the two (2) leading political party papers
 3 published in such city, except no publication shall be required for a
 4 special election. If there be but one (1) such paper published in the
 5 city, publication of notice therein shall be sufficient.

[C. C. 410.]

Sec. 11. Time of Publication.

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

[C. C. 410.]

Sec 12. Clerk to Furnish Supplies.

1 The city clerk shall furnish to the registers all registry books,
 2 blanks and supplies necessary to effect registration

[C C 411.]

Sec 13. Form of Registry Books.

1 Registry books shall be substantially in the following form

REGISTRY BOOKS				PUBLIC CLERK		WARD	
Number	Address	Name	Residence	City	State	Ward	Block
Printed Name	Street	City	State	County	City	Ward	Block
Signature	Signature	Signature	Signature	Signature	Signature	Signature	Signature

[C. C. 411.]

Sec. 14. Expense of Registers, Registry Book and Supplies.

1 Said registry book and all blanks and materials necessary to carry
2 out the provisions of this chapter shall be furnished by the city clerk
3 and shall be printed at the equal expense of the city and county. Reg-
4 isters shall be paid by the city in city elections and in all other cases
5 by the county.

[C. C. 411.]

Sec. 15. Registry Book Open for Public Inspection.

1 Registry books shall be open for public inspection and examination
2 during the time fixed for registration.

[C. C. 411.]

Sec. 16. Place of Meeting of Registers.

1 The registers, in case the city council fails to consolidate the
2 voting precincts into registration districts, shall meet at the usual
3 voting place in the precinct for which they have been appointed. In
4 case of such consolidation, the registers shall meet at the usual voting
5 place specified in the resolution of the city council consolidating the
6 precincts. The meeting of the registers on election day shall be con-
7 venient to but not within one hundred (100) feet of the voting place.

[C. C. 411, 416.]

Sec. 17. Time of Meeting of Registers.

1 Registers shall meet:

2 1. On the second Thursday prior to any general, city or special
3 election.

4 2. On the last Saturday before any such election.

5 3. On the day of such election.

[C. C. 411, 414, 416.]

Sec. 18. Duration of Meetings.

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

[C. C. 411, 414.]

Sec. 19. Right of Registration.

1 Any person claiming to be a voter, or that he will be on election
2 day, including women who are entitled to vote for president, vice pres-
3 ident, and presidential electors, may appear before said registers in
4 the election precinct where he or she claims the right to vote, and
5 make and subscribe, under oath, the statement in said registry book.
6 The signature of the applicant shall be made at the right hand end
7 of the line under the column "Signature." No person shall register at
8 any other time or place than is designated in this chapter, except as
9 otherwise specially provided by law.

[C. C. 411, 412.]

Sec. 20. Oath.

1 The following oath shall be administered by one of the registers
2 to each applicant for registration:

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

[C. C. 411.]

Sec. 21. Questions Propounded to Applicant.

1 The registers shall, after the administration of said oath, care-
2 fully and fully examine said applicant relative to all matters of infor-
3 mation indicated by the registry book and, in addition:

4 1. Whether said applicant came into the precinct for the sole
5 purpose of voting at said election.

6 2. How long he intends to reside in said precinct.

7 3. Such other questions as may tend to test his qualifications as
8 a resident of the precinct, citizenship and right to vote.

[C. C. 411.]

Sec. 22. Completing Registration.

1 If the applicant appears to have the right to be registered, the
2 registers shall fill out the above prescribed form of statement, which
3 the applicant shall sign and swear to, as above provided.

[C. C. 411.]

Sec. 23. Keeping Registry Book.

1 The following requirements shall be observed in the making of
2 registrations, and in the preparation and keeping of the registry book:

3 1. Each statement for each registrant shall be dated and consecu-
4 tively numbered, commencing with number "1" at each registration.

5 2. The registry book shall, at the close of each day's registration,
6 be ruled off so as to prevent further entries.

7 3. The registry book shall, when not in use by the registers, be
8 kept in the custody of the city clerk until disposed of by law.

[C. C. 412.]

Sec. 24. Alphabetical List of Registration.

1 The registers shall, within three (3) days after the completion of

2 the registration, made in the second week preceding the election, pre-
3 pare two (2) alphabetical lists of the names of all persons registered,
4 which lists shall contain, for each person, all the information appear-
5 ing on the registry book, and, in addition, the date when each person
6 removed to such precinct from his or her last preceding place of resi-
7 dence when such removal occurred within one (1) year.

[C. C. 413.]

Sec. 25. Posting Alphabetical List.

1 One of said lists shall be forthwith conspicuously posted by the
2 registers at the usual place of holding elections in such precinct, for
3 inspection of the public, and the other copy shall be retained in their
4 possession.

[C. C. 413.]

Sec. 26. Correction of Registry.

1 At the meeting on Saturday preceding the election the registers
2 shall:

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

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

8 3. Revise and correct the alphabetical list which is in their pos-
9 session so that it will correspond to the registration to date.

[C. C. 414.]

Sec. 27. Certifying and Copying Alphabetical List.

1 When the alphabetical list has been revised and corrected, it shall
2 be certified and copied by the registers, who shall deliver, or cause to

3 be delivered, such list and copy to the judges of the election of the
4 proper precinct, which delivery shall be made on election day, and
5 before the opening of the polls.

[C. C. 414.]

Sec. 28. Use of Lists at Election.

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

[C. C. 414.]

Sec. 29. Return of Alphabetical Lists.

1 The copy of the alphabetical list thus delivered shall be preserved
2 by the judges, and returned with the vote from that precinct, and the
3 original alphabetical list shall be returned to the city clerk.

[C. C. 414.]

Sec. 30. Hearing on Corrections of Lists.

1 All proceedings of registers shall be public, and any person en-
2 titled to vote in a precinct shall have the right to be heard before them
3 in reference to corrections of or additions to the lists of such precinct.
4 No person shall be admitted to registry unless he appears in person,
5 except as in this chapter provided, and, if demanded, he shall furnish
6 to the registers such proofs of his right thereto as may by law be
7 required by judges of election of any person offering to vote.

[C. C. 415.]

Sec. 31. Registration of Sick Voters.

1 If an elector is, by reason of sickness, unable to go to the place
2 of registry on any day the registers may be in session, the registers

3 shall, upon the filing before them, by a registered elector, of an affi-
 4 davit to that effect, visit such sick elector at his place of residence on
 5 any day when not in session, administer the proper oath, and place his
 6 name on the registry book and alphabetical list, if found entitled
 7 thereto.

[C. C. 415.]

Sec. 32. Registration on Election Day.

1 Registration on election day shall be granted to the following
 2 named persons and to no others:

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

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

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

[C. C. 416.]

Sec. 33. Certificates Granted on Election Day.

1 Certificates of registration granted on election day shall contain:

2 1. All the data showing the qualification of the voter as shown
 3 by the registration.

4 2. The special matter showing this voter's right to such certificate
 5 under the preceding section.

6 3. A signed verification of all such data and matter by the appli-
 7 cant.

8 4. An indorsement by the registers to the effect that the person

9 therein named is a qualified voter in that precinct and that he is en-
10 titled to be registered as such.

11 5. An affidavit of a freeholder who is a registered voter in that
12 precinct, who shall make oath to the qualification of the applicant as
13 a voter in that precinct.

[C. C. 416.]

Sec. 34. Wrongful Striking From List.

1 If the applicant be one whose name was stricken from registra-
2 tion, such affidavit of said freeholder shall contain the facts showing
3 the right of said applicant to vote in that precinct. Registration in
4 such cases shall be made in the manner required for regular registra-
5 tion.

[C. C. 416.]

Sec. 35. Certificates Delivered to Judges.

1 Certificates of registration granted on election day shall be
2 handed in to the judges of election when a ballot is delivered to him.
3 The data therefrom, showing the voter's name and his qualification
4 as a voter, shall be entered on the alphabetical lists by the judges and
5 clerks of the election, under the appropriate headings, and the orig-
6 inal certificate shall be returned to the city clerk, who shall carefully
7 preserve it in the same manner and for the same time as the alpha-
8 betical list and poll book.

[C. C. 416.]

Sec. 36. Registers to Certify Duplicate Registrations.

1 The registers, prior to each election except presidential elections,
2 and after completing their registration, shall certify the names of all
3 persons by them registered to the registers of the ward or precinct

4 of the same city, which the registration shows such persons gave as
5 their last place of residence.

[C. C. 417.]

Sec. 37. Striking off Names.

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

[C. C. 417.]

Sec. 38. New Registry—How Often.

1 A new registry of voters shall be taken in each year of a presi-
2 dential election.

[C. C. 418.]

Sec. 39. Registration Book in Non-presidential Years.

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

[C. C. 418.]

Sec. 40. Transfer Constitutes Registration.

1 Every person thus registered, as provided in the preceding sec-
2 tion, shall be considered as entitled to vote at any election at which

3 said registry book may be used, unless his name shall be dropped by
4 the correction of registration. as authorized by law.

[C. C. 418.]

Sec. 41. Clerk to Furnish Registration Records to Registers.

1 The city clerk shall, on the application of the registers, deliver
2 to them, prior to their first meeting for each election, the registry
3 book, alphabetical list and poll book, which they require in order to
4 properly prepare the necessary registry book for the next ensuing
5 election; all of which shall be returned to him when they have com-
6 pleted their work for such election.

[C. C. 419.]

Sec. 42. City Clerk to Preserve Registration Records.

1 The city clerk shall carefully preserve all registry books and
2 alphabetical lists and other papers pertaining to the registration, until
3 destroyed as provided by law.

[C. C. 419.]

Sec. 43. Penalty.

1 If any register or judge of election shall wilfully neglect or disre-
2 gard any duty imposed, or shall make, or permit to be made, any regis-
3 tration, statement or list, except at the time and place and in the
4 manner herein authorized and prescribed, or shall knowingly make,
5 or permit to be made, any false statement as aforesaid, or if any per-
6 son shall wilfully make, or authorize to be made, any statement re-
7 quired to be made, false in any particular, or shall violate any of the
8 provisions of this chapter, every such register or judge of election,
9 person or persons, shall be guilty of a misdemeanor.

[C. C. 420.]

Code Commissioners' Bill No. 25

Subject: METHOD OF CONDUCTING ELECTIONS

Senate File No. . Referred to Committee on

House File No.

By Date

A BILL FOR

An act to amend, revise and codify chapter six (6) of title four (4) of the compiled code of Iowa, 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 is amended, revised and codified to read as follows:

Section 1. Elections Included.

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

[C. C. 421.]

Sec. 2. Terms Defined.

1 For the purposes of this chapter:

2 1. The term "general election" means any election held for the
3 choice of national, state, judicial, district, county or township officers.

4 2. The term "city election" means any municipal election held
5 in a city or town.

6 3. The term "special election" means any other election held for
7 any purpose authorized or required by law.

[C. C. 422.]

Sec. 3. Election Precincts.

1 Election precincts shall, except as otherwise provided, be as
2 follows:

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

[C. C. 423.]

Sec. 4. Change in Precincts by Supervisors.

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

[C. C. 423.]

Sec. 5. Changes in Precincts by Council.

1 The council of a city may divide a ward into two (2) or more
2 precincts, or change or abolish such division, or combine the several
3 wards into one (1) or more precincts, and from time to time change
4 the same.

[C. C. 423.]

Sec. 6. Power to Combine Township and City Precincts.

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

[C. C. 423.]

Sec. 7. Portions of Townships Combined.

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

[C. C. 423.]

Sec. 8. Separate Boxes and Ballots.

1 In cases contemplated in the preceding section, separate ballots
2 and ballot boxes shall be provided for township officers.

[C. C. 423.]

Sec. 9. Proper Place of Voting.

1 No person shall vote in any precinct but that of his residence.

[C. C. 423.]

Sec. 10. Polling Places for Country Precincts.

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

[C. C. 424.]

Sec. 11. Notice of Boundaries of Precincts.

1 The board of supervisors or council shall number or name the
2 several precincts established, and cause the boundaries of each to be

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

[C. C. 425.]

Sec. 12. Election Boards.

1 Election boards shall consist of three (3) judges and two (2)
2 clerks. Not more than two (2) judges and not more than one (1)
3 clerk shall belong to the same political party or organization, if there
4 be one (1) or more electors qualified and willing to act as such judge
5 or clerk, and a member or members of opposite parties.

[C. C. 426.]

Sec. 13. Judges in Cities and Towns.

1 In cities and towns, the councilmen shall be judges of election;
2 but in case more than two (2) councilmen belonging to the same polit-
3 ical party or organization are residents of the same election precinct,
4 the county board of supervisors may designate which of them shall
5 serve as judge.

[C. C. 426.]

Sec. 14. Judges and Clerk in Township Precincts.

1 In township precincts, the clerk of the township shall be a clerk
2 of election of the precinct in which he resides, and the trustees of the
3 township shall be judges of election, except that, in townships not
4 divided into election precincts, if all the trustees be of the same polit-
5 ical party, the board of supervisors shall determine by lot which two

6 (2) of the three (3) trustees shall be judges of such precinct.

[C. C. 426.]

Sec. 15. Supervisors to Choose Additional Members.

1 The membership of such election board shall be made up or com-
2 pleted by the board of supervisors from the parties which cast the
3 largest and next largest number of votes in said precinct at the last
4 general election, or that one which is unrepresented.

[C. C. 426.]

Sec. 16. Council to Act in Cities and Towns.

1 In city and town elections, the powers given in this chapter and
2 duties herein made incumbent upon the board of supervisors shall be
3 performed by the council.

[C. C. 426.]

Sec. 17. Boards With Only One Voting Machine.

1 The election board in precincts using only one (1) voting ma-
2 chine shall consist of three (3) judges, only two (2) of whom shall
3 be of the same political party, and two (2) of whom shall also act as
4 clerks.

[C. C. 426.]

Sec. 18. Vacancies Occurring on Election Day.

1 If, at the opening of the polls in any precinct, there shall be a
2 vacancy in the office of clerk or judge of election, the same shall be
3 filled by the members of the board present, and from the political
4 party which is entitled to such vacant office under the provisions of
5 this chapter.

[C. C. 426.]

Sec. 19. Boards for Special Elections—Duty of Auditor.

1 The election board at any special election shall be the same as at
2 the last preceding general election. In case of vacancies happening
3 therein, the county auditor may make the appointments to fill the
4 same when the board of supervisors is not in session.

[C. C. 426.]

Sec. 20. Compensation of Members.

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

[C. C. 426.]

Sec. 21. Polling Places, Booths and Supplies.

1 In townships the trustees, and in cities and towns the mayor and
2 clerk, shall provide suitable places in which to hold all elections pro-
3 vided for in this chapter, and see that the same are warmed, lighted
4 and furnished with proper supplies and conveniences, including a suffi-
5 cient number of booths, penholders, ink, blotters and pencils to enable
6 the voter to prepare his ballot for voting, screened from all observa-
7 tion as to the manner in which he does so.

[C. C. 427.]

Sec. 22. Schoolhouses as Polling Places.

1 In precincts outside of cities and towns the election shall, if prac-
2 ticable, be held in the public school building. All damage to the build-
3 ing or furniture shall be paid by the county.

[C. C. 427.]

Sec. 23. Arrangement and Number of Polling Places and Booths.

1 The number, arrangement and construction of polling places and
2 voting booths shall be as follows:

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

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

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

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

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

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

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

[C. C. 427.]

Sec. 24. **Ballot Boxes.**

1 The board of ~~sup~~ supervisors shall provide for each precinct in the
2 county, for the purpose of elections, one (1) box, with lock and key.

[C. C. 428.]

Sec. 25. Separate Ballots and Ballot Box for Assessor.

1 When any township precinct includes a town or part thereof,
2 together with territory outside the limits of such town, the township
3 trustees shall prepare a separate ballot box to receive the votes for
4 township assessor, which shall be on separate ballots, and only the
5 ballots of persons living outside of the limits of such town shall be
6 placed in said ballot box. The judges of election shall place each
7 ballot in its proper ballot box. The judges of election shall have the
8 right to administer an oath to any voter, and to examine him under
9 oath as to the assessor for whom such elector is entitled to vote.

[C. C. 428.]

Sec. 26. Auditor to Furnish Poll Books.

1 The auditor shall prepare and furnish to each precinct two (2)
2 poll books, having each of them a sufficient column for the names of
3 the voters, a column for the number, and sufficient printed blank
4 leaves to contain the entries of the oaths, certificates and returns.

[C. C. 429, 431.]

Sec. 27. Voting by Ballot.

1 In all elections regulated by this chapter, the voting shall be by
2 ballots printed and distributed as hereinafter provided, except as may
3 be otherwise specially directed by law.

[C. C. 430.]

Sec. 28. All Candidates on One Ballot—Exception.

1 The names of all candidates to be voted for in such election pre-
2 cinct, except presidential electors, shall be printed on one (1) ballot.

[C. C. 432.]

Sec. 29. Arrangement of Party Nominees.

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

[C. C. 432.]

Sec. 30. Candidates for President in Place of Electors.

1 The candidates for electors of president and vice president of
2 any political party or group of petitioners shall not be placed on the
3 ballot, but in the years in which they are elected the names of candi-
4 dates for president and vice president, respectively, of such parties
5 or group of petitioners shall be placed on the ballot, as the names of
6 candidates for United States senators are placed thereon, under their
7 respective party, petition or adopted titles for each political party,
8 or group of petitioners, nominating a set of candidates for electors.

[C. C. 432.]

Sec. 31. One Square for President and Vice President.

1 Upon the left-hand margin of each separate column of the ballot,
2 immediately opposite the names of the candidates for president and
3 vice president, a single square, the sides of which shall not be less than
4 one-fourth ($\frac{1}{4}$) of an inch in length, shall be printed in front of a
5 bracket inclosing the names of the said candidates for president and
6 vice president. The votes for said candidates shall be counted and
7 certified to by the election judges in the same manner as the votes for

8 other candidates.

[C. C. 432.]

Sec. 32. United States Senators.

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

[C. C. 432.]

Sec. 33. Order of Arranging Names.

1 Each list of candidates for the several parties and groups of peti-
2 tioners shall be placed in a separate column on the ballot, in such
3 order as the authorities charged with the printing of the ballots shall
4 decide, except as otherwise provided, and be called a ticket.

[C. C. 432.]

Sec. 34. Columns to Be Separated.

1 Each of the columns containing the list of candidates, including
2 the party name, shall be separated by a distinct line.

[C. C. 432.]

Sec. 35. Candidate's Name to Appear but Once.

1 The name of no candidate shall appear upon the ballot in more
2 than one (1) place for the same office, whether nominated by conven-
3 tion, primary, caucus or petition, except as hereinafter provided.

[C. C. 432.]

Sec. 36. Dual Nomination.

1 When two (2) or more political parties, or when two (2) or more

2 political organizations which are not political parties, or when a polit-
3 ical party and a political organization which is not a political party,
4 nominate the same candidate for the same office, such nominee shall
5 forthwith designate, in writing, the political party name, or the polit-
6 ical organization name, under which he desires to have his name printed
7 on the official ballot for the ensuing general election; such written
8 designation shall be filed with the officer with whom the nomination
9 papers, or certificate of nomination by a convention or caucus, is filed
10 and the name of such nominee shall appear on the ballot in accord-
11 ance therewith.

[C. C. 375, 432, modified.]

Sec. 37. Failure to Designate.

1 If the designation referred to in the preceding section be not
2 filed, the following rules shall govern:

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

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

11 3. If the nomination be by two (2) or more political organiza-
12 tions which are not political parties, the name of such nominee shall
13 be printed under the name of the political organization first filing a
14 certificate of nomination of such candidate.

[C. C. 375, 432, modified.]

Sec. 38. **Nominees for District Court.**

1 The name of a nominee for the office of judge of the district court
 2 shall be printed on said general official ballot as a candidate of each
 3 political party, political organization, or group of petitioners nomi-
 4 nating such candidate. The bar association or convention of attor-
 5 neys of any county or judicial district shall be deemed a political
 6 organization for the purpose of this section.

[C. C. 432, modified.]

Sec. 39. **Form of Official Ballot.**

1 Said ballot shall be substantially in the following form:

<input type="checkbox"/> REPUBLICAN For President, A..... B, of Ohio. <input type="checkbox"/> For Vice Pres- ident, C..... D, of New York. For United States Senator, <input type="checkbox"/> E..... F, of County. For Governor, <input type="checkbox"/> G..... H, of..... County. For Lieutenant Governor, <input type="checkbox"/> I..... J, of..... County. For Judge of Supreme Court, <input type="checkbox"/> L..... M, of.....County.	<input type="checkbox"/> DEMOCRATIC For President, N..... O, of Virginia. <input type="checkbox"/> For Vice Pres- ident, P..... Q, of Indiana. For United States Senator, <input type="checkbox"/> R..... S, of..... County. For Governor, <input type="checkbox"/> T..... U, of..... County. For Lieutenant Governor, <input type="checkbox"/> V..... W, of..... County. For Judge of Supreme Court, <input type="checkbox"/> X..... Y, of.....County.	<input type="checkbox"/> PROHIBITION For President, A..... B, of Maine. <input type="checkbox"/> For Vice Pres- ident, C..... D, of Illinois. For United States Senator, <input type="checkbox"/> E..... F, of..... County. For Governor, <input type="checkbox"/> G..... H, of..... County. For Lieutenant Governor, <input type="checkbox"/> I..... J, of..... County. For Judge of Supreme Court, <input type="checkbox"/> L..... M, of..... County.	<input type="checkbox"/> UNION LABOR For President, N..... O, of Idaho. <input type="checkbox"/> For Vice Pres- ident, P..... Q, of Ohio. For United States Senator, <input type="checkbox"/> R..... S, of..... County. For Governor, <input type="checkbox"/> T..... U, of..... County. For Lieutenant Governor, <input type="checkbox"/> V..... W, of..... County. For Judge of Supreme Court, <input type="checkbox"/> X..... Y, of..... County.
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[C. C. 432.]

Sec. 40. **Constitutional Amendment or Other Public Measure.**

1 When a constitutional amendment or other public measure is to
 2 be voted upon by the electors, it shall be printed in full upon a separate
 3 ballot, preceded by the words, "Shall the following amendment to the

4 constitution (or public measure) be adopted?"

[C. C. 432.]

Sec. 41. **Form of Ballot.**

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

[C. C. 432.]

Sec. 42. **General Form of Ballot.**

1 Ballots referred to in the two (2) preceding sections shall be sub-
2 stantially in the following form:

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

5 (Here insert in full the proposed con-
6 stitutional amendment or public measure.)

Yes	
No	

[C. C. 432.]

Sec. 43. **Marking Ballots on Public Measures.**

1 The elector shall designate his vote by a cross mark, thus, "X",
2 placed in the proper square.

[C. C. 432.]

Sec. 44. **Notice to Be Published on Ballots.**

1 At the top of ballots on such public measures shall be printed the
2 following:

3 “[Notice to voters. For an affirmative vote upon any question
4 submitted upon this ballot make a cross (X) mark in the square after
5 the word ‘Yes’. For a negative vote make a similar mark in the
6 square following the word ‘No’.]”

[C. C. 432.]

Sec. 45. Different Measures on Same Ballot.

1 If more than one (1) constitutional amendment or public measure
2 is to be voted upon, they shall be printed upon the same ballot, one
3 (1) below the other, with one (1) inch space between each constitu-
4 tional amendment or public measure that is to be submitted.

[C. C. 432.]

Sec. 46. Printing of Ballots on Public Measures.

1 All of such ballots for the same polling place shall be of the same
2 size, similarly printed, upon yellow colored paper. On the back of
3 each such ballot shall be printed appropriate words, showing that such
4 ballot relates to a constitutional or other question to be submitted to
5 the electors, so as to distinguish the said ballots from the official ballot
6 for candidates for office, and a facsimile of the signature of the au-
7 ditor or other officer who has caused the ballot to be printed.

[C. C. 432.]

Sec. 47. Indorsement and Delivery of Ballots.

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

[C. C. 432.]

Sec. 48. **Women's Ballot for Presidential Electors.**

1 At any general election hereafter held for the election of presi-
 2 dential electors a separate ballot shall be provided for women, sub-
 3 stantially in the following form:

<input type="checkbox"/> O REPUBLICAN For President, A. B., of Ohio. <input type="checkbox"/> For Vice Pres- ident, C. D., of New York.	<input type="checkbox"/> O DEMOCRATIC For President, N. O., of Virginia. <input type="checkbox"/> For Vice Pres- ident, P. Q., of Indiana.	<input type="checkbox"/> O PROHIBITION For President, A. B., of Maine. <input type="checkbox"/> For Vice Pres- ident, C. D., of Illinois.	<input type="checkbox"/> O UNION LABOR For President, N. O., of Idaho. <input type="checkbox"/> For Vice Pres- ident, P. Q., of Ohio.
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And said ballot may be voted by them in the manner provided for
 the government of elections of said officers and shall be counted the
 same as other ballots cast at such elections.

[C. C. 432.]

Sec. 49. **County Auditor to Control Printing.**

1 For all elections held under this chapter, except those of cities
 2 or towns, the county auditor shall have charge of the printing of bal-
 3 lots in his county, and shall cause to be placed thereon the names of
 4 all candidates which have been certified to him by the secretary of
 5 state, in the order the same appear upon said certificate, together with
 6 those of all other candidates to be voted for thereat, whose nomina-
 7 tions have been made in conformity with law.

[C. C. 433.]

Sec. 50. **Candidates for Assessor—When Omitted From Ballot.**

1 If a township election precinct includes a city or town or any
 2 part thereof, the names of nominees for township assessors shall not
 3 be placed upon the official ballot for that precinct, but the auditor
 4 shall prepare separate ballots for said office for use in that part of

5 said precinct which is outside said town.

[C. C. 433.]

Sec. 51. City or Town Clerk to Control Printing.

1 In city or town elections, the clerk shall have charge of the print-
2 ing of the ballots, and shall cause to be placed thereon the names of
3 all candidates to be voted for thereat, whose nominations have been
4 made as provided by law.

[C. C. 433.]

Sec. 52. Printing Official Ballots.

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

[C. C. 433, 719.]

Sec. 53. Delivery of Ballots to Judges.

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

[C. C. 433.]

Sec. 54. Maximum Cost of Printing.

1 In no case shall the cost of printing the official ballot exceed
2 twenty-five dollars (\$25.00) per thousand ballots, except in presi-
3 dential years, when it shall not exceed thirty dollars (\$30.00) per
4 thousand ballots.

[C. C. 433.]

Sec. 55. Method and Style of Printing Ballots.

1 Ballots shall be prepared as follows:

2 1. They shall be on plain white paper, through which the print-
3 ing or writing can not be read.

4 2. The party name shall be printed in capital letters, not less
5 than one-fourth ($\frac{1}{4}$) of an inch in height.

6 3. The names of candidates shall be printed in capital letters, not
7 less than one-eighth ($\frac{1}{8}$), nor more than one-fourth ($\frac{1}{4}$) of an inch
8 in height.

9 4. A square, the sides of which shall not be less than one-fourth
10 ($\frac{1}{4}$) of an inch in length, shall be printed at the beginning of each
11 line in which the name of a candidate is printed, except as otherwise
12 provided.

13 5. On the outside of the ballot, so as to appear when folded, shall
14 be printed the words "Official ballot," followed by the designation of
15 the polling place for which the ballot is prepared, the date of the elec-
16 tion, and a facsimile of the signature of the auditor or other officer
17 who has caused the ballot to be printed.

[C. C. 434.]

Sec. 56. Vacancies Certified Before Ballots Are Printed.

1 The name supplied for a vacancy by the certificate of the secre-
2 tary of state, or by nomination certificates or papers for a vacancy
3 filed with the county auditor, or city or town clerk, shall, if the ballots
4 are not already printed, be placed on the ballots in place of the name
5 of the original nominee.

[C. C. 435.]

Sec. 57. Vacancies Certified After Ballots Are Printed.

1 If vacancies be certified after the ballots have been printed, new
2 ballots, whenever practicable, shall be furnished.

[C. C. 435.]

Sec. 58. Auditor or Clerk to Insert Name of Vacancy Nominee.

1 When it may not be practicable, after a vacancy has been certi-
2 fied, to have new ballots printed, the election officers having charge
3 of them shall place the name supplied for the vacancy upon each ballot
4 used before delivering it to the judges of election.

[C. C. 435.]

Sec. 59. Auditor or Clerk to Furnish Judges Name of Vacancy Nominee.

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

[C. C. 435.]

Sec. 60. Judges to Fill in Name of Vacancy Nominee.

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

[C. C. 435.]

Sec. 61. Inspection and Correction of Official Ballots.

1 Ballots shall be printed and in the possession of the officer charged
2 with their distribution at least two (2) days before the election, and
3 subject to the inspection of candidates and their agents. If mistakes
4 are discovered, they shall be corrected without delay, in the manner

5 provided in this chapter.

[C. C. 436.]

Sec. 62. Number Ballots Delivered to Judges.

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

[C. C. 436.]

Sec. 63. Packing Ballots, Delivery and Receipts.

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

[C. C. 436.]

Sec. 64. Reserve Supply of Ballots.

1 Any officer charged with the printing and distribution of ballots
2 shall provide and retain at his office an ample supply of ballots, in
3 addition to those distributed to the several voting precincts, and if
4 at any time the ballots furnished to any precinct shall be lost, de-
5 stroyed or exhausted before the polls are closed, on written applica-
6 tion, signed by a majority of the judges of such precinct, or signed
7 and sworn to by one (1) of such judges, he shall immediately cause
8 to be delivered to such judges, at the polling place, such additional
9 supply of ballots as may be required, and sufficient to comply with

10 the provisions of this chapter.

[C. C. 436.]

Sec. 65. Form of Reserve Supply of Ballots.

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

[C. C. 436.]

Sec. 66. Attorney General to Furnish Instruction Relative to Voting.

1 The attorney general shall prepare, and from time to time revise,
 2 written instructions to the voters relative to voting, and deliver such
 3 instructions to the secretary of state. Such instructions shall cover
 4 the following matters:

- 5 1. The manner of obtaining ballots.
- 6 2. The manner of marking ballots.
- 7 3. That unmarked or improperly marked ballots will not be
 8 counted.
- 9 4. The method of gaining assistance in marking ballots.
- 10 5. That any erasures or identification marks, or otherwise spoil-
 11 ing or defacing a ballot, will render it invalid.
- 12 6. Not to vote a spoiled or defaced ballot.
- 13 7. How to obtain a new ballot in place of a spoiled or defaced one.
- 14 8. Upon the right of an employee to absent himself for two (2)

15 cards for the purpose of voting, by a petition for leave so to do made
 16 before the day of election, viz. out of election from his salary or wages.
 17 9. Any other matters thought necessary.

[C. C. 437.]

Sec. 67. Secretary of State to Furnish Copies of Instructions.

1 The secretary of state shall furnish county auditors and clerks
 2 clerks with copies of the foregoing instructions.

[C. C. 437.]

Sec. 68. Judges to Be Furnished Instructions.

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

[C. C. 437.]

Sec. 69. Posting Instruction Cards and Sample Ballots.

1 The judges of election, before the opening of the polls, shall cause
 2 said cards of instructions to be securely posted as follows:
 3 1. One (1) copy in each voting booth.
 4 2. Not less than four (4) copies, with an equal number of sample
 5 ballots, in and about the polling place.

[C. C. 438.]

Sec. 70. Publication of List of Nominations.

1 The county clerk shall prior to the day of election, publish a
 2 list of all nominations made as provided by law, and to be used for
 3 at the election, except for special cases provided by law. Such publi-
 4 cation shall be, as near as may be, in the form in which such nominees

5 will appear on the official ballot. Such publication shall be in two
6 (2) newspapers, representing, if possible, the political parties which
7 cast at the preceding general election the largest number and the
8 next largest number of votes.

[C. C. 438.]

Sec. 71. Time of Opening Polls.

1 At all elections the polls shall be opened at eight (8) o'clock in
2 the forenoon, except in cities where registration is required, when the
3 polls shall be opened at seven (7) o'clock in the forenoon, or in each
4 case as soon thereafter as vacancies in all positions of judges or clerks
5 of election have been filled. In all cases the polls shall be closed at
6 seven (7) o'clock in the evening.

[C. C. 439.]

Sec. 72. Oath.

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

[C. C. 440.]

Sec. 73. How Administered.

1 Any one (1) of the judges or clerks present may administer the
2 oath to the others, and it shall be entered in the poll book, subscribed
3 by the person taking it, and countersigned by the officer administering it.

[C. C. 441.]

Sec. 74. Ballot Furnished to Voter.

1 The judges of election of the several precincts shall have

2 charge of the ballots and furnish them to the voters. Any person
3 desiring to vote shall give his name, and, if required, his residence,
4 to such judges, one (1) of whom shall thereupon announce the same
5 in a loud and distinct tone of voice, clear and audible.

[C. C. 442.]

Sec. 75. Voting Under Registration.

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

[C. C. 442.]

Sec. 76. Challenges.

1 Any person offering to vote may be challenged as unqualified by
2 any judge or elector; and it is the duty of each of the judges to chal-
3 lenge any person offering to vote whom he knows or suspects not to
4 be duly qualified. No judge shall receive a ballot from a voter who
5 is challenged, until such voter shall have established his right to vote.

[C. C. 443.]

Sec. 77. Examination on Challenge.

1 When any person is so challenged, the judges shall explain to
2 him the qualifications of an elector, and may examine him under oath
3 touching his qualifications as a voter.

[C. C. 443.]

Sec. 78. Oath in Case of Challenge.

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

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

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

[C. C. 443.]

Sec. 79. Voter to Receive One Ballot—Indorsement by Judge.

1 One (1) of the judges of election shall give the voter one (1)
2 ballot and only one (1), on the back of which such judge shall indorse
3 his initials, in such manner that they may be seen when the ballot is
4 properly folded. No ballot without said official indorsement shall
5 be deposited in the ballot box. The voter's name shall immediately
6 be checked on the registry list.

[C. C. 444, 445.]

Sec. 80. Names to Be Entered on Poll Book.

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

[C. C. 444.]

Sec. 81. Marking and Return of Ballot.

1 On receipt of the ballot, the voter shall, without leaving the
 2 inclosed space, retire alone to one (1) of the voting booths, and with-
 3 out delay mark his ballot, and, before leaving the voting booth, shall
 4 fold the same in such manner as to conceal the marks thereon, and
 5 deliver the same to one (1) of the judges of election. The name
 6 of the voter on the poll books or registers or lists shall not be indicated
 7 on the back of his ballot.

[C. C. 445.]

Sec. 82. Depositing Ballots.

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

[C. C. 445.]

Sec. 83. Failure to Vote—Return of Ballot.

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

[C. C. 445.]

Sec. 84. Prohibited Conduct—Taking Ballot from Polling Place.

1 No voter shall vote or offer to vote any ballot except such as he
 2 has received from the judges of election, nor take or remove any
 3 ballot from the polling place before the close of the poll.

[C. C. 445.]

Sec. 85. Limitation on Time for Voting.

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

[C. C. 445.]

Sec. 86. Selection of Officials to Assist Voters.

1 At, or before, the polls are opened, the judges of each precinct
 2 shall select two (2) members of the election board of different polit-
 3 ical parties, to assist voters who may be unable to mark their ballot.

[C. C. 446.]

Sec. 87. Assisting Voter.

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

[C. C. 446.]

Sec. 88. Assistance to Voter Indicated on Poll Book.

1 The clerks of election shall enter upon the poll list, after the
 2 name of any elector who received such assistance in marking his ball-

3 lot, a memorandum of the fact.

[C. C. 446.]

Sec. 89. **Voting Mark.**

1 The voter must mark his ballot in the voting booth. The exclu-
2 sive voting mark shall be a cross which shall be placed in the circle
3 at the head of a ticket, or in the squares opposite the names of candi-
4 dates.

[C. C. 448, 449.]

Sec. 90. **But One Vote for Same Office Except in Groups.**

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

[C. C. 447, 448.]

Sec. 91. **How to Mark a Straight Ticket.**

1 If the names of all the candidates for whom a voter desires to
2 vote appear upon the same ticket, and he desires to vote for all candi-
3 dates whose names appear upon such ticket he may do so in any one
4 of the following ways:

5 1. He may place a cross in the circle at the top of such ticket
6 without making a cross in any square beneath said circle.

7 2. He may place a cross in the square opposite the name of each
8 such candidate without making any cross in the circle at the top of
9 such ticket.

10 3. He may place a cross in the circle at the top of such ticket
11 and also a cross in any or all of the squares beneath said circle.

[C. C. 447.]

Sec. 92. Voting Part of Ticket Only.

1 If the names of all the candidates for whom the voter desires to
2 vote appear upon a single ticket but he does not desire to vote for
3 all the candidates whose names appear thereon, he shall place a cross
4 in the square opposite the name of each such candidate for whom he
5 desires to vote without making any cross in the circle at the top of
6 such ticket.

[C. C. 447.]

Sec. 93. Group Candidates for Offices of Same Class.

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

[C. C. 447, 448.]

Sec. 94. How to Mark a Mixed Ticket.

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

5 1. He may place a cross in the circle at the top of a ticket on

6 which the names of some of the candidates for whom he desires to
7 vote appear and also a cross in the square opposite the name of each
8 other candidate of his choice, whose name appears upon some ticket
9 other than the one in which he has marked the circle at the top.

10 2. He may place a cross in the square opposite the name of each
11 candidate for whom he desires to vote without placing any cross in
12 any circle.

[C. C. 447, 448.]

Sec. 95. Counting Ballots.

1 The ballots shall be counted according to the markings thereon,
2 respectively, as provided in the six (6) preceding sections, and not
3 otherwise. If, for any reason, it is impossible to determine from a
4 ballot, as marked, the choice of the voter for any office, such ballot
5 shall not be counted for such office. When there is a conflict between
6 the cross in the circle on one ticket and the cross in the square on
7 another ticket on the ballot, the cross in the square shall be held to
8 control, and the cross in the circle in such case shall not apply as to
9 that office. Any ballot marked in any other manner than as author-
10 ized in the six (6) preceding sections, and in such manner as to show
11 that the voter employed such mark for the purpose of identifying
12 his ballot, shall be rejected.

[C. C. 447, 448.]

Sec. 96. Writing Name on Ballot.

1 The voter may also insert in writing in the proper place the name
2 of any person for whom he desires to vote and place a cross in the
3 square opposite thereto. The writing of such name without making
4 a cross opposite thereto, or the making of a cross in a square opposite

5 a blank without writing a name thereon shall not affect the validity
6 of the remainder of the ballot.

[C. C. 417, 418.]

Sec. 97. Spoiled Ballots.

1 Any voter who shall spoil his ballot may, on returning the same
2 to the judges, receive another in place thereof, but no voter shall
3 receive more than three (3) ballots, not doing the one (1) first deliv-
4 ered to him. None but ballots provided in accordance with the pro-
5 visions of this chapter shall be counted.

[C. C. 419.]

Sec. 98. Defective Ballot Does Not Nullify Vote.

1 No ballot properly marked by the voter shall be rejected:

2 1. Because of any discrepancy between the printed ballot and the
3 nomination paper, or certificate of nomination, or certified abstract of
4 the canvassing board.

5 2. Because of any error in stamping or writing the indorsement
6 thereon by the clerks charged with such duties.

7 3. Because of any error on the part of the officer charged with
8 such duty in delivering the wrong ballots at any polling place.

[C. C. 450.]

Sec. 99. Defective Ballots—How Counted.

1 Said defective ballots shall be counted for the candidate or candi-
2 dates for such office named in the nomination papers, certificate of
3 nomination, or certified abstract.

[C. C. 451.]

Sec. 100. Wrong Ballots—How Counted.

1 Said wrong ballots shall be counted as cast for all candidates for

2 whom the voter had the right to vote, and for whom he did vote.

[C. C. 450.]

Sec. 101. Right of Women to Vote.

1 Women may, without registration, at any city, town or school elec-
2 tion, vote under the same restrictions and qualifications as far as
3 applicable as men, on the question of issuing any bonds for municipal
4 or school purposes, or on the question of borrowing money, or on the
5 question of increasing the tax levy.

[C. C. 451, 2536.]

Sec. 102. Ballots and Ballot Boxes for Women.

1 Separate ballots shall be furnished for the questions on which
2 women are entitled to vote, and also separate ballot boxes, except
3 when women vote for president, vice president and presidential
4 electors.

[C. C. 451.]

Sec. 103. Separate Canvass of Votes of Women—When Not Required.

1 A separate canvass and a separate return shall be made of the
2 votes cast by women, except in case of the votes of women for presi-
3 dent and vice president and presidential electors.

[C. C. 451.]

Sec. 104. Persons Permitted at Polling Places.

1 The following persons shall be permitted to be present at and in
2 the immediate vicinity of the polling places, provided they do not
3 solicit votes:

4 1. Any person who is by law authorized to perform or is charged
5 with the performance of official duties at the election.

6 2. Any number of persons, not exceeding three (3) from each

7 political party having candidates to be voted for at such election, to
 8 act as challenging committees, who are appointed and accredited by
 9 the executive or central committee of such political party or organ-
 10 ization.

11 3. Any number of persons not exceeding three (3) from each of
 12 such political parties, appointed and accredited in the same manner
 13 as above prescribed for challenging committees, to witness the count-
 14 ing of ballots.

[C. C. 452.]

Sec. 105. When Judges and Clerks May Order Arrest.

1 Any judge or clerk of election shall order the arrest of any per-
 2 son who conducts himself in a noisy, riotous, tumultuous or disorderly
 3 manner at or about the polls, so as to disturb the election, or insults
 4 or abuses the judges or clerks of election, or commits a breach of the
 5 peace, or violates any of the provisions of this chapter.

[C. C. 453.]

Sec. 106. Judges May Commit Disorderly Person.

1 Any constable or special policeman may forthwith arrest such
 2 person and bring him before the judges of election, and they, by a
 3 warrant under their hands, may commit him to the jail of the county
 4 for a term not exceeding twenty-four (24) hours, but they shall per-
 5 mit him to vote.

[C. C. 453.]

Sec. 107. Prohibited Acts on Election Day.

1 The following acts, except as specially authorized by law, are
 2 prohibited on any election day:

3 1. Loitering, congregating, electioneering, or soliciting votes,

1 during the receiving and counting of the ballots, within one hundred
 5 (100) feet of any outside door of any building affording access to
 6 any room where the polls are held, or of any outside door of any build-
 7 ing affording access to any hallway, corridor, stairway or other means
 8 of reaching the room where the polls are held.

9 2. Interrupting, hindering or opposing any voter while in or
 10 approaching the polling place for the purpose of voting.

11 3. A voter allowing any person to see how his ballot is marked.

12 4. A false statement by a voter as to his inability to mark his
 13 ballot.

14 5. Interfering or attempting to interfere with a voter when inside
 15 the inclosed space, or when marking his ballot.

16 6. Endeavoring to induce a voter to show how he marks, or has
 17 marked his ballot.

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

[C. C. 452, 451, 456.]

Sec. 108. Penalty.

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

[C. C. 454.]

Sec. 109. Employees Entitled to Time to Vote.

1 Any person entitled to vote at a general election shall, on the day
 2 of such election, be entitled to absent himself from any services in

3 which he is then employed for a period of two (2) hours, between
4 the time of opening and closing the polls, which period may be desig-
5 nated by the employer, and such voter shall not be liable to any pen-
6 alty, nor shall any deduction be made from his usual salary or wages,
7 on account of such absence, but application for such absence shall be
8 made prior to the day of election.

[C. C. 455.]

Sec. 110. Intimidation of Employees by Employer.

1 Any employer who shall refuse to an employee the privilege con-
2 ferred by the preceding section, or shall subject such employee to a
3 penalty or reduction of wages because of the exercise of such privi-
4 lege, or shall in any manner attempt to influence or control such em-
5 ployee as to how he shall vote, by offering any reward, or threatening
6 discharge from employment, or otherwise intimidating or attempting
7 to intimidate such employee from exercising his right to vote, shall
8 be punished by a fine of not less than five dollars (\$5.00) nor more
9 than one hundred dollars (\$100.00).

[C. C. 455.]

Sec. 111. Acts Declared Unlawful.

1 It shall be unlawful for any person, prior to the closing of the
2 polls, wilfully to do any of the following acts:

3 1. Destroy, deface, tear down, or remove any list of candidates,
4 card of instruction, or specimen ballot posted as provided by law.

5 2. Remove or destroy any of the supplies or articles furnished
6 for the purpose of enabling voters to prepare their ballots.

[C. C. 456, modified.]

Sec. 112. Penalty.

1 Any person violating the preceding section shall be fined not less
2 than ten dollars (\$10.00) nor more than one hundred dollars
3 (\$100.00), or imprisoned not less than ten (10) nor more than thirty
4 (30) days, or by both said fine and imprisonment.

[C. C. 456.]

Sec. 113. Official Neglect or Misconduct.

1 Any public officer upon whom a duty is imposed by this chapter,
2 who shall wilfully neglect to perform such duty, or who shall wilfully
3 perform it in such a way as to hinder the object thereof, or shall dis-
4 close to anyone, except as may be ordered by any court of justice, the
5 manner in which any ballot may have been voted, shall be punished
6 by a fine of not less than five dollars (\$5.00) nor more than one thou-
7 sand dollars (\$1,000.00), or by imprisonment in the penitentiary not
8 less than one (1) nor more than five (5) years, or by both fine and
9 imprisonment.

[C. C. 457.]

Sec. 114. Special Police.

1 The city council shall detail and employ, at each election, from
2 citizens, or from the police force of the city, from two (2) to four
3 (4) special policemen for each voting precinct and fully empower
4 them for the special occasion of such election to prevent violations of
5 this chapter, or of any other lawful command made under this chap-
6 ter. Said special police shall be men of good character and reputa-
7 tion and shall be appointed on the nomination of the principal political
8 committee of each political party recognized as the two (2) leading
9 parties, and in equal numbers from each of said political parties. No

10 other peace officer than those above named shall exercise his authority
11 for preserving order at or within one hundred (100) feet of such
12 voting places, unless called in by an emergency. If no policeman be
13 in attendance, the judges of election may appoint one (1) or more
14 specially, by writing, who shall have all the powers of such special
15 policeman.

[C. C. 458.]

Sec. 115. Constables.

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

[C. C. 459.]

Sec. 116. Preserving Order.

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

[C. C. 460.]

Sec. 117. Expense—Special Police—General Supplies.

1 The special policemen appointed under the provisions of this
2 chapter, when not appointed from the police force of the city, shall
3 be entitled to receive two dollars (\$2.00) a day as compensation for
4 their services, which with the expense of providing booths, guard
5 rails, and other things required in this chapter, shall be paid in the

6 same manner as other election expenses.

[C. C. 461, modified.]

Sec. 118. Expense for Printing and Distribution Thereof.

1 The printing and distributing of ballots and cards of instruction
2 to the voters, described in this chapter, for any general election, shall
3 be at the expense of the county, and shall be provided for in the same
4 manner as other county election expenses. The printing and distri-
5 bution of ballots for use in city elections shall be at the expense of the
6 the city or town in which the election shall be held.

[C. C. 461.]

Sec. 119. Penalty.

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

[C. C. 462, modified.]

Sec. 120. Promise of Position Prohibited.

1 It shall be unlawful for any candidate for any office to be voted
2 for at any primary, general, municipal, or special election, prior to
3 his nomination or election, to promise, either directly or indirectly, to
4 support or use his influence in behalf of any person or persons for
5 any position, place or office, or to promise directly or indirectly to
6 name or appoint any person or persons to any place, position or office
7 in consideration of any person or persons supporting him or using

8 his, her or their influence in securing his or her nomination, election
9 or appointment.

[C. C. 463, modified.]

Sec. 121. Premise of Influence Prohibited.

1 It shall be unlawful for any person to solicit from any candidate
2 for any office to be voted for at any primary, municipal, general, or
3 special election, or any candidate for appointment to any public office,
4 prior to his nomination, election or appointment, to promise, directly
5 or indirectly, to support or use his or her influence in behalf of any
6 person or persons for any position, place or office, or to promise either
7 directly or indirectly to name or appoint any person or persons to
8 any place, position or office in consideration of any person or persons
9 supporting him or her, or using his, her or their influence in securing
10 his or her nomination, election or appointment.

[C. C. 464, modified.]

Sec. 122. Penalty.

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

[C. C. 465.]

Code Commissioners' Bill No. 26

Subject: CANVASS OF VOTES AT ELECTIONS

Senate File No. Referred to Committee on

House File No..

By Date

A BILL FOR

An act to amend, revise and codify sections four hundred sixty-six (466) to four hundred sixty-eight (468), inclusive, sections four hundred seventy (470), four hundred seventy-one (471), sections four hundred seventy-three (473) to four hundred seventy-six (476), inclusive, sections four hundred seventy-nine (479), four hundred eighty-one (481), four hundred eighty-four (484) and four hundred ninety (490), 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.

- 1 When the poll is closed, the judges shall forthwith, and without
- 2 adjournment:
 - 3 1. Publicly canvass the vote, and credit each candidate with the
 - 4 number of votes counted for him.
 - 5 2. Ascertain the result of the vote.
 - 6 3. Compare the poll lists and correct errors therein.
 - 7 4. Cause each clerk to keep a tally list of the count.

[C. C. 466.]

Sec. 2. When Judges Declare Election.

- 1 The candidate receiving the highest number of votes, if for an

2 office in that precinct alone, shall be declared elected, and the judges
3 shall issue certificates accordingly.

[C. C. 466.]

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 Ballots.

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

[C. C. 467.]

Sec. 4. Challenged Ballots.

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

[C. C. 467.]

Sec. 5. Disputed Ballots Returned Separately.

1 All ballots indorsed as required by the two (2) preceding sec-
3 tions shall be inclosed and securely sealed in an envelope, on which the
4 judges shall indorse "Disputed ballots", with a statement of the pre-
4 cinct in which, and date of the election at which, they were cast,
5 signed by the judges.

[C. C. 467.]

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.

1 If the ballots for any officer exceed the number of the voters in
2 the poll lists, such fact shall be certified, with the number of the ex-
3 cess, in the return.

[C. C. 468.]

Sec. 7. Effect of Error on County Office—Township Office.

1 If, in case of such excess, the vote of the precinct where the error
2 occurred would change the result as to a county officer if the person
3 appearing to be elected were deprived of so many votes, then the elec-
4 tion shall be set aside as to him in that precinct, and a new election
5 ordered therein; but no person residing in another precinct at the time
6 of the general election shall be allowed to vote at such special election.

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

[C. C. 468.]

Sec. 8. Effect of Error on State Office—Tie Vote.

1 If the error be in relation to a district or state officer, it, with the
2 number of the excess, shall be certified to the state canvassers, and if
3 the error would affect the result, a new vote shall be ordered in the
4 precinct where the error happened, and the canvass be suspended
5 until such new vote is taken and returned. When there is a tie vote
6 and such an excess, there shall be a new election.

[C. C. 468.]

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.

1 When the canvass is completed one (1) of the judges shall then pro-

2 claim in a loud voice the total number of votes received by each of
3 the persons voted for, and the office for which he is designated, as an-
4 nounced by the clerks, and the number of votes for, and the number of
5 votes against, any proposition which shall have been submitted to a
6 vote of the people.

[C. C. 470.]

Sec. 10. Return and Preservation of Ballots.

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

[C. C. 470.]

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.

1 If at the expiration of six (6) months no contest is pending, the
2 officer having the ballots in custody, without opening the package in
3 which they have been inclosed, shall, in the presence of two (2) elec-
4 tors to be designated by the chairman of the board of supervisors, one
5 (1) from each of the two (2) leading political parties, or, in municipal
6 elections, by the mayor of the city or town in which they are kept,

7 destroy the same by burning.

[C. C. 471.]

Sec. 12. Destruction of Primary Election Ballots.

1 The ballots cast at a primary election shall, where no contest is
2 pending, be destroyed ten (10) days prior to the holding of the gen-
3 eral election following the primary election at which said ballots were
4 cast.

[C. C. 471.]

Sec. 13. Destruction in Abeyance Pending Contest.

1 If a contest is pending, the ballots shall be kept until the same
2 is finally determined, and then so destroyed.

[C. C. 471.]

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.

1 In each precinct, one (1) of the poll books containing the afore-
2 said signed and attested return, and one (1) of the registration books,
3 if any, shall be delivered by one (1) of the judges within two (2) days
4 to the county auditor.

[C. C. 473.]

Sec. 15. Return of Remaining Poll and Registration Book.

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

[C. C. 473.]

Sec. 16. Preservation of Books.

1 The auditor, city or town clerk, as the case may be, shall file said
 2 books, and the registry books and lists and other papers pertaining to
 3 registration, in his office, and preserve the same for three (3) years
 4 or until the determination of any contest then pending, after which
 5 they shall be destroyed.

[C. C. 419, 473, modified.]

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.

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

[C. C. 474.]

Sec. 18. Abstracts and Certificates for Precinct Officers.

1 The returns shall be opened in the presence of all the canvassers,
 2 and an abstract of votes made and signed by them, and the result de-
 3 clared, and a certificate of election signed by them giving the candi-
 4 dates elected. If the mayor shall have been a candidate at such elec-
 5 tion, a justice of the peace of the county, selected by the clerk, shall
 6 act with him in making the canvass.

[C. C. 474.]

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.

1 Notice of the result of the election of the township, city and town
2 officers shall be given by the township, city or town clerk, as the case
3 may be, within five (5) days thereafter by mailing notice to each per-
4 son who has been declared elected, which notice shall specify the
5 office to which such person has been elected and requiring him to ap-
6 pear before the proper officer and qualify according to law.

[C. C. 475.]

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.

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

[C. C. 476.]

That sections four hundred seventy-nine (479), four hundred eighty-one (481), four hundred eighty-four (484) and four hundred ninety (490) of the compiled code of Iowa are amended, revised and codified to read as follows:

Sec. 21. Duplicate Abstracts.

1 Abstracts of all the votes cast for all officers specified in the
2 preceding section, except county officers, shall be made in duplicate,
3 and signed by the board of county canvassers, one (1) of which shall be
4 forwarded to the secretary of state, and the other filed by the county
5 auditor.

[C. C. 479.]

Code Commissioners' Bill No. 27

Subject: ABSENT VOTERS

Senate File No. Referred to Committee on

House File No.

By Date.....

A BILL FOR

An act to amend, revise and codify chapter nine (9) of title four (4) of the compiled code of Iowa, 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 is amended, revised and codified to read as follows:

Section 1. Absent Voter—Right to Vote—Conditions.

1 Any qualified voter of this state, not engaged in the service of
2 the government of the United States, or of this state, may, as pro-
3 vided in this chapter, vote at any general, municipal, special, or pri-
4 mary election:

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

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

[C. C. 521, modified.]

Sec 2. Application for Ballot.

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

[C. C. 522, modified]

Sec. 3. Officers to Furnish Blank Applications.

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

[C. C. 523.]

Sec. 4. Form of Blank Application.

1 Applications for ballots shall be made on blanks substantially in
 2 the following form:

3 "APPLICATION FOR BALLOT TO BE VOTED AT THE
 4 ELECTION ON .

5 State of }
 6 County of } ss.

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

(In case of illness or physical disability)

15 tion day, and I hereby make application for an official ballot or ballots
 16 to be voted by me at such election, and that I will return said ballot
 17 or ballots to the officer issuing same, on or before the day of said elec-
 18 tion; that I am a _____ voter.

(Man or woman)

19 Date

20 Signed

21 Residence (Street and number, if any)

22 (City or town) P. O. Address

23

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

25, A. D. 19

26"

[C. C. 523, modified.]

Sec. 5. Residence in Precinct.

1 The requirement in the preceding section for ten (10) days' resi-
 2 dence in the precinct shall not apply to general elections.

[New.]

Sec. 6. Penalty Clause Added to Form.

1 Immediately below said form, sections thirty-two (32) and thirty-
 2 three (33) of this act shall be printed in full.

[C. C. 523.]

Sec. 7. Application for Primary Ballot.

1 If the application be made for a primary election ballot, such ap-
 2 plication shall designate the name of the political party with which the
 3 applicant is affiliated.

[C. C. 523.]

Sec. 8. Auditor or Clerk to Mail Ballot.

1 Upon receipt of such application, and immediately after the bal-
2 lots are printed, it shall be the duty of such auditor or clerk to mail to
3 said applicant, postage prepaid, such official ballot or ballots as such
4 applicant would have the right to cast at such election.

[C. C. 524, modified.]

Sec. 9. Personal Delivery of Ballot.

1 Such officer shall deliver said ballot or ballots to any qualified
2 elector applying in person at the office of such auditor or clerk, as the
3 case may be, and subscribing to the foregoing application, not more
4 than fifteen (15) days before the date of said election, cities and towns
5 excluded.

[C. C. 524.]

Sec. 10. Applications at Places Other Than County Seats.

1 The auditor may designate the times and places at which he and
2 his deputies will receive applications in person for ballots in places in
3 his county other than the county seat, and the applications and ballots
4 so received shall be treated as though made at the office of the auditor.

[New.]

Sec. 11. Duty of Auditor—Form of Affidavit.

1 It shall be the duty of said auditor or clerk to inclose such ballot
2 or ballots in an unsealed envelope, to be furnished by him, which en-
3 velope shall bear upon the face thereof the name, official title and
4 postoffice address of such auditor or clerk.

[C. C. 525.]

Sec. 12. Voter's Affidavit on Envelope.

1 On the reverse side of said unsealed envelope shall be printed a

2 blank form of affidavit in substantially the following form:

3 "State of }
4 County of..... } ss.

5 I, , do solemnly swear that the fol-
6 lowing matters relating to my qualifications for registration and
7 voting are true; residence, city, town or township of
8 street, No. ,
9 county, Iowa. Age years. Nativity
10 Color Sex Term of
11 residence in precinct Term of residence in county
12 Term of residence in state
13 Naturalized Date of naturalization papers
14 Court in which naturalized Date of application
15 Whether by act of congress
16 Whether qualified voter Last preceding place of
17 residence, city, town or township of
18 street, No. I am
19 engaged in the business or work of ; that I shall be
20 prevented from attending the polls on the day of election on account
21 of (Here affiant will state whether absence from the county of his
22 residence or physical disability), and that I have marked the inclosed
23 ballot in secret.

24 Signed.....

25 Subscribed and sworn to before me this day of
26 A. D. , and I hereby certify that the affiant exhibited
27 the inclosed ballot to me unmarked; that he then in my presence and
28 in the presence of no other person, and in such manner that I could

29 not see his vote, marked such ballot and inclosed and sealed the same
 30 in this envelope; that the affiant was not solicited or advised by me for
 31 or against any candidate or measure.

32

33

34

(Official title.)”

[C. C. 525.]

Sec. 13. Affidavit in Case of Primary Election.

1 If the ballot inclosed is to be voted at a primary election, the
 2 affidavit shall designate the name of the political party with which the
 3 voter is affiliated.

[C. C. 525.]

Sec. 14. Marking Ballot.

1 The voter, on receipt of said ballot or ballots, shall, in the pres-
 2 ence of the officer administering the oath, mark such ballot or ballots,
 3 but in such manner that such officer will not know how such ballot is
 4 marked.

[C. C. 526.]

Sec. 15. Taking and Subscribing Oath and Inclosing Ballot.

1 After marking such ballot, the voter shall, before said officer,
 2 make and subscribe to the affidavit on the reverse side of the envelope,
 3 and, in the presence of such officer, fold such ballot, or ballots, sep-
 4 arately, so as to conceal the markings thereon, and deposit the
 5 same in said envelope, which shall then be securely sealed.

[C. C. 526.]

Sec. 16. Mailing or Delivering Ballot.

1 The sealed envelope containing the said ballot or ballots may be

2 personally delivered by the voter to the auditor, deputy or clerk. If
3 not so delivered, said envelope shall be inclosed in a carrier envelope,
4 which shall also be securely sealed, and mailed by the voter, postage
5 paid, to said auditor or clerk.

[C. C. 526.]

Sec. 17. Manner of Preserving Ballot and Application.

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

5 1. Name of the judges of election of the precinct of which the
6 voter is a resident.

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

9 3. The street number, or other clear designation of the polling
10 place in said precinct.

11 4. "This envelope contains an absent voter's ballot, or disabled
12 voter's ballot, as the case may be, and must be opened only at the polls
13 on election day while said polls are open."

[C. C. 527, 528.]

Sec. 18. Delivery of Ballot With Election Supplies.

1 In case said voter's ballot is received by the auditor or clerk, prior
2 to the delivery of the official ballots to the judges of election of the
3 precinct in which said elector resides, such ballot, envelope and applica-
4 tion, sealed in the carrier envelope, shall be inclosed in such package
5 and therewith delivered to the judges of such precinct.

[C. C. 528.]

Sec. 19. Auditor May Mail or Personally Deliver.

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

[C. C. 528.]

Sec. 20. Receipt for Ballot.

1 In case ballots and applications are personally delivered, the de-
2 livering officer shall take the receipt of the judges therefor.

[C. C. 528.]

Sec. 21. Ballots Rejected.

1 All ballots forwarded to absent voters, except ballots forwarded
2 to voters in the military or naval service, and not received by the
3 auditor or city or town clerk in time for delivery to the judges of
4 election before the closing of the polls, shall be rejected.

[New.]

Sec. 22. Casting Ballots.

1 At any time between the opening and closing of the polls on such
2 election day the judges of election of said precinct shall open the outer
3 or carrier envelope only, announce the absent or disabled voter's name,
4 and compare the signature upon the application with the signature
5 upon the affidavit on the ballot envelope. In case the judges find the
6 affidavits executed, that the signatures correspond, the applicant a duly
7 qualified elector of the precinct, and that the applicant has not voted
8 in person at said election, they shall open the envelope containing the
9 voter's ballot in such manner as not to deface or destroy the affidavit

10 thereon, and take out the ballot or ballots therein contained without
11 unfolding or permitting the same to be unfolded or examined, and,
12 having indorsed the ballot in like manner as other ballots are required
13 to be indorsed, deposit the same in the proper ballot box and enter the
14 voter's name in the poll book, the same as if he had been present and
15 voted in person.

[C. C. 529.]

Sec. 23. Rejecting Ballot.

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

[C. C. 529.]

Sec. 24. Rejected Ballots—How Handled.

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

[C. C. 529.]

Sec. 25. Rejection of Ballot—Return of Envelope.

1 If the ballot is rejected, said ballot envelope, with the affidavit

2 of the voter indorsed thereon, shall be returned with said rejected
3 ballot in the envelope indorsed "Defective ballots".

[C. C. 529.]

Sec. 26. Affidavit Envelope Constitutes Registration.

1 The affidavit upon the ballot envelope shall constitute a sufficient
2 registration of the voter in precincts where registration is required.

[C. C. 529, modified.]

Sec. 27. Alphabetical List Completed.

1 The judges of election shall, in case the ballot is deposited in the
2 box, enter the voter's name on the alphabetical lists if not already
3 there, with the same data as is entered when a certificate of registra-
4 tion is filed.

[C. C. 529.]

Sec. 28. Ballot Envelope Preserved.

1 The ballot envelope having the voter's affidavit thereon shall, in
2 case the ballot is deposited in the box, be preserved and returned with
3 the certificates of registration, poll book and alphabetical lists to the
4 city clerk, who shall preserve the same, and it shall be used by the
5 registers of election, in precincts where registration is required, in
6 making up the new registry lists from the poll books, and such affi-
7 davit shall serve as the registration record of the voter for the new
8 registry books and lists.

[C. C. 529.]

Sec. 29. Challenges.

1 The vote of any absent voter may be challenged for cause and
2 the judges of election shall determine the legality of such ballot as in

3 other cases.

[C. C. 530.]

Sec. 30. Ballot of Deceased Voter.

1 When it shall be made to appear by due proof to the judges of
2 election that any elector, who has so marked and forwarded his ballot,
3 has died before the ballot is deposited in the ballot box, then the ballot
4 of such deceased voter shall be returned by the judges of election with
5 the unused ballots to the official issuing it; but the casting of the ballot
6 of a deceased voter shall not invalidate the election.

[C. C. 531.]

Sec. 31. Laws Made Applicable.

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

[C. C. 532.]

Sec. 32. False Affidavit.

1 Any person who shall wilfully swear falsely to any of such affi-
2 davits shall be guilty of perjury, and punished accordingly.

[C. C. 533.]

Sec. 33. Refusal to Return Ballot.

1 Any person who, having procured an official ballot or ballots, shall
2 wilfully neglect or refuse to cast or return the same in the manner
3 provided, or who shall wilfully violate any provision of this chapter,
4 shall, unless otherwise provided, be fined not to exceed one hundred
5 dollars (\$100.00), or imprisoned in the county jail not to exceed thirty

6 (30) days. Any person who applies for a ballot and wilfully neglects
7 or refuses to return the same shall be deemed to have committed an
8 offense in the county to which such ballot was returnable.

[C. C. 533, modified.]

Sec. 34. Offenses by Officers.

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

[C. C. 533.]

Sec. 35. Voters in Government Service.

1 Any qualified voter of the state who is in the service of the gov-
2 ernment of the United States, or of this state, either under election,
3 appointment, enlistment or draft, and who, in the performance of such
4 service, is located outside the county of his residence, may file with
5 the county auditor of the county of his legal residence a verified appli-
6 cation in substantially the following form:

7 "I, , on oath say that I am engaged in
8 the service of the government of the United States (or of the state
9 of Iowa) as or as
(Official Position)

10 ; that my legal voting residence is at num-
(Military or Naval Rank and Organization)

11 ber .. , street, in the city (town or
12 township) of .. , county of .. ,
13 state of Iowa, and I do not intend to vote at any other place; that in

14 the discharge of said service I am temporarily located at number
 15, street, of the city (or town)
 16 of, in the state (or district or county)
 17 of; that I request the county auditor or city
 18 or town clerk to furnish me with official ballots for all elections here-
 19 after held in my said legal voting precinct; that I am a member of the
 20 party; that the further facts relative to my
 21 qualifications as a voter are: Age years. Nativity
 22 Color Sex
 23 Term of residence in state years. Term of residence in
 24 county years. Term of residence in precinct
 25 years. Naturalized Date of application
 26 Date of naturalization papers Court in which nat-
 27 uralized Whether by act of congress
 28 Whether a qualified voter Last preceding place of resi-
 29 dence: number, street, in the city
 30 (town or township) of, in the county of
 31, state of Iowa.”

[New.]

Sec. 36. **Register.**

1 The county auditor, on receipt of such application, and in a book
 2 to be known as the “Register of Absent Voters”, shall, in accordance
 3 with said application, enter the name and legal voting residence of said
 4 applicant, his qualifications as a voter, his party affiliation and his
 5 temporary address.

[New.]

Sec. 37. Application Filed by Others.

1 Any reputable voter of the county may make such verified appli-
2 cation for ballot, on behalf of any voter who is engaged in such govern-
3 mental service, and in such case the form of such application as above
4 set forth shall be so changed as to show that the statements contained
5 in said application are personally known to the affiant to be true.

[New.]

Sec. 38. Register as in Other Cases.

1 The county auditor, on receipt of an application for ballots, made
2 on behalf of an absent voter, shall proceed therewith as though the
3 same had been made by such absent voter on his own behalf.

[New.]

Sec. 39. Revision of Register.

1 The county auditor shall, prior to each election, revise said regis-
2 ter of absent voters, and strike therefrom the name of any person who
3 for any reason is no longer a legal voter in said county, or who is no
4 longer absent from said county.

[New.]

Sec. 40. Duty to Furnish Ballots.

1 The county auditor and city or town clerk shall, as soon as ballots
2 are printed, for all elections held subsequent to the receipt of said
3 applications, forward ballots to all persons whose names appear on said
4 register of absent voters, and all other provisions of this chapter shall
5 apply so far as applicable.

[New.]

Sec. 41. Duty in Furnishing Ballots.

1 Any ballot furnished to an absent voter under this chapter shall

2 be the ballot which such voter would have the right to cast were he
3 present at the polling place, and such ballot shall not be counted for
4 any candidate for whom the voter had no right to vote.

[New.]

Sec. 42. Record of Transmitting Ballot.

1 The auditor, upon forwarding a ballot to an absent voter, shall
2 immediately note such fact and the date of forwarding on the reg-
3 ister of absent voters, opposite said voter's name. The city or town
4 clerk, upon forwarding a ballot to such voter, shall immediately notify
5 the county auditor in writing of such fact and the date of forwarding,
6 and the auditor shall at once enter the same on said register.

[New.]

Sec. 43. Power to Administer Oaths.

1 All commissioned officers in the military or naval service of the
2 United States are authorized to administer all oaths required of those
3 engaged in military or naval service, and the official signature of such
4 officers to such affidavits shall be presumed to be genuine.

[New.]

Sec. 44. Delivery to Canvassing Board.

1 All ballots received by the auditor, or city or town clerk from
2 voters in the military or naval service too late for delivery to the
3 judges of election before the closing of the polls, shall be securely
4 retained in his possession, with the envelopes unopened, and delivered
5 to the proper canvassing board at the meeting to canvass the returns.
6 Said board shall, so far as practicable, proceed with said ballots and
7 envelopes in the same manner that judges of election are ordered to
8 proceed with them. Should there be more than one (1) ballot, they

9 shall, if not rejected, be placed in some proper receptacle without
10 being unfolded, and thoroughly intermingled before being counted.

[New.]

Sec. 45. Correction of Poll Books and Returns.

1 If such ballots be counted, the board shall cause the clerk of the
2 board to enter upon the poll books of the proper precinct the names of
3 such absent voters, and the poll books and the returns from said pre-
4 cinct shall be amended accordingly. All changes in such books and
5 returns from each precinct shall clearly show that they were made by
6 authority of the board of canvassers.

[New.]

Sec. 46. In Case of Municipal Ballots.

1 All ballots forwarded to voters in the military or naval service in
2 case of city or town elections, and not returned to the city or town
3 clerk at the time the council canvasses the returns, shall be rejected.

[New.]

Sec. 47. Canvass When Ballots Not Returned.

1 If all ballots forwarded by the county auditor to voters in the
2 military or naval service have not been returned to the auditor by the
3 time the board of supervisors meets to canvass the returns, such
4 auditor shall so notify the board, and thereupon the board shall pro-
5 ceed to canvass the returns as they then exist, and in so doing shall
6 proceed as though all ballots from voters in the military or naval
7 service had been received, but in such case all abstracts forwarded to
8 the secretary of state shall show that all ballots forwarded to such
9 voters have not been returned to the county auditor.

[New.]

Sec. 48. Ballots Received After Canvass.

1 Should ballots be received from voters in the military or naval
2 service after the completion of said canvass, and within thirty (30)
3 days following the day of election, the auditor shall reconvene the
4 board of canvassers immediately at the expiration of said thirty (30)
5 days, or sooner if all such ballots are returned, as shown by the re-
6 turned ballots and the register of absent voters.

[New.]

Sec. 49. Canvass—Additional Ballots—Amended Return.

1 The auditor, on the reconvening of said board, shall deliver such
2 additional ballots and envelopes to said board, and it shall proceed
3 therewith as directed in case of ballots delivered to it at the first can-
4 vass. If such additional ballots be counted, the board shall amend its
5 former canvass and return, and forthwith forward amended abstracts
6 conforming thereto to the secretary of state as to all offices as to which
7 such abstracts are required.

[New.]

Sec. 50. Change in Result.

1 Should such additional ballots change the result as to any office
2 as declared under the first canvass, the county and state canvassing
3 boards shall correct such declaration accordingly, and enter an order
4 cancelling all certificates of election in conflict therewith.

[New.]

Sec. 51. Compliance Before Count.

1 No ballot furnished to voters in the military or naval service,
2 shall be counted unless the voter marks the same, takes and sub-
3 scribes the oath on the ballot envelope, and mails said envelope and

4 ballot, or delivers or causes the same to be delivered, to the auditor or
5 clerk on a date not later than the day of election.

[New.]

Sec. 52. One Set of Ballots.

1 In no case shall such voter be furnished with more than one (1)
2 set of ballots for each election. Should more than one (1) set of
3 ballots be forwarded to such voter, and they are all returned, only that
4 set first duly verified by affidavit shall be counted.

[New.]

Sec. 53. Optional Procedure.

1 Nothing in this chapter shall be construed to prevent a voter in
2 the military or naval service from making application for ballots under
3 the procedure provided for those who are not in such service.

[New.]

Code Commissioners' Bill No. 28

Subject: PRESIDENTIAL ELECTORS

Senate File No. Referred to Committee on

House File No.

By Date

A BILL FOR

An act to amend, revise and codify section five hundred thirty-five (535) of 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 compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Presidential Electors—Time of Election—Qualifications.

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

[C. C. 535.]

Sec. 2. Vote for President Deemed Vote for All Party Electors.

1 A vote for the candidates of any party, or group of petitioners,
 2 for president and vice president of the United States, shall be con-
 3 clusively deemed to be a vote for each candidate nominated in each

4 district and in the state at large by said party, or group of petitioners,
5 for presidential electors.

[C. C. 535.]

Sec. 3. Canvass of Vote.

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

[C. C. 535.]

Sec. 4. Women May Vote for Presidential Electors.

1 Every woman who has attained the age of twenty-one (21) years
2 and who possesses all other qualifications requisite to a man voter,
3 shall be entitled to vote, the same as men, at any election held for the
4 purpose of electing presidential electors.

[C. C. 535.]

Code Commissioners' Bill No. 29

Subject: ELECTION EXPENSES OF CANDIDATES

Senate File No..... Referred to Committee on
House File No.....
By Date.....

A BILL FOR

An act to amend, revise and codify sections five hundred forty (540) to five hundred forty-two (542), inclusive, of the compiled code of Iowa, 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 sections five hundred forty (540) to five hundred forty-two (542), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Statement of Election Expenses.

1 Every candidate for any office voted for at any primary, munic-
2 ipal or general election shall, within ten (10) days after the holding
3 of such election, file a true, detailed and sworn statement showing
4 each and all sums of money or other things of value disbursed, ex-
5 pended or promised, directly or indirectly, by him, and to the best of
6 his knowledge and belief by any other person or persons in his behalf
7 for the purpose of aiding or securing his nomination or election.

[C. C. 540.]

Sec. 2. Requirement of Statement.

1 Such statement shall show the dates, amounts, and from whom
2 such sums of money or other things of value were received, and the

3 dates, amounts, purposes and to whom paid or disbursed, and shall
4 include the assessment of any person, committee, or organization in
5 charge of the campaign of such candidate.

[C. C. 540.]

Sec. 3. Filing of Statement.

1 Such statement shall be filed:

- 2 1. With the county auditor, in case of municipal or county offices.
- 3 2. With the secretary of state, in case of any office voted for by
4 the voters of more than one (1) county.

[C. C. 540.]

Sec. 4. Sworn Statements by Party Chairmen.

1 The chairman of each party central committee for the state, dis-
2 trict or county, shall file a sworn statement of receipts and expendi-
3 tures within ten (10) days after the general election. The chairmen
4 of state and district central committees shall file said statements with
5 the secretary of state; and the chairmen of county central commit-
6 tees, with the county auditor. Such statements shall contain all the
7 information required to be filed by candidates, and in addition thereto
8 shall state the amounts or balances remaining on hand.

[C. C. 542.]

Code Commissioners' Bill No. 30

Subject: CONTEST ON STATE OFFICERS

Senate File No. Referred to Committee on

House File No.

By Date

A BILL FOR

An act to amend, revise and codify sections five hundred sixty-nine (569), five hundred seventy (570), 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.

1 The court for the trial of contested state offices, except governor
2 and lieutenant governor, shall consist of three (3) district judges to
3 be selected by the judges of the supreme court.

[C. C. 569, modified.]

That section five hundred seventy (570) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 2. Clerk.

1 The secretary of state shall be the clerk of said court; but if the
2 person holding that office is a party to the contest, the clerk of the
3 supreme court, or, in case of his absence or inability, the auditor of
4 state, shall be clerk. In case of contest over the office of district
5 judge, said court may select its own clerk.

[C. C. 570.]

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. 3. Selection of Court.

1 Upon receipt of such statement, the judges of the supreme court,
2 or a majority thereof, shall select the membership of the court to try
3 such contest, and immediately certify such selection to the clerk of
4 the supreme court, together with the bond and statement of contest
5 aforesaid. Vacancies shall also be filled by the judges of the supreme
6 court.

[C. C. 572, modified.]

Sec. 4. Notice of Selection.

1 The clerk of the supreme court, on receipt of such certificate,
2 shall forthwith notify the members of such court of contest of their
3 selection.

[C. C. 572.]

Sec. 5. Organization of Court.

1 The members so selected for said contest court shall, in cases of
2 contest over offices other than district judge, meet at the seat of gov-
3 ernment, within ten (10) days after said notification and qualify by
4 taking the oath required in case of contest over the office of presi-
5 dential elector, and proceed, at said place, with the discharge of their
6 duties.

[C. C. 572, 573.]

Sec. 6. Contest Relative to Office of District Judge.

1 In case of contests relative to the office of district judge, such
2 selected members of said court shall meet, qualify and transact the

3 business of said court of contest at such place or places as they may
4 designate.

[C. C. 572, modified.]

Sec. 7. Delivery of Papers.

1 Upon the organization of said court of contest, all papers in the
2 possession of the clerk of the supreme court shall be forthwith deliv-
3 ered to said court of contest.

[New.]

Sec. 8. Limitation on Hearing.

1 The time for the trial of any contest relative to a state office
2 shall not be set beyond the last Monday in January following the
3 election.

[C. C. 572.]

Sec. 9. Notice to Incumbent—Trial.

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

[C. C. 572.]

Code Commissioners' Bill No. 31

Subject: QUALIFICATION BY PUBLIC OFFICERS

Senate File No. Referred to Committee on
 House File No.... ..
 By Date

A BILL FOR

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 section six hundred (600) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. General Time to Qualify—Oath—Bond.

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

[C. C. 600.]

Sec. 2. City and Town Officers—Time to Qualify.

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

[C. C. 600.]

Sec. 3. Unavoidable Casualty.

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

[C. C. 600.]

Sec. 4. Qualifying in Case of Election Contest.

1 In case the election of an officer is contested, the successful party
2 shall qualify within ten (10) days after the decision is rendered.

[C. C. 600.]

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

Sec. 5. Qualification of Officers.

1 Every person appointed or elected to govern, control, manage or
2 inspect any public building, improvement or institution, owned, con-
3 trolled or managed, in whole or in part by the state, shall, before
4 entering upon the discharge of his duties, qualify by taking and sub-
5 scribing the oath or affirmation required of civil officers, and if his
6 duties involve the making of any contract for or on behalf of the state
7 said oath or affirmation shall be to the effect that he will not enter
8 into, or consent to, any contract, whereby any greater sum of money
9 shall be expended or agreed to be expended than is expressly author-
10 ized by law at the date of such contract.

[C. C. 609.]

Sec. 6. Warrants Prohibited.

1 The auditor of state shall not issue any warrant for any expendi-
2 ture made or directed by any such officer until such oaths are filed in
3 his office.

[C. C. 610.]

Code Commissioners' Bill No. 32

Subject: BONDS OF PUBLIC OFFICERS

Senate File No..... Referred to Committee on

House File No.....

By Date

A BILL FOR

An act to amend, revise and codify chapter nineteen (19) of title four (4) of the compiled code of Iowa, relating to the bonds of public officers.

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 is amended, revised and codified to read as follows:

Section 1. Bond Not Required.

- 1 Bonds shall not be required of the following public officers:
- 2 1. Governor.
- 3 2. Lieutenant governor.
- 4 3. Members of the general assembly.
- 5 4. Judges of the supreme, district, superior and municipal courts.
- 6 5. Township trustees.
- 7 6. Aldermen, councilmen, and commissioners of cities and towns.

[C. C. 611, 6851.]

Sec. 2. Conditions of Bond of Public Officers.

1 All other public officers, except as otherwise specially provided,

2 shall give bond with the conditions, in substance, as follows:

3 That as... ..(naming the office), in

4 (city, town, township, county or state

5 of Iowa), he will render a true account of his office and of his doings

6 therein to the proper authority, when required thereby or by law;
7 that he will promptly pay over to the officer or person entitled thereto
8 all moneys which may come into his hands by virtue of his office;
9 that he will promptly account for all balances of money remaining in
10 his hands at the termination of his office; that he will exercise all
11 reasonable diligence and care in the preservation and lawful disposal
12 of all money, books, papers, securities, or other property appertaining
13 to his said office, and deliver them to his successor, or to any other
14 person authorized to receive the same; and that he will faithfully and
15 impartially, without fear, favor, fraud or oppression, discharge all
16 duties now or hereafter required of his office by law.

[C. C. 612.]

Sec. 3. Liability of Surety.

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

[C. C. 612.]

Sec. 4. Conditions of Other Bonds.

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

[C. C. 613, 615.]

Sec. 5. Want of Compliance—Effect.

1 All bonds required by law shall be construed as impliedly con-
2 taining the conditions required by statute, anything in the terms of
3 said bonds to the contrary notwithstanding.

[C. C. 614, 627.]

Sec. 6. State Officers—Amount of Bonds.

1 State officers shall give bonds in an amount as follows:

2 1. Secretary of state, auditor of state, attorney general, clerk of
3 the supreme court, reporter of the supreme court, food and drug com-
4 missioner, not less than ten thousand dollars (\$10,000.00).

5 2. Treasurer of state, not less than three hundred thousand dol-
6 lars (\$300,000.00).

7 3. Members board of control of state institutions, twenty-five
8 thousand dollars (\$25,000.00).

9 4. Each member of the finance committee of the state board of
10 education, twenty-five thousand dollars (\$25,000.00).

11 5. Each treasurer of a state institution under the control of the
12 state board of education, an amount to be fixed by the board substan-
13 tially equal to twice the highest amount of money liable to come into
14 his hands at any one (1) time.

15 6. Each railroad commissioner, not less than five thousand dol-
16 lars (\$5,000.00).

17 7. Superintendent of public instruction, not less than two thou-
18 sand dollars (\$2,000.00).

19 8. Custodian of public buildings and grounds, five thousand dol-
20 lars (\$5,000.00).

21 9. Commissioner of insurance, twenty-five thousand dollars
22 (\$25,000.00).

[C. C. 5460.]

23 10. Superintendent of banking, twenty thousand dollars
24 (\$20,000.00).

[C. C. 5744.]

25 11. Members state board of health, not less than ten thousand
26 dollars (\$10,000.00).

27 12. Secretary state board of health, not less than five thousand
28 dollars (\$5,000.00).

29 13. State fire marshal, five thousand dollars (\$5,000.00).

[C. C. 1038.]

30 14. Chief oil inspector, ten thousand dollars (\$10,000.00); all
31 other oil inspectors, five thousand dollars (\$5,000.00).

32 15. Mine inspectors, two thousand dollars (\$2,000.00).

33 16. Labor commissioner, two thousand dollars (\$2,000.00).

34 17. Deputy labor commissioner, one thousand dollars (\$1,000.00).

35 18. State game warden, five thousand dollars (\$5,000.00).

36 19. Deputy game wardens, five hundred dollars (\$500.00).

37 20. Secretary of executive council, ten thousand dollars
38 (\$10,000.00).

39 21. State veterinary surgeon, three thousand dollars (\$3,000.00).

40 22. State librarian, three thousand dollars (\$3,000.00).

41 23. Law librarian, three thousand dollars (\$3,000.00).

42 24. Curator historical department, three thousand dollars
43 (\$3,000.00).

44 25. State document editor, five thousand dollars (\$5,000.00).

45 26. Industrial commissioner, five thousand dollars (\$5,000.00).

46 27. Members state highway commission, five thousand dollars
47 (\$5,000.00).

48 28. All other public officers in the amount provided by law, or as
49 fixed under the following section.

[C. C. 617, 1038, 5460, 5744, part new.]

Sec. 7. Amount of Bond, When Not Fixed by Law.

1 In all cases where no amount, or a minimum amount is fixed by
2 law for the official bond of a public officer, the approving officer or
3 board shall fix the bond at such amount as public interests may
4 require.

[New.]

Sec. 8. Bond Treasurer of State—Payment.

1 The sum of two thousand dollars (\$2,000.00), or so much thereof
2 as is necessary, is annually appropriated from any unappropriated
3 funds in the state treasury for the purpose of paying the cost of the
4 bonds of the treasurer and deputy treasurer of state.

[C. C. 618.]

Sec. 9. County, City, Town and Township Officers.

1 The bonds of the following county officers, viz.: treasurers, clerks
2 of the district courts, county attorneys, recorders, coroners, auditors,
3 superintendents of schools, sheriffs, justices of the peace and con-
4 stables, and city, town and township assessors, shall each be in a penal
5 sum to be fixed by the board of supervisors.

[C. C. 619.]

Sec. 10. Minimum of Bonds.

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

[C. C. 616, 619.]

Sec. 11. Expense of Treasurer's Bond Paid by County.

1 If any county treasurer shall elect to furnish a bond with any
2 association or incorporation as surety as provided in this chapter, the
3 reasonable cost of such bond shall be paid by the county where the
4 bond is filed.

[C. C. 619.]

Sec. 12. Municipal Offices.

1 The bonds of all municipal officers who are required to give bonds
2 shall each be in such penal sum as may be provided by law or as the
3 council shall from time to time prescribe by ordinance; provided that
4 the bonds of mayors shall not be in less sum than five hundred dollars
5 (\$500.00) each.

[C. C. 619.]

Sec. 13. Bonds of Officers.

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

[C. C. 620, modified.]

Sec. 14. Minimum Number of Sureties—Qualifications.

1 Every bond required by this chapter, except as hereinafter speci-
2 fied, shall be executed with at least two (2) sureties, each of whom
3 shall be a freeholder of the state. The bond of the state and county
4 treasurer shall have not less than four (4) sureties, possessed of like

5 qualifications.

[C. C. 621.]

Sec. 15. Surety Company Bonds.

1 Any association or incorporation which does the business of insur-
2 ing the fidelity of others, and which has authority by law to do busi-
3 ness in this state, shall be accepted as surety upon bonds required
4 by law, with the same force and effect as sureties above qualified.

[C. C. 621.]

Sec. 16. Beneficiary of Bond.

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

[C. C. 622.]

Sec. 17. Approval of Bonds.

1 Bonds shall be approved:

2 1. By the governor, in case of state and district officers, elective
3 or appointive.

4 2. By the board of supervisors, in case of county officers, town-
5 ship clerk and assessor.

6 3. By a judge of the district court of the county in question, in
7 case of members of the board of supervisors.

8 4. By the township clerk, in case of other township officers.

9 5. By the mayor, or as may be provided by ordinance, in case of
10 city and town officers.

11 6. By the city or town council, in case of the office of mayor.

[C. C. 622.]

Sec. 18. Time for Approval.

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

[C. C. 622.]

Sec. 19. Approval by Auditor.

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

[C. C. 623.]

Sec. 20. Failure of Board to Approve—Application to Judge.

1 If the board of supervisors refuses or neglects to approve the
2 bond of any county officer, he may within five (5) days thereafter, or
3 after the expiration of the time allowed for such approval, present
4 the same for approval to a judge of the district court of the proper
5 district, who shall fix a day for the hearing. Notice of such hearing
6 shall be given the board and return made in the same manner as in
7 a civil action, and the court or judge at the time fixed shall, unless
8 good cause for postponement be shown, proceed to hear the matter
9 and approve the bond, if found sufficient, and such approval shall

10 have the same force and effect as an approval by the board.

[C. C. 624.]

Sec. 21. **Custody of Bond.**

1 The bonds and official oaths of public officers shall, after approval
2 and proper record, be filed:

3 1. For all state officers, elective or appointive, with the secretary
4 of state.

5 2. For the secretary of state, with the state auditor.

6 3. For county and township officers, with the county auditor.

7 4. For county auditor, with the county treasurer.

8 5. For members of the board of supervisors, and for justices of
9 of the peace, with the clerk of the district court.

10 6. For officers, not otherwise provided for, in the office of the
11 approving office.

[C. C. 616, 625.]

Sec. 22. **Recording of Bonds.**

1 The auditor of each county shall keep a book, to be known as
2 the "Record Book of Officers' Bonds", and record therein the official
3 bonds of all county officers, including justices of the peace, township
4 clerks, constables, assessors and mayors filed in his county. He shall
5 keep an index to said book, in which, under the title of each office,
6 shall be entered the names of each principal and his sureties, and
7 the date of the filing of the bond. All bonds when recorded shall be
8 returned to the officers charged by law with the custody thereof.

[C. C. 626.]

Sec. 23. Failure to Give Bond.

1 Any officer who acts in an official capacity without giving bond
2 when such bond is required shall be fined in an amount not exceeding
3 the amount of the bond required of him.

[C. C. 628.]

Subject: RELEASE OF SURETIES

Senate File No.	.	Referred to Committee on
House File No.	..	..
By ..		Date . ..

A BILL FOR

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 of public officers.

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.

1 When any surety on the bond of a public officer conceives him-
2 self in danger and desires to be relieved of his obligation, he may
3 petition the approving officer or board for relief, stating the grounds of
4 his apprehension.

[C. C. 632.]

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.

1 Sureties on other bonds required by law who desire to be released
2 of their obligation may proceed in the manner required for release in
3 case of bonds of public officers.

[C. C. 632.]

Sec. 3. Return of Premium by Surety.

- 1 When a surety is released as heretofore provided, he shall re-
- 2 fund to the principal the premium paid, if any, less a pro rata part
- 3 thereof for the time said bond has been in force.

[C. C. 638.]

Subject: REMOVAL FROM OFFICE

Senate File No..... Referred to Committee on
House File No.
By Date

A BILL FOR

An act to amend, revise and codify chapter twenty-one (21) of title four (4) of the compiled code of Iowa, 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 is amended, revised and codified to read as follows:

Section 1. Removal by Court or Judge.

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

- 5 1. For wilful or habitual neglect or refusal to perform the duties
6 of his office.
- 7 2. For wilful misconduct or maladministration in office.
- 8 3. For corruption.
- 9 4. For extortion.
- 10 5. Upon conviction of a felony.
- 11 6. For intoxication or upon conviction of being intoxicated.

[C. C. 649, modified,]

Sec. 2. Jurisdiction.

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

3 1. As to state officers whose offices are located at the seat of gov-
4 ernment, the district court of Polk county.

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

7 3. As to county and municipal officers, the district court of the
8 county in which such officer's duties are to be performed.

[New.]

Sec. 3. Who May File Petition.

1 The petition for removal may be filed:

2 1. By the attorney general in all cases.

3 2. As to state officers, by not fewer than twenty-five (25) elec-
4 tors of the state.

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

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

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

[C. C. 650, modified.]

Sec. 4. Form of Petition—Other Pleading.

1 The petition shall be filed in the name of the state of Iowa. The
2 accused shall be named as defendant and the petition, unless filed by
3 the attorney general, shall be verified. The petition shall state the

4 charges against the accused and may be amended as in ordinary
5 actions, and shall be filed in the office of the clerk of the district court
6 of the county having jurisdiction. The petition shall be deemed denied
7 but the accused may plead thereto.

[C. C. 651.]

Sec. 5. Notice to the Accused.

1 The accused shall be held to appear at the expiration of ten (10)
2 days after the service of a notice upon him of the filing of the petition,
3 in the manner required for the service of notice of the commencement
4 of an ordinary action.

[C. C. 652.]

Sec. 6. Suspension From Office Pending Trial.

1 Upon the filing of the petition in the office of the clerk of the dis-
2 trict court, and presentation of the same to the judge, the court or
3 judge may suspend the accused from office, if in his judgment suffi-
4 cient cause appear from the petition and affidavits which may be pre-
5 sented in support of the charges contained therein.

[C. C. 653.]

Sec. 7. Effect of Suspension.

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

[New.]

Sec. 8. Governor to Direct Filing.

1 The governor shall direct the attorney general to file such petition
2 against any of said officers whenever he has reasonable grounds for

3 such direction. The attorney general shall comply with such direction
4 and prosecute such action.

[C. C. 650.]

Sec. 9. Duty of County Attorney.

1 It shall be the duty of the county attorney to appear and prose-
2 cute such proceeding when brought in his county if the officer sought
3 to be removed is other than himself.

[C. C. 650.]

Sec. 10. Special Prosecutor When County Attorney Is Defendant.

1 When the proceeding is brought to remove the county attorney,
2 the court may appoint an attorney to appear in behalf of the state and
3 prosecute such proceedings.

[C. C. 650.]

Sec. 11. Application for Judge Outside District.

1 At or prior to the time the accused is required to appear, a copy
2 of the petition may be filed by either party in the office of the clerk of
3 the supreme court, together with an application to the supreme court
4 for the appointment of a judge outside the judicial district to hear
5 said petition.

[C. C. 652.]

Sec. 12. Appointment of Judge Outside.

1 It shall be the duty of the chief justice of the supreme court, upon
2 the filing of said copy and application, or in his absence or inability to
3 act, any justice thereof, to forthwith issue a written commission
4 directing a district judge outside of such district to proceed to the
5 county in which the complaint was filed, and hear the same. The clerk
6 of the supreme court shall transmit a certified copy of said order to

7 the clerk of the district court where the cause is pending.

[C. C. 652.]

Sec. 13. Order by Appointed Judge.

1 Upon the receipt of such commission, said judge shall imme-
2 diately make an order fixing a time for hearing, which shall be not
3 less than ten (10) nor more than twenty (20) days thereafter, and
4 forward said order to the clerk of the district court of the county in
5 which the hearing is to be had.

[C. C. 652.]

Sec. 14. Order by Resident Judge.

1 If the cause is to be heard by a judge of the judicial district,
2 upon the presentation of the petition, or a copy thereof, to such judge,
3 he shall make the order fixing a time and place for the hearing as
4 above provided.

[C. C. 652.]

Sec. 15. Filing Order—Notice to Accused.

1 The clerk shall file said order, and forthwith give the defendant,
2 by mail, notice of the time and place of hearing.

[C. C. 652.]

Sec. 16. Nature of Action—When Triable.

1 The proceeding shall be summary in its nature, shall be triable as
2 an equitable action and may be heard either in vacation or term time.

[C. C. 653.]

Sec. 17. Temporary Officer.

1 Upon such suspension, the board, or person authorized to fill a
2 vacancy in the office, shall temporarily fill the office by appointment.
3 In case of a suspension of a clerk or sheriff, the district court or judge

4 thereof may supply such place by appointment until a temporary ap-
5 pointment shall be made. Such orders of suspension and temporary
6 appointment of county and township officers shall be certified to the
7 county auditor, and be by him entered in the election book; those of
8 city and town officers, certified to the clerk and entered upon the rec-
9 ords; in case of other officers, to the person or body making the orig-
10 inal appointment.

[C. C. 645, 653.]

Sec. 18. Judgment of Removal.

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

[C. C. 654.]

Sec. 19. Hearing on Appeal.

1 In case of appeal, the supreme court shall fix the time of hearing
2 and the filing of abstracts and arguments, and said cause shall be ad-
3 vanced and take precedence over all other causes upon the court
4 calendar, and shall be heard at the next term after the appeal is taken,
5 provided the abstract and arguments are filed in said court in time for
6 said action to be heard.

[C. C. 655.]

Sec. 20. Effect of Appeal.

1 The taking of an appeal by the defendant and the filing of a
2 supersedeas bond shall not operate to stay the proceedings of the dis-
3 trict court or judge, or restore said defendant to office pending such
4 appeal.

[C. C. 655.]

Sec. 21. Effect of Dismissal.

1 If the petition be dismissed on final hearing on the merits, the
2 defendant shall have judgment against the county, city, town, town-
3 ship or school district, as the case may be, for the reasonable and
4 necessary expenses incurred by him in making his defense, including
5 a reasonable attorney fee, to be fixed by the court or judge.

[C. C. 655.]

Sec. 22. Complaint Without Probable Cause.

1 If the action is instituted upon complaint of citizens, and it ap-
2 pears to the court that there was no reasonable cause for filing the
3 complaint, such expense may be taxed as costs against the complain-
4 ing parties.

[C. C. 655.]

Sec. 23. Expense of Judge and Reporter.

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

[C. C. 656.]

Sec. 24. Appointive State Officers.

1 Any appointive state officer may also be removed from office by
2 a majority vote of the executive council for any of the following
3 causes:

- 4 1. Habitual or wilful neglect of duty.
- 5 2. Any disability preventing a proper discharge of the duties of
6 his office.
- 7 3. Gross partiality.

- 8 4. Oppression.
9 5. Extortion.
10 6. Corruption.
11 7. Wilful misconduct or maladministration in office.
12 8. Conviction of felony.
13 9. A failure to produce and fully account for all public funds and
14 property in his hands at any inspection or settlement.
15 10. Becoming ineligible to hold the office.

[C. C. 648.]

Sec. 25. City or Town Officers.

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

[C. C. 646, modified.]

Sec. 26. Method of Removal—Limitation.

1 The council may, by ordinance, provide as to the manner of pre-
2 ferring and hearing such charges. No person shall be twice removed
3 by the council from the same office for the same cause. Proceedings
4 before the council shall not be a bar to proceedings in the district
5 court as in this chapter provided.

[C. C. 646.]

Code Commissioners' Bill No. 35

Subject: VACANCIES IN OFFICE

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

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.

1 Vacancies shall be filled by the officer or board named, and in
2 the manner, and under the conditions, following:

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

7 2. *State offices.* In all state offices, judges of courts of record,
8 officers elected in districts larger than a county, officers, trustees,
9 inspectors and members of all boards or commissions, officers chosen
10 by the general assembly if the legislature is not in session, and all
11 persons filling any position of trust or profit in the state, by the gov-
12 ernor, except when some other method is specially provided.

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

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

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

19 6. *Clerk of the district court.* When by death, or otherwise, a
20 vacancy occurs in the office of the clerk of the district court, said
21 court, or judge thereof, may, by order entered of record in the court
22 journal, appoint a person to act as clerk until the vacancy shall be
23 filled in the manner provided by law.

24 7. *Township offices.* In all other township offices, including trus-
25 tees, by the trustees, but where the offices of the three (3) trustees
26 are all vacant, the county auditor shall appoint.

[C. C 668, 671.]

Code Commissioners' Bill No. 36

Subject: PREFERENCE IN APPOINTMENTS

Senate File No. _____ Referred to Committee on _____

House File No. _____

By _____ Date _____

A BILL FOR

An act to amend, revise and codify chapter twenty-four (24) of title four (4) of the compiled code of Iowa, relating to the right of soldiers, sailors and marines to preference in appointment to office.

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

That chapter twenty-four (24) of title four (4) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Preference in Appointments and Promotions.

1 In every public department and upon all public works in the
2 state of Iowa, and of the counties, cities and towns thereof, honorably
3 discharged soldiers, sailors, and marines from the army and navy of
4 the United States in the late civil war, who are citizens and residents
5 of this state, shall be entitled to preference in appointment, employ-
6 ment and promotion, over other persons of equal qualifications.

[C. C. 678.]

Sec. 2. Age and Physical Disability.

1 The persons thus preferred shall not be disqualified from holding
2 any position hereinbefore mentioned on account of his age or by rea-
3 son of any physical disability, provided such age or disability does

4 not render him incompetent to perform properly the duties of the
5 position applied for.

[C. C. 678.]

Sec. 3. Duty to Investigate and Appoint.

1 When such soldier, sailor or marine shall apply for appointment
2 or employment under this chapter, the officer, board or person whose
3 duty it is or may be to appoint or employ some person to fill such
4 position or place shall, before appointing or employing any one to fill
5 such position or place, make an investigation as to the qualifications
6 of said soldier, sailor or marine for such place or position, and if he
7 is a man of good moral character and can perform the duties of said
8 position so applied for by him, as hereinbefore provided, said officer,
9 board or person shall appoint said soldier, sailor or marine to such
10 position, place or employment.

[C. C. 678.]

Sec. 4. Action for Damages—Mandamus.

1 A refusal to allow the preference provided for in this chapter to
2 any honorably discharged soldier, sailor or marine, or a reduction of
3 his compensation intended to bring about his resignation or discharge
4 entitles such honorably discharged soldier, sailor or marine to a right
5 of action therefor in any court of competent jurisdiction for damages,
6 and also a remedy by mandamus for righting the wrong.

[C. C. 678.]

Sec. 5. Removal—Certiorari to Review.

1 No person holding a position by appointment or employment in
2 the state of Iowa, or in the several counties, cities, or towns, thereof,
3 who is an honorably discharged soldier, sailor or marine having served

4 as such in the Union army or navy during the late civil war, shall be
5 removed from such position or employment except for incompetency
6 or misconduct shown after a hearing, upon due notice, upon stated
7 charges, and with the right of such employee or appointee to a review
8 by a writ of certiorari.

[C. C. 679.]

Sec. 6. Incompetency or Misconduct—Burden of Proof.

1 The burden of proving incompetency or misconduct shall rest
2 upon the party alleging the same. Nothing in this chapter shall be
3 construed to apply to the position of private secretary or deputy of
4 any official or department, or to any person holding a strictly confi-
5 dential relation to the appointing officer.

[C. C. 679.]

Code Commissioners' Bill No. 37

Subject: CONTRACTS BY PUBLIC OFFICERS—GENERAL DUTIES

Senate File No...	Referred to Committee on
House File No.. . . . .	.....
By	Date

A BILL FOR

An act to amend, revise and codify chapter twenty-five (25) of title four (4) of the compiled code of Iowa, relating to the duty of public officers in the matter of public contracts.

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

That chapter twenty-five (25) of title four (4) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Unauthorized Contracts.

1 Officers empowered to expend, or direct the expenditure, of public
 2 money of the state shall not make any contract for any purpose which
 3 contemplates an expenditure of such money in excess of that author-
 4 ized by law.

[C. C. 680.]

Sec. 2. Executive Council May Authorize Indebtedness.

1 Nothing herein contained shall prevent the incurring of an indebt-
 2 edness on account of support funds for state institutions, upon the
 3 prior written direction of the executive council, specifying the items
 4 and amount of such indebtedness to be increased, and the necessity
 5 therefor.

[C. C. 681.]

Sec. 3. Divulging Contents of Sealed Bids.

1 No public officer or deputy thereof, if any, shall directly or indi-
2 rectly or in any manner whatsoever, at any other time or in any other
3 manner than as provided by law, open any sealed bid or convey or
4 divulge to any person any part of the contents of a sealed bid, on any
5 proposed contract concerning which a sealed bid is required or per-
6 mitted by law.

[C. C. 682.]

Sec. 4. Penalty.

1 A violation of the provisions of the preceding section shall, in
2 addition to criminal liability, render the violator liable, personally and
3 on his bond, if any, to liquidated damages in the sum of one thousand
4 dollars (\$1,000.00) for each violation, to inure to, and be collected by
5 the state, county, city, town, school district or other municipal cor-
6 poration of which the violator is an officer or deputy.

[C. C. 682.]

Code Commissioners' Bill No. 38

Subject: NOTARIES PUBLIC

Senate File No. Referred to Committee on
House File No.
By Date

A BILL FOR

An act to amend, revise and codify sections six hundred ninety-four (694), six hundred ninety-eight (698), seven hundred (700) and seven hundred three (703) of the compiled code of Iowa, relating to notaries public.

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

That section six hundred ninety-four (694) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Appointment.

1 The governor shall appoint one (1) or more notaries public in each
2 county and may at any time revoke such appointment.

[C. C. 694.]

Sec. 2. When Appointments Made.

1 Such appointments, for a full term, shall be made on July fourth,
2 nineteen hundred eighteen (1918), and on the same day each three
3 (3) years thereafter. All commissions shall expire on the fourth day
4 of July in the same year. No commission shall be for a longer period
5 than three (3) years.

[C. C. 694.]

Sec. 3. Notice of Expiration of Term.

1 The governor shall, on or before May first preceding the expira-

2 tion of each commission, notify each notary public of such expiration
3 and furnish him with a blank application for reappointment and a
4 blank bond.

[C. C. 694.]

That section six hundred ninety-eight (698) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 4. Powers Within County of ApPOINTment.

1 Each notary is invested, within the county of his appointment,
2 with the powers and shall perform the duties which pertain to that
3 office by the custom and law of merchants.

[C.C.698.]

Sec. 5. Powers Within Adjoining County.

1 Such notary public is also invested with the powers specified in
2 the preceding section in any county adjoining the county of his ap-
3 pointment, provided he has filed in such adjoining county, with the
4 clerk of the district court, a certified copy of his certificate of ap-
5 pointment.

[C.C.698.]

Sec. 6. Improperly Acting as Notary.

1 If any notary public exercise the duties of his office after the ex-
2 piration of his commission, or when otherwise disqualified, or appends
3 his official signature to documents when the parties have not appeared
4 before him, he shall be guilty of a misdemeanor, and fined not less
5 than fifty dollars (\$50.00), and shall be removed from office by the
6 governor.

[C. C. 698.]

That section seven hundred (700) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 7. Records in Case of Death, Resignation, or Removal.

1 On the death, resignation or removal from office of any notary,
 2 his records, with all his official papers, shall, within three (3) months
 3 therefrom, be deposited in the office of the clerk of the district court
 4 in the county for which such notary shall have been appointed.

[C. C. 700.]

Sec. 8. Neglect of Notary to Deposit Records.

1 If any notary, on his resignation or removal, neglects for three
 2 (3) months so to deposit them, he shall be guilty of a misdemeanor
 3 and be liable in an action to any person injured by such neglect.

[C. C. 700.]

Sec. 9. Neglect of Executor to Deposit Records.

1 If an executor or administrator of a deceased notary wilfully neg-
 2 lects, for three (3) months after his acceptance of that appointment,
 3 to deposit the records and papers of a deceased notary which came
 4 into his hands in said clerk's office, he shall be held guilty of a misde-
 5 meanor.

[C. C. 700.]

That section seven hundred three (703) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 10. Notary Fees.

1 Notaries public shall be entitled to the following fees:
 2 1. For all services in connection with the legal protest of a bill
 3 or note, two dollars (\$2.00).

- 4 2. For being present at a demand, tender or deposit and noting
5 the same, seventy-five cents (75c).
- 6 3. For administering an oath, ten cents (10c).
- 7 4. For certifying to an oath under his official seal, fifty cents
8 (50c).
- 9 5. For any other certificate under seal, fifty cents (50c).

[C. C. 703.]

Code Commissioners' Bill No. 39

Subject: ADMINISTRATION OF OATHS

Senate File No..... Referred to Committee on
 House File No.....
 By Date.....

A BILL FOR

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. Who May Administer Oaths or Take Affirmations.

- 1 The following officers are empowered to administer oaths and
 2 take affirmations:
- 3 1. Judges of the supreme, district, superior, municipal, and
 4 police courts.
 - 5 2. Official court reporters of district, superior and municipal
 6 courts.
 - 7 3. Clerks and deputy clerks of said courts.
 - 8 4. County auditors and deputy county auditors.
 - 9 5. Justices of the peace within the county of their residence.
 - 10 6. Notaries public within the county of their appointment, and
 11 within any adjoining county in which they have filed with the clerk of
 12 the district court a certified copy of their certificate of appointment.
 - 13 7. Sheriffs and deputy sheriffs in cases where they are author-

14 ized by law to select commissioners or appraisers, or to impanel jurors
15 for the view or appraisal of property, or are directed as an official
16 duty to have property appraised, or take the answers of garnishees.

17 8. The governor, secretary of state, auditor and treasurer of
18 state, in any matter pertaining to the business of their respective
19 offices, or that may come before them for consideration and action as
20 members of the executive council.

21 9. The mayor and clerk of cities and towns.

22 10. Judges and clerks of election.

23 11. Township clerks.

24 12. The chairman of the board of supervisors.

25 13. A surveyor in relation to any duty imposed upon him where
26 the administration of an oath may be required.

27 14. A coroner in relation to any duty imposed upon him where
28 the administration of an oath may be required.

29 15. Members of all boards of state institutions, of all commis-
30 sions, boards or bodies created by law, and all persons, referees or
31 appraisers appointed by authority of law, who have any duty to
32 perform by virtue of their office or appointment requiring the admin-
33 istration of oaths.

[C. C. 704, modified.]

Code Commissioners' Bill No. 40

Subject: SALARIES, FEES, DEPOSITS AND LEGAL NOTICES

Senate File No. Referred to Committee on
House File No.
By Date..

A BILL FOR

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.

1 The compensation of appraisers appointed by authority of law to
2 appraise property for any purpose shall be fifty cents (50c) per hour
3 for each appraiser for the time necessarily spent in effecting the ap-
4 praisement and five cents (5c) a mile for the distance traveled in going
5 to and returning from the place of appraisement, which shall be paid
6 out of the property appraised or by the owner thereof.

[C. C. 706, 707, modified.]

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.

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

3 1. When the fees grow out of a criminal prosecution.

4 2. When the fees are payable by the state or county.

5 3. When the orders, judgments or decrees of a court are to be
6 entered, or performed or its writs executed.

[C. C. 710.]

Sec. 3. Witnesses for Defendant in Criminal Cases.

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

[C. C. 710.]

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

Sec. 4. Deposit of State Funds.

1 All elective or appointive state officers, boards, commissions and
2 departments, except the department of agriculture, the state board of
3 education, and the board of control of state institutions, shall, within
4 three (3) days succeeding the collection thereof, deposit, with the
5 treasurer of state, or to the credit of said treasurer in any depository
6 designated by said treasurer, ninety per cent (90%) of all fees, com-
7 missions and moneys received and belonging to the state, and such
8 sum in addition thereto that the cash balance in the hands of the de-
9 positing officer will not exceed five thousand dollars (\$5,000.00).

[C. C. 717.]

Sec. 5. Statement Itemized.

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

[C. C. 717.]

Sec. 6. Auditor and Treasurer to Keep Account.

1 The treasurer and auditor of state shall each keep an accurate
2 account of the moneys so deposited.

[C. C. 717.]

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.

1 The compensation, when not otherwise fixed, for the publication
2 in a newspaper of any notice, order, citation or other publication re-
3 quired or allowed by law, shall not exceed one dollar (\$1.00) for one
4 (1) insertion, and fifty cents (50c) for each subsequent insertion, for
5 each ten (10) lines of brevier type, or its equivalent, in a column not
6 less than two and one-sixth ($2\frac{1}{6}$) inches in width.

[C. C. 719. See Code Commissioners' Bill No. 25, Sec. 52.]

Sec. 8. Selection of Newspapers.

1 Publications may be made in a newspaper published once a week
2 or oftener. The plaintiff or executor or his attorney, in all publica-
3 tions concerning actions, executions and estates, may designate the
4 newspaper in which such publication shall be made.

[C. C. 719.]

Sec. 9. Refusal to Publish.

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

[C. C. 719.]

Sec. 10. Days of Publication.

1 When the publication is in a newspaper which is published oftener
2 than once a week, the succeeding publications of such notice, shall be
3 on the same day of the week as the first publication. This section shall
4 not apply to original notices required for the commencement of actions,
5 nor to any other notice for the publication of which provision incon-
6 sistent herewith is specially made.

[C. C. 720, 721.]

Sec. 11. Posting Advertisements.

1 In all cases where an officer in the discharge of his duty is re-
2 quired to post an advertisement or notice, he shall, when not other-
3 wise provided, be allowed twenty-five cents (25c), and the same
4 mileage as a sheriff.

[C. C. 722.]

Sec. 12. Party to Pay for Publication.

1 Publications required by law, shall, in the first instance, be paid
2 by the party causing publication, and may be taxed as costs in the
3 proceeding.

[C. C. 722.]

Code Commissioners' Bill No. 41

Subject: COAL MINES, GYPSUM MINES AND MINING

Senate File No. Referred to Committee on

House File No.

By Date

A BILL FOR

An act to amend, revise and codify chapters one (1) and two (2) of title five (5) of the compiled code of Iowa, relating to coal mines, gypsum 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 is amended, revised and codified to read as follows:

CHAPTER 1

COAL MINES AND MINING

Section 1. **Board of Examiners.**

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

[C. C. 728.]

Sec. 2. Qualifications—Malfeasance—Removal.

1 No member of said board shall be interested in or connected with
2 any school, scheme, plan or device having for its object the prepara-
3 tion, education or instruction of persons in the knowledge required of
4 applicants for certificates of competency. Any member of said board
5 shall be summarily removed from office by the executive council, upon
6 due notice and hearing, for violation of the law, misfeasance or mal-
7 feasance in the performance of his duties or for other sufficient cause
8 and his successor shall thereupon be appointed by the said executive
9 council for the unexpired term.

[C. C. 728.]

Sec. 3. Meetings—Regulations—Examinations—Notice.

1 The board shall meet in the office of the state mine inspectors
2 at the seat of government on the first Monday in March of each even-
3 numbered year for the examination of applicants for certificates of
4 competency for mine inspector, and at such other times and places
5 as shall be necessary in the discharge of their duties. They shall
6 adopt rules and regulations and prescribe and conduct such examina-
7 tions of applicants as shall carry out the purpose and intent of this
8 chapter in relation to the qualifications of mine inspectors. Notice
9 of all such examinations shall be published in at least one (1) news-
10 paper in each mine district not less than fifteen (15) days preceding
11 the date of such examination.

[C. C. 729, 780.]

Sec. 4. Compensation—Expenses.

1 The members of the board shall each receive as compensation
2 the sum of five dollars (\$5.00) per day for the time actually employed,

3 with necessary traveling expenses, which shall be audited and paid
4 in the manner provided for compensation and expenses of other state
5 officers. In no case shall the per diem exceed fifty dollars (\$50.00)
6 a session nor more than three hundred fifty dollars (\$350.00) in any
7 one (1) year to each member.

[C. C. 729, 780.]

Sec. 5. Examination—Qualification of Candidates for Mine Inspector.

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

[C. C. 730.]

Sec. 6. Mine Inspectors—Vacancies.

1 The governor shall every four (4) years appoint three (3) mine
2 inspectors from those receiving certificates of competency from the
3 board of examiners as by law provided, who shall hold their office for
4 a term of four (4) years and until their successors shall be appointed

5 and qualified, subject to removal by him for cause, their term to com-
6 mence on the fourth day of July, nineteen hundred ninteen (1919).
7 Any vacancies occuring shall be filled in the same manner as original
8 appointments, for the unexpired term only.

[C. C. 727.]

Sec. 7. Removal of Inspector—Charges—Bond—Notice.

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

[C. C. 733.]

Sec. 8. Manner of Trial—Report of Findings—Costs.

1 The board, at the time and place fixed, shall proceed to hear, try
2 and determine the matter, and for this purpose shall summon any
3 material witness desired by either party, and any member may ad-
4 minister the proper oath to all witnesses. Evidence may also be
5 taken by deposition as in other cases, and continuances of the hearing
6 may be granted in furtherance of justice and upon the application of
7 either party. After the evidence has been fully heard, the board shall
8 report to the governor its action and decision. If the charges are

9 sustained, the inspector shall be forthwith removed by the governor,
10 and the costs and expenses of the hearing taxed against the inspector,
11 but if the charges are not sustained, the costs shall be taxed against
12 the parties filing the charges and their bondsmen.

[C. C. 733, modified.]

Sec. 9. Appeal—Notice—Manner of Trial.

1 The aggrieved party shall have the right to appeal from such
2 findings and order to the district court of any county in the district
3 of the inspector against whom charges were made, by giving notice
4 in writing to the board, or any member thereof, served in the same
5 manner as original notices within ten (10) days from the time of
6 filing the findings with the governor, or if the order of removal is
7 made within ten (10) days therefrom. Upon such appeal all matters
8 shall be heard bearing upon the charges made, and the pleadings may
9 be amended within the discretion of the court. The appeal shall be
10 tried as an equitable action and the first term after the appeal is per-
11 fected shall be the trial term. Nothing herein contained shall prevent
12 the governor from proceeding under any law provided for the suspen-
13 sion or removal of state officers for malfeasance or nonfeasance in
14 office.

[C. C. 733.]

Sec. 10. Qualifications of Inspector—Bond.

1 Each inspector shall devote his entire time and attention to the
2 business incumbent upon him. An inspector shall in no way be finan-
3 cially interested in or connected with any mining property or directly
4 or indirectly act as agent, officer, or representative of any person, firm,
5 or corporation engaged or interested in mining or any business con-

6 nected therewith.

[C. C. 727.]

Sec. 11. General Office—Report to Governor.

1 The three (3) inspectors shall maintain a general office at the
2 seat of government and keep therein all records, correspondence, docu-
3 ments, apparatus or other property pertaining to their office; they
4 shall, on or before August fifteenth preceding the regular session of
5 the general assembly, make a biennial report to the governor of their
6 official doings, including therein all matters which by this chapter are
7 specially committed to their charge, adding such suggestions as to
8 needed future legislation as in their opinion may be important.

[C. C. 732.]

Sec. 12. Traveling Expenses.

1 Each inspector shall receive actual traveling expenses, not exceed-
2 ing one thousand dollars (\$1,000.00) yearly, the traveling expenses
3 to be paid monthly.

[C. C. 732, modified.]

Sec. 13. Inspection Districts—Local Office—Expenses.

1 The governor shall divide the state into three (3) inspection
2 districts, and assign one (1) inspector to each district. Each inspec-
3 tor shall maintain at some suitable place in his district, to be approved
4 by the governor, an office, and shall reside in the district and remain
5 therein, unless otherwise engaged in the conduct of his official duties.
6 The expenses of the local office of the mine inspector, including rental
7 and other necessary expenses, not exceeding fifteen dollars (\$15.00)
8 per month, shall be paid by the state.

[C. C. 731.]

Sec. 14. Duties of Inspector—Record.

1 He shall examine all the mines in his district as often as the time
2 will permit, which examination shall be made at least once every six
3 (6) months of all mines having an average output of fifty (50) tons
4 or more of coal per day, keep a record of the inspections made, show-
5 ing date, the condition in which the mine is found, the extent and
6 manner in which the laws relating to the government of mines and
7 their operation are observed and obeyed, the progress made in im-
8 provements for the better security to health and life, number of acci-
9 dents happening and their character, the number employed, and such
10 other matters as may be of public interest and connected with the
11 mining industries of the state.

[C. C. 731.]

Sec. 15. Right to Enter Mine—Assistance by Owner.

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

[C. C. 731.]

Sec. 16. Terms Defined.

1 Wherever the word "operator" occurs in this chapter it shall in-
2 clude the owner, lessee, agent, managing officer and person in charge
3 of any mine.

[New.]

Sec. 17. Maps—Surveys.

1 The operator of any mine shall comply with the following pro-
2 visions relative to maps and surveys:

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

5 2. Each map shall show the name of the state, county, and town-
6 ship in which the mine is located, the designation of the mine, the
7 name of the company or operator, the certificate of the mining engi-
8 neer or surveyor as to the accuracy and date of the survey, the north
9 point and the scale to which the map is drawn.

10 3. Every such map or plan shall correctly show the surface bound-
11 ary lines of the coal rights pertaining to each mine and all section
12 or quarter section lines or corners within the same; the lines of town
13 lots and streets; the tracks and sidetracks of all railroads, the location
14 of all wagon roads, rivers, streams and ponds, and reservations made
15 of coal and mineral.

16 4. For the underground workings said map shall show all shafts,
17 slopes, tunnels or other openings to the surface or to the workings
18 of a contiguous mine; all excavations, entries, rooms and crosscuts;
19 the location of the escape ways, and of the fan or furnace or other
20 means of ventilation and the direction of air currents and the location
21 of permanent pumps, hauling engines, engine planes, abandoned
22 works, fire walls and standing water.

23 5. A separate and similar map drawn to the same scale in all
24 cases shall be made of each and every seam of coal operated in any
25 mine in this state. A separate map shall also be made of the surface
26 whenever the surface buildings, lines or objects are so numerous as

27 to obscure the details of the mine workings if drawn upon the same
28 sheet with them, and in such case the surface map shall be drawn
29 upon transparent cloth or paper so that it can be laid upon the map
30 of the underground workings and thus truly indicate the local relation
31 of lines and objects on the surface to the excavations of the mine and
32 any other principal workings of the mine.

33 6. Each map of underground workings shall also show by profile
34 drawing and measurement, the last one hundred fifty (150) feet ap-
35 proaching the boundary lines, showing the rise and dip of the seam.

36 7. The original or true copies of all such maps shall be kept at
37 the office of the mine, and true copies thereof shall also be furnished
38 the state mine inspector for the district in which said mine is located,
39 within thirty (30) days after the completion of the same.

40 8. An accurate extension of the last preceding survey of every
41 mine in active operation shall be made once in every twelve (12)
42 months prior to July first of every year and the result of such survey
43 with the date thereof, shall be promptly and accurately entered upon
44 the original map and a true, correct and accurate copy of said extended
45 map shall be forwarded to the inspector of mines in the district in
46 which said mine is located so as to show all changes in plan of new
47 work in the mine, and all extensions of the old workings to the most
48 advanced face or boundary of said workings which have been made
49 since the last preceding survey, and the parts of the mine abandoned
50 or worked out after the last preceding survey shall be clearly indi-
51 cated and shown by colorings, which copy must be delivered to the
52 inspector of mines within thirty (30) days after the last survey is
53 made.

54 9. When any coal mine is worked out or is about to be abandoned
55 or indefinitely closed, the operator of the same shall make or cause to
56 be made a completed and extended map of said mine and the result
57 of the same shall be duly extended on all maps of the mine and copies
58 thereof so as to show all excavations and the most advanced workings
59 of the mine, and their exact relation to the boundary or section lines
60 on the surface, and deliver to the inspector a copy of the completed
61 map.

62 10. The inspector shall order a survey to be made of the workings
63 of any mine, and the result to be extended on the maps of the same,
64 and the copies thereof, when in his judgment the safety of the work-
65 men, the support of the surface, the conservation of the property or
66 the safety of an adjoining mine requires it. If not made by the oper-
67 ator when ordered by the inspector, such inspector shall cause it to
68 be made and paid for by the state and the amount collected from the
69 operator.

[C. C. 735.]

Sec. 18. Failure to Furnish Map.

1 When the operator of any mine neglects and refuses for a period
2 of ninety (90) days to furnish to said inspector the map or plan, or
3 a copy thereof, of such mine or any extension thereof, as provided
4 in this chapter, the inspector shall cause to be made an accurate map
5 or plan of such mine or extension as the case may be, at the expense
6 of the operator. The cost shall be paid by the state and recovered
7 from such operator. It shall be the duty of the county attorney of
8 the county in which such mine is located, at the request of the inspec-

9 tor, to bring action in the name of the state for such recovery.

[C. C. 736.]

Sec. 19. Maps Property of State—Custody—Copies.

1 The maps so delivered to the inspector shall be the property of
2 the state and shall remain in the custody of the inspector during his
3 term of office, and be delivered to his successor in office. They shall
4 be kept at the office of the inspector and be open to examination of
5 all persons interested in the same; but such examination shall only
6 be made in the presence of the inspector or his office assistant, and
7 he shall not permit any copies of the same to be made without the
8 written consent of the operator or the owner of the property, except
9 as otherwise provided.

[C. C. 735.]

Sec. 20. Escape Ways and Air Shafts.

1 The operator of any mine in which five (5) or more persons are
2 employed, shall construct and maintain at least two (2) distinct open-
3 ings for each seam of coal worked, which, in mines operated by shaft,
4 shall be separated by natural strata of not less than three hundred
5 (300) feet in breadth, and in mines operated by slope or drift not
6 less than two hundred (200) feet in breadth, through which ingress
7 and egress at all times shall be unobstructed to the employees and
8 persons having occasion to use the same as escape ways or place of
9 exit from the mine.

[C. C. 738.]

Sec. 21. Stairways for Escape—Air and Escape Shafts Separated.

1 All escape shafts not provided with hoisting appliances as here-
2 inafter provided shall have stairs at an angle of not more than sixty

3 (60) degrees in ascent, nor less than two and one-half (2½) feet in
4 width, with proper, safe and substantial landings at convenient and
5 easy distances, and equipped with substantial hand rails or banisters.
6 If a shaft be used for an escape way and air shaft, that part used as
7 an escape way shall be divided and partitioned closely with substan-
8 tial material from the part used as an air shaft, all of which shall be
9 kept in safe condition.

[C. C. 739.]

Sec. 22. Hoisting Appliances for Escape Shafts.

1 All escape shafts not provided with stairs shall be provided with
2 suitable appliances for hoisting underground workmen at all times,
3 ready for use both day and night, while the workmen are in the mine.
4 The hoisting apparatus shall be separate and apart from the hoisting
5 shaft, and the equipment shall include a depth indicator, brake on the
6 drum, steel or iron cable, safety catches on cages, and covers on cages
7 to securely protect any person while on the cage.

[C. C. 740.]

Sec. 23. Underground Connection With Contiguous Mine.

1 Where two (2) or more mines are connected underground the
2 owners by joint agreement may use the hoisting shaft, slope or drift
3 of the one as an escape way for the other, and the road or traveling
4 ways thereto on either side shall be kept clear of every obstruction
5 to travel by the respective operators, and the intervening doors, if
6 any, shall remain unlocked and ready at all times for immediate use.
7 When such connection has once been established between contiguous
8 mines it shall be unlawful for the operator of either mine to close the
9 same without consent both of contiguous operators and of the inspec-

10 tor of mines of the district; but when either operator desires to
11 abandon mining operations, the expenses and duty of maintaining such
12 connection shall devolve upon the party continuing operation.

[C. C. 741.]

Sec. 24. Location of Shafts—Approval of Inspector.

1 No escape shaft or other place of exit, air shaft or opening for
2 ventilation, not including hoisting shafts, shall be located or con-
3 structed without first giving notice to the mine inspector and obtaining
4 his approval thereof in writing, who shall retain a copy and file in his
5 office and preserve with other records of that mine.

[C. C. 742.]

Sec. 25. Additional Air or Escape Way.

1 The mine inspector of the district in which any mine is located
2 shall have the right at any time to order such additional air or escape
3 way, shaft, opening or other place of exit as may be deemed necessary
4 for the purpose of furnishing necessary additional ventilation or
5 means of escape.

[C. C. 742.]

Sec. 26. Appeal From Order—Time and Manner of Trial.

1 The operator shall have the right to appeal from such order to the
2 district court, where the action shall be tried in equity, and shall have
3 precedence over any and all other cases, and the first term held after
4 the taking of such appeal shall be the trial term; but in any case the
5 mine inspector may elect by giving five (5) days' notice to the party
6 taking the appeal, to bring said cause on for hearing before any judge
7 of the judicial district in which such mine is located, who shall have

8 discretion to fix a time and place for such trial in vacation.

[C. C. 742.]

Sec. 27. Ventilation—Obstruction Prohibited.

1 Escape ways shall be ventilated and kept free from vitiated air,
2 accumulation of ice and obstructions of every kind; nor shall steam
3 or heated air be discharged therein during the daytime unless an at-
4 tendant be kept in charge thereof and the equipment so arranged that
5 the steam or warm air may be readily turned off at any time, and a
6 conspicuous signboard placed in plain view indicating the point where
7 the steam or warm air may be turned off. All surface or other water
8 which flows therein shall be conducted by rings or other means to
9 receptacles so as to keep the stairway reasonably free from water.

[C. C. 743.]

Sec. 28. Traveling Ways—Signboards—Inspection.

1 In any mine affected by this chapter and every seam of coal or
2 other mineral worked therein the following requirements shall apply:
3 1. There shall be constructed, kept and maintained safe and ac-
4 cessible traveling ways to and from any and all escape ways or places
5 of exit, which shall be maintained free from falls of roof, standing
6 water and other obstructions and made at least five (5) feet high and
7 seven (7) feet wide. But in any case, when in the judgment of the
8 inspector of the district where the mine is located it is impracticable
9 by reason of any conditions to make the traveling way of such dimen-
10 sions, then the traveling way may be made and maintained not less
11 than three (3) feet in height and six (6) feet in width, upon written
12 permission of the mine inspector.
13 2. At all points where the passage or traveling ways to an escape

14 shaft or place of exit intersect other roadways or entries, conspicuous
15 signboards shall be placed thereat indicating the way to such shaft
16 or place of exit.

17 3. All traveling ways shall be inspected by the mine foreman or
18 his assistant at least once each week, and written report of their con-
19 dition made and filed in the office of the mine, which shall be open for
20 examination to all the employees of the mine and all other persons
21 entitled thereto at all reasonable times.

[C. C. 744.]

Sec. 29. Dispute as to Orders of Inspector—Copy of Order—Appeal.

1 If any dispute or difference should arise as to the findings or
2 orders of the mine inspector under the provisions of the preceding
3 section, between such inspector and employer operating the mine, or
4 between such inspector and at least five (5) employees working in the
5 mine, then and in that case the inspector shall furnish, on demand,
6 to the aggrieved party or parties a copy of his findings or orders com-
7 plained of and he shall also file the originals thereof in the general
8 office of the state mine inspectors and the aggrieved party or parties
9 may have the right to appeal from said findings and orders to the
10 district court of the county in which said mine is located on the same
11 terms and conditions as appeals from orders relating to airshafts and
12 escape ways.

[C. C. 744.]

Sec. 30. Time and Manner of Trial—Final Order.

1 When an appeal is taken as provided in the preceding section the
2 case shall be docketed and precedence given over all other cases ex-
3 cepting criminal cases where the party is in jail, and the inspector may

4 bring the case on for hearing before any judge of the judicial district
5 where the mine is located by giving five (5) days' notice in writing
6 to the opposite party. If the evidence shows that the order was a
7 reasonable one as made by the inspector the findings and order of the
8 inspector shall stand as made by him. If the evidence shows that the
9 order was not a reasonable one, the court shall vacate it or so modify
10 it as to be equitable and just.

[C. C. 744.]

Sec. 31. Traveling Way Around Hoisting Shafts.

1 At the bottom of each hoisting shaft there shall be constructed
2 a safe and convenient traveling way around the shaft for employees
3 and animals, and it shall be unlawful for any person to pass across
4 the shaft bottom in any other manner than by such traveling way,
5 except such employees as may be necessary to perform the work at the
6 bottom of the shaft or those engaged in making repairs.

[C. C. 748.]

Sec. 32. Place of Refuge in Haulage Roads.

1 On all single-track haulage roads where hauling is done by ma-
2 chinery or other mechanical device, and on all gravity or inclined
3 planes in mines where it is impracticable to construct a separate trav-
4 eling way and which persons employed in the mines must use while
5 performing their work or travel on foot to and from their work, places
6 of refuge must be cut in the side wall not less than three (3) feet in
7 depth and four (4) feet wide and five (5) feet high, and not more
8 than twenty (20) yards apart unless there be a clear space of not less
9 than two and one-half (2½) feet between the car when on the track
10 and the rib or side of the entry of the haulage way.

[C. C. 749.]

Sec. 33. Separate Traveling Way—Exception.

1 In no case shall such haulage way referred to in the preceding
2 section be used as a traveling way unless it shall first be determined
3 by the inspector that it is impracticable to construct, keep or maintain
4 a separate traveling way, and in all cases, unless otherwise determined
5 by the inspector to be impracticable, there shall be kept and main-
6 tained a separate traveling way for the employees which shall at all
7 times be maintained in good and safe condition and free from falls
8 of roof and other obstructions.

[C. C. 749.]

Sec. 34. Signals—Trip-car Lights.

1 On every such haulage way over one hundred (100) feet in length
2 used as a traveling way and when haulage is done by tail rope or
3 cable, a signal line and code of signals shall be maintained so as to
4 afford means of communication at all times between the haulage engi-
5 neer and persons along such haulage way; and a conspicuous light
6 shall be carried on the front of trip or train of cars moved by me-
7 chanical means.

[C. C. 749.]

Sec. 35. Doors in Haulage Ways—Duty of Employees.

1 On all haulage ways where doors are maintained to direct the
2 air current, it shall be unlawful for any person at any time to leave
3 any of the doors open that direct the air current. Each person shall,
4 after passing through such doors, see that they are properly closed.

[C. C. 754, 774.]

Sec. 36. Entries Used by Draft Animals—Width—Exception.

1 All entries constructed after July fourth, nineteen hundred eleven

2 (1911), in which the haulage is done by animals and wherein em-
3 ployees work or use the same as a means of ingress and egress to and
4 from their working places, shall be maintained substantially eight (8)
5 feet in width from one rib or side of the entry or haulage way to the
6 opposite side, which shall be kept free from timbers or other refuse
7 and as even on the surface each side of the track as may be reasonably
8 practicable; but this section shall not apply to such haulage ways in
9 longwall work when the inspector of the district where the mine is
10 located shall determine that it is impracticable to maintain such width
11 of entry or haulage way.

[C. C. 750.]

Sec. 37. Area of Breaks-through in Rooms and Entries.

1 All breaks-through in entries must be of an area of not less than
2 twenty-five (25) feet and in rooms not less than twenty (20) feet to
3 secure proper ventilation.

[C. C. 756.]

Sec. 38. Breaks-through in Entries—When and How Closed.

1 All breaks-through in entries except the last one shall be securely
2 closed and all stoppings in breaks-through except the one next to the
3 last in entries shall be made with some substantial material so as to
4 securely and completely close the same, and prevent the air from pass-
5 ing through or in any part thereof, which shall be subject to the state
6 mine inspector's approval, who is hereby authorized and empowered
7 to require any change to be made in the material or construction of
8 such stoppings. The stopping in next to the last break-through in
9 entries may be constructed temporarily of some suitable material until
10 one (1) additional break-through has been made, when the temporary

11 stopping shall be replaced by permanent stopping as by this section
12 provided.

[C. C. 755.]

Sec. 39. Breaks-through in Rooms—When and How Closed.

1 All breaks-through in the rooms, except the last one, shall be
2 closed and securely fastened so as to prevent the air from passing
3 through the same, which stoppings shall be subject to the approval of
4 the mine inspector of the district in which the mine is operated.

[C. C. 756.]

Sec. 40. Closing of Abandoned Rooms and Entries.

1 The mouth or openings of all abandoned rooms, entries and work-
2 ings shall be securely closed with permanent stoppings, in such man-
3 ner as to prevent the passage of air or the escape of gases.

[C. C. 756.]

Sec. 41. Precaution Against Fire—Location of Buildings.

1 It shall be unlawful to erect, keep or maintain any inflammable
2 structure or building or other material in the space intervening be-
3 tween the main or hoisting shaft, slope or drift, and the escape shaft
4 or other place of exit; or any powder magazine in such location or
5 manner as to jeopardize the free and safe exit of employees from the
6 the mine by any escape shaft or other place of exit in case of fire or
7 other casualty to the main shaft, slope, drift, buildings or other struc-
8 tures.

[C. C. 745.]

Sec. 42. Boiler and Engine Rooms.

1 All boiler and engine rooms at any mine shall be constructed of
2 fireproof material, and in no case shall the boiler room be placed within

3 sixty (60) feet of the hoisting shaft, slope or drift.

[C. C. 746.]

Sec. 43. Shaft Lights.

1 In all cases, after twilight, or when steam or other causes obscure
2 the plain view of the top and openings of any shaft, there shall be
3 maintained a good and substantial light, but in no case shall an open
4 light or torch be used.

[C. C. 747.]

Sec. 44. Ventilation—Amount of Air—Circulation.

1 The operator of any mine shall provide and maintain an amount
2 of ventilation of not less than one hundred (100) cubic feet of air per
3 minute for each person employed in the mine and five hundred (500)
4 cubic feet of air per minute for each animal used therein, which shall
5 be so circulated throughout the mine as to dilute, render harmless and
6 expel all noxious and poisonous gases in all working parts of the same.
7 In no case shall the air current be a greater distance than sixty (60)
8 feet from the working face, except when making crosscuts in entries
9 for an air course, then the distance shall not be greater than seventy
10 (70) feet; but in a special case requiring it, the state mine inspector
11 may, in writing, grant permission to go beyond the limit herein men-
12 tioned. When the air current is carried to the working face of the
13 room in double room mining such air current shall be treated as a com-
14 pliance with this section.

[C. C. 751.]

Sec. 45. Air Measurements—When and How Taken—Record.

1 The measurement of the air currents in any mine shall be taken
2 at the bottom of the intake and near the mouth of each split thereof,

3 and also near the working face of the entries. The person in charge
4 of the mine shall be furnished with an anemometer by the owner or
5 lessee of the mine, who shall take the measurements of the air as in
6 this section provided at least once each week and make a record thereof
7 showing the time and place the measurements were taken. Such rec-
8 ord shall be kept at the office of the mine, and a report sent each
9 month to the inspector of the district showing such measurements.

[C. C. 751.]

Sec. 46. Air Current Split—Number of Men on Split.

1 In every mine the air current shall be split and so conducted that
2 not more than eighty (80) employees at any time shall be working
3 on or in each split, except in case of emergency. But the inspector
4 of the district where the mine is located may in writing grant per-
5 mission for a greater number not exceeding fifty (50) additional,
6 when the required number of cubic feet of air per minute is properly
7 circulated therein.

[C. C. 752.]

Sec. 47. Contrivances for Supplying Air—Prohibition.

1 Efficient means in the way of exhaust steam, fans, furnaces or
2 other contrivances of sufficient capacity shall be kept in operation to
3 supply air current, but if a furnace is used it shall be so constructed
4 by lining the upcast for a distance of not less than fifty (50) feet or
5 for such greater distance as in special cases may be required by the
6 mine inspector, with incombustible material. No furnace shaft shall
7 be constructed in connection with an escape shaft or other way of exit
8 for the employees of a mine.

[C. C. 742, 753.]

Sec. 48. Unhealthful Conditions—Changes Ordered—Suspension of Work—Violation—Penalty.

1 When the mine inspector finds the air insufficient or the employees
2 working under unsafe or improper health conditions, he shall at once
3 give notice to the mine operator, and upon failure to make the neces-
4 sary changes within such time as the inspector shall fix, such inspector
5 shall order the employees, except such as may be necessary to correct
6 the defect and make the repairs, to cease work and remain out of the
7 mine until such conditions are corrected.

[C. C. 757.]

Sec. 49. Speaking Tubes.

1 The operator of any mine shall, where the voice cannot be dis-
2 tinctly heard from top to bottom, provide and maintain a metal speak-
3 ing tube or other adequate means of communication and keep the same
4 in complete order from the bottom or interior to the top or exterior.

[C. C. 758.]

Sec. 50. Signalman at Bottom.

1 In all cases where mechanical means are used in any mine, to
2 hoist or lower employees, the operator of such mine shall keep and
3 maintain a suitable, sober and competent person at the top and at the
4 bottom in charge of the signals during such time of lowering and
5 raising the employees, who shall be and remain on duty for at least
6 thirty (30) minutes before and after the usual hours for beginning
7 and stopping the ordinary work of the mine.

[C. C. 758.]

Sec. 51. Safety Appliances and Regulations.

1 1. In all shafts where the employees are raised and lowered by
2 machinery there shall be provided a good and sufficient brake on the

3 drum, so adjusted that it may be operated by the engineer without
4 leaving his post at the levers.

5 2. Flanges shall be so arranged on the ends of the drum of any
6 engine used that when the whole cable is wound on the drum, there
7 shall be not less than four (4) inches of clearance between the outer
8 surface of the cable and the outer edge of the flanges.

9 3. The ends of the hoisting cable shall be well secured on the
10 drum and at least two and one-half ($2\frac{1}{2}$) laps of the same shall re-
11 main on the drum when the cage is at rest at the lowest caging place
12 in the shaft.

13 4. An index dial or indicator shall be so arranged and placed as
14 to indicate to the engineer at all times the true position of the cages
15 in the shaft.

16 5. All cages used in any shaft shall be equipped with efficient
17 safety catches and suspended between good substantial guides, and
18 so constructed overhead with boiler iron that falling objects can not
19 strike persons on the cage.

20 6. At all landings and openings at the top of all shafts there shall
21 be maintained an approved safety gate constructed in such manner
22 as to at all times close the opening or entrance to the shaft when the
23 cage is not at rest at that point. There shall be adequate springs at
24 the top of each slope and a trail or dog attached to each train used
25 therein.

[C. C. 759.]

**Sec. 52. Number of Persons Allowed on Cage—Riding Loaded Car or
Cage Prohibited.**

1 Not more than ten (10) persons shall be allowed on any cage when

2 ascending or descending and such less number as may be fixed by the
 3 mine inspector. No person at any time shall be allowed to ride in the
 4 shaft or any cage with a car, tools or other material or when such car,
 5 tools or material is on the opposite cage, except when absolutely neces-
 6 sary in the performance of work in the making of repairs. No person
 7 shall ride upon a loaded trip in any part of the mine, except the con-
 8 ductor or person in charge thereof or any person in the performance
 9 of his duty.

[C. C. 759.]

Sec. 53. Speed of Cage Carrying Men—Use Prohibited—When.

1 Cages on which employees are riding shall not be lifted or lowered
 2 at a rate of speed greater than four hundred (400) feet per minute,
 3 and no cage having any unstable or self-dumping platform or device
 4 shall be used for the carriage of employees or material other than coal
 5 or mineral unless the same is provided with some convenient device by
 6 which the cage platform can be securely locked when employees are
 7 being conveyed thereon.

[C. C. 760.]

Sec. 54. Code of Signals—Location.

1 In all mines operated by machinery there shall be placed in plain
 2 view of the engineer while at his post of duty and in a conspicuous
 3 place at the top and at the bottom of each shaft, slope or drift the
 4 following code of signals, which shall be used between the engineer
 5 and the other employees in the operation of the mine:

6 1. One (1) ring or whistle shall signify to hoist coal or empty
 7 cage; and also to stop when the cage is in motion.

8 2. Two (2) rings or whistles shall signify to lower cage.

9 3. Three (3) rings or whistles shall signify that employees are
10 ready to enter cage either top or bottom; when return signal of one
11 (1) ring or whistle is received from the engineer employees may enter
12 the cage, but not before, when one (1) ring or whistle shall be given
13 to start.

14 4. Four (4) rings or whistles shall signify to hoist slowly; warn-
15 ing of danger.

16 5. Five (5) rings or whistles shall signify accident within the
17 mine and a call for stretcher and supplies.

18 6. Six (6) rings or whistles shall call for a reversal of the fan.

19 7. From top to bottom one (1) ring or whistle shall signify all
20 ready, get on cage.

21 8. Two (2) rings or whistles from top to bottom shall signify send
22 away empty cage which shall be answered from the bottom with one
23 (1) ring or whistle and the cage may then be moved.

24 9. The operator of such mine may with written consent of the
25 mine inspector, add to this code of signals in his discretion when
26 deemed necessary for the efficiency of the mine or the safety of the
27 employees, but any addition thereto shall be placed as in this section
28 provided for the code of signals.

[C. C. 761, 762.]

Sec. 55. Engineers—Competency—Incompetent Prohibited.

1 The operator of any mine shall not place in charge of any engine
2 in and around the mine any but competent and sober engineers who
3 shall not permit any person but those designated to handle, operate or
4 interfere with it or any part of the machinery except such as may be
5 necessary in making proper and needed repairs, or any apprentice, and

6 then only when the engine or machinery is not in use in hoisting or
7 lowering employees or hoisting coal or mineral.

[C. C. 761.]

Sec. 56. Duty of Engineer to Inspect Machinery.

1 It shall be the duty of the engineer at least once each day to care-
2 fully inspect all of the machinery and apparatus under his charge and
3 all of its parts, and if any defects appear which will render its use
4 unsafe to any employee in the same, he shall cease operating the ma-
5 chinery until the defects are corrected.

[C. C. 761.]

Sec. 57. Persons Not Permitted in Engine Room or to Talk to Engineer.

1 No person but the engineer shall be allowed in the engine room
2 except on business connected with the operation of the mine or to
3 repair machinery, and in such case shall immediately retire therefrom
4 when the work is completed or business transacted, and no person
5 shall be permitted to talk to the engineer while in the performance of
6 his duty in hoisting or lowering employees, coal or mineral.

[C. C. 761.]

Sec. 58. Mine Foreman Defined.

1 The term "mine foreman" as used in this chapter and the law of
2 this state, shall mean and be construed to be one in charge of the
3 underground workings or departments of the mine or any part thereof,
4 either by day or night.

[C. C. 772.]

**Sec. 59. Noncertificated Foreman, Pit Boss and Hoisting Engineer For-
bidden.**

1 It shall be unlawful for any operator of any coal mine to employ

2 any person as mine foreman, pit boss or hoisting engineer at any coal
3 mine, employing five (5) or more persons therein and for any person
4 to attempt to discharge such duties unless he shall hold a certificate
5 of competency for such position as provided in this chapter.

[C. C. 778, 783.]

Sec. 60. Temporary Employment.

1 In case of the discharge, resignation or disability of any person
2 lawfully performing the duties of foreman, pit boss or hoisting en-
3 gineer, the operator shall have thirty (30) days within which to
4 secure the services of a certificated person to take the place of the one
5 so discharged, resigned or disabled; and during such time a competent
6 and capable person may be temporarily employed to perform such ser-
7 vices whether holding a certificate or not.

[C. C. 778, 783.]

Sec. 61. Certificate of Competency—How Procured.

1 Any person may secure such certificate of competency who
2 satisfactorily passes the examination, written or oral, prescribed by
3 the board of examiners.

[C. C. 779, 781.]

Sec. 62. Revocation of Certificate of Competency—How Tried—Costs.

1 In any case where a mine foreman, pit boss, engineer or other
2 person receiving a certificate under the law pertaining to mines and
3 mining within this state has wilfully disobeyed the orders of the mine
4 inspector or has been convicted of a misdemeanor relating to his
5 duties in mine operation, his certificate shall be revoked, upon com-
6 plaint being filed with the board of examiners, who shall proceed to
7 hear the case at such time and place as it may determine, which shall

8 be as soon as practicable after the charges are filed and notice by it
9 given to the accused. The board shall have power to subpoena wit-
10 nesses and administer oaths and a majority of the board shall be
11 required to determine the questions at issue; the costs incurred shall
12 be taxed to the losing party and collected as in other cases.

[C. C. 773.]

Sec. 63. Fees—Certificates Recorded.

1 Every person applying for a certificate under this chapter shall
2 pay to the examining board a fee of two dollars (\$2.00), and every suc-
3 cessful applicant shall pay to said board an additional fee of two dol-
4 lars (\$2.00), all of said fees to be accounted for and paid into the
5 state treasury. Each certificate issued under this chapter shall be
6 recorded in the office of the examining board, and shall show the name,
7 age, residence and mining experience of the person to whom it was
8 issued.

[C. C. 782.]

Sec. 64. Duties of Foreman or Pit Boss.

1 The duties of the mine foreman or pit boss in charge of any mine
2 or any part thereof shall be:

3 1. To make careful inspection of the mine from day to day by
4 himself or assistant and at all times when in his judgment conditions
5 may require.

6 2. To give such directions and formulate such rules for the guid-
7 ance of the men employed in the mine as skillful and safe operation
8 of the mine may require.

9 3. To see that the mines are at all times sufficiently supplied with
10 props of proper lengths, caps and other timbers necessary to securely

11 prop the roof of such mine and the rooms wherein the men are em-
12 ployed, and such material shall be conveniently placed for the use of
13 the miners upon their request.

14 4. To keep a careful watch over the ventilating apparatus and
15 airways, together with all of the stoppings, doors and other means of
16 directing the air current.

17 5. To keep a record of the boys under sixteen (16) years of age
18 employed by him during the time of school vacation, showing their
19 ages, names and residence of parents or guardians and character of
20 employment, which record shall be kept at the office of the mines and
21 open for inspection at all reasonable times.

22 6. To examine all escape ways, the traveling ways leading thereto,
23 or cause them to be examined by his assistant once each day, and
24 make written report of the conditions and file in the office at the mine,
25 which shall be open for examination at all reasonable times to repre-
26 sentatives of the employees and such other persons entitled thereto,
27 and send a copy of such report each month to the mine inspector of
28 the district in which said mine is operated.

29 7. If he finds the conditions of any escape way or traveling way
30 impassable or dangerous, he shall immediately notify the employees
31 of the mine thereof, and shall immediately upon the discovery of the
32 defect, place such obstructions at the defective place as may be rea-
33 sonably necessary to apprise the employees of the danger.

[C. C. 771.]

Sec. 65. Duty of Miners and Other Employees.

1 It shall be the duty of each employee:

2 1. To examine his working place upon entering the same and not

3 commence to mine or load coal or other material until it is made safe.

4 2. To securely prop and timber the roof of his working place
5 therein and to obey any order or orders given by the superintendent
6 or mine foreman relating to the width of the working place and to
7 the security of the mine in the part thereof where he is at work.

8 3. To avoid waste of props, caps, timbers and other material
9 and when he has any such not suitable for his purpose to place the
10 same at some convenient point near the track, and where the same
11 may be readily seen, and inform the mine foreman or other person
12 in charge of their being unsuitable for the purpose intended.

13 4. When drawslate or other like material is over the coal to
14 see to it that proper timbers are placed thereunder for his safety
15 before working under the same.

[C. C. 774.]

Sec. 66. Unlawful to Injure Property or Violate Regulations.

1 No workman or other person shall knowingly commit any of the
2 following acts:

3 1. Injure a water gauge, barometer, air course, brattice, or any
4 equipment, machinery or live stock.

5 2. Obstruct or throw open any airway, handle or disturb any part
6 of the machinery or the hoisting engine of the mine.

7 3. Open a door of a mine and neglect to close it.

8 4. Endanger the mine or those working therein.

9 5. Disobey any order given in pursuance of law or do a wilful act
10 whereby the safety of persons working in or about a mine or the se-
11 curity of the mine or the machinery connected therewith may be en-
12 dangered.

13 6. Place any refuse material or any obstruction in any part of the
14 air course or any part of the breaks-through in the entries or rooms
15 other than as by this chapter provided.

[C. C. 775.]

Sec. 67. Use of Intoxicants Prohibited.

1 No person shall go into, at or around a mine or the buildings,
2 tracks or machinery connected therewith while under the influence of
3 intoxicants, and no person shall use, carry or have in his possession,
4 at, in or around the mine or the buildings, tracks or machinery con-
5 nected therewith, any intoxicants.

[C. C. 776.]

Sec. 68. Shot Examiners—Proof of Competency—Revocation of Permit.

1 In all mines, where the coal is blasted from the solid, competent
2 persons shall be employed to examine all drill holes before they are
3 charged. Before entering upon the discharge of their duties, said
4 examiners shall give proof of their competency to the mine inspector
5 of the district in which the mine, where they are employed, is located,
6 and said inspector shall certify to the operator of each mine the per-
7 sons who have given proof of their competency to act in the capacity
8 of shot examiners. The mine inspector shall refuse to give permission
9 to any person to act as shot examiner who, in his judgment is not
10 competent. He shall revoke any permission granted should it appear
11 that a shot examiner is incompetent, negligent or careless in the per-
12 formance of his work.

[C. C. 792.]

Sec. 69. Drill Holes—Unlawful to Charge or Fire When.

1 It shall be unlawful for any miner or other person to charge a

2 drill hole with powder or other explosive until the shot examiner shall
3 have first examined the same. The shot examiner shall forbid the
4 charging or firing of any drill hole with powder or other explosive if
5 in his judgment it would be unsafe to the employees or the mine to
6 discharge the shot. In any case where the shot examiner forbids the
7 charging or firing of any drill hole he shall make a cross with chalk
8 markings at the mouth of the hole when condemned, and make an
9 entry thereof in a book kept by him for that purpose, stating the name
10 of the person working in such place, the number of drill holes therein
11 which he forbids being charged and the date thereof, which record
12 shall be retained for at least one (1) week. It shall be unlawful for any
13 shot firer or other person to discharge any shot or blast which has
14 been condemned by the shot examiner. In any case when the mine
15 foreman shall have forbidden the charging of any drill hole or the
16 firing of any shot, no person shall be permitted to charge such hole
17 or fire such shot. If the shot examiner forbids the charging of a hole
18 or the firing of a shot, the mine foreman shall not cause the hole to be
19 charged or the shot fired.

[C. C. 777.]

Sec. 70. Transportation of Powder Into Coal Mines.

1 No person, firm or corporation shall be permitted to transport,
2 carry or convey by any electrical means whatever, any powder or other
3 explosives into any coal mine where twenty (20) or more persons are
4 employed until after the coal miners and other employees have ceased
5 their work and departed from the mines.

[C. C. 794.]

Sec. 71. Transportation and Delivery—By Whom.

1 The transportation and delivery of all powder and other explosives
2 in coal mines shall be done by the operator or by men employed by him
3 for that purpose.

[C. C. 797.]

Sec. 72. Storage of Powder—What Permitted.

1 No operator of any coal mine, shall suffer or permit under any
2 circumstances the storing of powder, or other explosives, in any coal
3 mine except as follows:

4 1. Each miner shall be permitted to have in his separate and in-
5 dividual possession at one time not more than two (2) kegs containing
6 twenty-five (25) pounds of powder each, and other explosives sufficient
7 for one (1) day's use.

8 2. Such powder, or other explosives, shall be kept by the miner
9 in a wooden or metallic box or boxes securely locked, and said boxes
10 shall be kept at a reasonable distance from the track; and black
11 powder and high explosives shall be kept in separate boxes.

[C. C. 795.]

Sec. 73. Supply for Following Day—Where Deposited.

1 It shall not be construed as storing powder, as defined in the pre-
2 ceding section, to deposit the powder, or other explosives, at the end
3 of the electrical or mechanical haulage at the face of the mine for the
4 following day's use if deposited in conformity with the provisions of
5 the preceding section.

[C. C. 796.]

Sec. 74. Supply of Caps—Timbers—Props.

1 The operator of any mine shall at all times keep a sufficient sup-

2 ply of props, caps and other necessary timbers to be used by employees
3 in the mine, convenient and ready for use and shall send such mate-
4 rials down when requested and deliver them at the places where
5 needed.

[C. C. 763.]

Sec. 75. Material for Tamping.

1 In all mines where coal is blasted from the solid, the operator
2 shall furnish sand, soil or clay to be used for tamping which shall be
3 delivered to the employee and placed at a convenient distance from
4 the working places ready for use, and so as not to obstruct any em-
5 ploye in his work. No person shall be permitted to use any substance
6 or material other than sand, soil or clay for tamping.

[C. C. 764.]

Sec. 76. Sprinkling of Roadways.

1 The operator of any mine shall not permit the accumulation of
2 dust upon and along any roadway; and where any roadway is dry and
3 dusty shall cause the same to be sprinkled at least once each week and
4 as much oftener as conditions may require.

[C. C. 765]

Sec. 77. Stables—Location—Construction—Use.

1 The operator of any mine shall not locate a stable at any point in
2 a mine where the air current supplied to the employees passes through
3 such place and in no case shall such stable be located without first
4 having the written approval of the mine inspector of that district, a
5 copy of which shall be filed in his office. The material used in the
6 construction of stables in mines shall, as near as practicable, be incom-
7 bustible and such stables shall not be used as a place for storing any

8 inflammable material therein, except such hay as may be reasonably
9 necessary for one day's use.

[C. C. 766.]

Sec. 78. Telephone Systems.

1 In all mines employing twenty-five (25) or more persons where
2 the working parts thereof exceed two thousand (2,000) feet from the
3 foot of the slope, shaft or the mouth of a drift as the case may be,
4 a good and substantial telephone system or other like suitable means
5 of communication shall be maintained at all times ready for use, from
6 the bottom to some suitable and convenient point at or near the face
7 of such working parts which shall be extended as the works of the
8 mine progress two thousand (2,000) feet therefrom.

[C. C. 768, modified.]

Sec. 79. Stretchers—Blankets—Bandages.

1 The operator of any mine shall at all times keep at some conven-
2 ient place at the mine, in readiness for use in case of accident one (1)
3 good and substantial stretcher for each fifty (50) employees or frac-
4 tion thereof engaged in the operation of the mine, and proper and
5 sufficient blankets for each stretcher together with a sufficient supply
6 of bandages.

[C. C. 769.]

Sec. 80. Gasoline and Engines—Use and Location.

1 No gasoline engine, except gasoline haulage motors where the
2 exhaust is properly cared for, or supplies of gasoline therefor, shall
3 be located in or near the air current which supplies the employees of
4 any mine with air, but in all cases shall be placed upon the return of
5 the air and located at least twenty (20) feet from any and all traveling

6 ways. In no case shall any gasoline engine or place for supply of gaso-
7 line be located without first having the approval in writing of the mine
8 inspector, who shall determine the suitability of the location of said
9 engine and supplies. The supply of gasoline shall be kept at the place
10 designated and shall not exceed twelve (12) gallons at any one time.

[C. C. 767.]

Sec. 81. Temporary Location of Engine—Conditions.

1 In case of emergency a gasoline engine may be temporarily placed
2 where needed and the inspector of the district in which the mine is
3 located immediately notified thereof, who shall at once proceed to the
4 mine and determine as to the safety of the employees while the engine
5 is so operated at such location. If in his judgment the operation
6 thereof can be continued at such place with reasonable safety to the
7 employees, the operation thereof may be continued while the em-
8 ployees are at work until the emergency shall have passed; otherwise
9 the inspector shall order the employees, except such as are required to
10 operate the engine and work connected therewith, to leave the mine
11 until the same is made safe.

[C. C. 767.]

Sec. 82. Fire Extinguishers Required—Where Kept.

1 At all hoisting shafts, air shafts, escape shafts and places of exit,
2 boiler and engine rooms, stables in mines and places where gasoline
3 engines are used, there shall be kept ready for use at all times at
4 least two (2) hand fire extinguishers of approved make conveniently
5 placed for immediate use when needed.

[C. C. 767.]

Sec. 83. Gasoline Motors Prohibited in Mines Hereafter Equipped.

1 In any mine hereafter to be opened or equipped for operation no
2 gasoline haulage motor shall be installed or used in the underground
3 workings for any purpose, and it shall be the duty of the mine in-
4 spector to enforce the provisions of this section.

[New.]

Sec. 84. Purity of Illuminating Oil—Standard—State Board of Health to Regulate.

1 Only pure animal or vegetable oil or other means for illuminating
2 purposes equally as safe and free from smoke or offensive odor shall
3 be used in any mine in this state. For the purpose of determining the
4 purity of oils the state board of health shall fix a standard of purity
5 and establish regulations for testing the same, and when so deter-
6 mined and established shall be binding on all courts and other authori-
7 ties. When any substance used for illuminating purposes in a mine
8 leaves any refuse after use, which gives off any gas or offensive odor,
9 it shall be removed from the mine at the end of his day's work by
10 the person using it.

[C. C. 787.]

Sec. 85. Inspection by Oil Inspector—Where Made—Branding.

1 It shall be the duty of a state inspector of petroleum products to
2 inspect and test all oil offered for sale, sold or used for illuminating
3 purposes in coal mines in this state, and for such purposes he may
4 enter upon the premises of any person. If upon test and examination
5 the oil shall meet the requirements made by the state board of health,
6 he shall brand, over his official signature the barrel or vessel holding
7 the same with the date and words "Approved for illuminating coal

8 mines". Should it fail to meet such requirements, he shall brand it
9 over his official signature and date, "Rejected for illuminating coal
10 mines". All inspection shall be made within this state, and paid for
11 by the person for whom the inspection is made at the rate of ten cents
12 (10c) per barrel or vessel, which charge shall be a lien on the oil
13 inspected, and be collected by the inspector. Each inspector shall be
14 governed in all things respecting his record, compensation, expenses
15 and returns as provided in relation to inspection of petroleum products.

[C. C. 791.]

Sec. 86. Proceedings by Inspector When Law Violated—Costs.

1 It shall be the duty of the oil inspector when he has good reason
2 to believe that oil is being sold or used in violation of the provisions of
3 this chapter to make complaint to the county attorney of the county
4 in which the offense was committed, who shall forthwith commence
5 proceedings against the offender. All reasonable expenses for analyz-
6 ing suspected oil shall be paid by the owner of the oil when it is found
7 that he is selling or offering to sell impure oil in violation of the pro-
8 visions of this chapter. Such expenses may be recovered in a civil
9 action, and in criminal proceedings such expenses shall be taxed as
10 part of the costs.

[C. C. 791.]

Sec. 87. Amount of Electrical Current Permitted in Mines.

1 There shall not be carried into any mine on naked or bare wires for
2 any purpose, to exceed two hundred seventy-five (275) volts of elec-
3 trical current, except in accordance with the provisions of the next
4 section.

[New.]

Sec. 88. Regulations for Electrical Current Over Two Hundred Seventy-five Volts.

1 When it is desired to carry into any mine electrical current in
2 excess of two hundred seventy-five (275) volts, it shall be carried on
3 an armored or insulated cable which shall be run in a conduit or an
4 abandoned entry in such manner that persons or animals cannot come
5 in contact therewith at any point. The inner terminus of such cable
6 shall connect with a transformer so isolated, enclosed and protected
7 that no one can have access to it except a state mine inspector and the
8 electrician or mechanic whose duty it is to care for and keep it in order.
9 At the approach to the transformer there shall be displayed a sign
10 with the word "danger" thereon in large plain letters and the number
11 of volts of electricity carried, and on which light shall be thrown at
12 all times when workmen are in the mine. There shall not be dis-
13 tributed from the transformer to the point where the current is applied
14 to exceed two hundred seventy-five (275) volts.

[New.]

Sec. 89. Grounding and Insulation of Current at Motors, Machines and Pumps—Inspection—Repair.

1 Electric pumps and other stationary machines and motors for
2 driving them shall be so insulated and grounded in their emplacement
3 and by the use of grounding wires and inspected with such frequency
4 and kept in such repair as to render contact therewith harmless.

[New]

Sec. 90. Unlawful Handling of Electrical Equipment.

1 It shall be unlawful for any person except the mine inspector, and
2 the persons designated by the operator, superintendent or foreman,

3 to inspect, repair, handle or disturb or interfere with any of the
4 electrical equipment or machinery in any mine.

[New]

Sec. 91. Scales and Weighers—Duties—Records—Damages.

1 The operator shall, if the miners are paid by weight, provide the
2 mine with suitable scales of standard make, and require the person se-
3 lected to weigh the coal delivered from the mine to take and subscribe
4 an oath before some person authorized to administer oaths, to the
5 effect that he will keep the scales correctly and truly balanced, and
6 accurately weigh and a true record keep of each car delivered, which
7 oath, with that of the checkweighman hereinafter provided for, shall
8 be conspicuously displayed with record of weights at the place of
9 weighing, which record shall carry the account of each miner by itself,
10 be open to the inspection at all proper times of miners and all others
11 having a pecuniary interest in the mine. All damages sustained on
12 account of a failure to weigh and credit to the proper person any coal
13 mined shall be recoverable in an action brought within two (2) years
14 from the time the right thereto accrued, and a knowledge of a violation
15 of this provision by the miner shall not be a defense thereto.

[C. C. 784.]

Sec. 92. Checkweighman—Duties.

1 The miners employed and working in any mine may furnish a
2 competent checkweighman, who, before entering upon his duties, shall
3 take and subscribe an oath to the effect that he is duly qualified
4 and will faithfully discharge his duties as checkweighman, and he shall
5 at all proper times have access to and the right to examine the scales,
6 machinery or apparatus used in weighing and seeing all measures and

7 weights of coal mined and the accounts kept thereof; but not more
8 than one (1) person on the part of the miners collectively shall have
9 this right, and such examination and inspection shall be so made as to
10 create no unnecessary intereference with the use of such scales, ma-
11 chinery or apparatus.

[C. C. 784.]

Sec. 93. When Weighed—Weights—Impurities.

1 The operator shall, where the miner is to be paid by the ton or
2 other quantity, unless otherwise agreed upon in writing, weigh the
3 coal before screening, and the miner shall be credited at the rate of
4 eighty (80) pounds to the bushel and two thousand (2,000) pounds to
5 the ton, but no payment shall be required for sulphur, rock, slate,
6 blackjack, dirt or other impurities which may be loaded or found with
7 the coal.

[C. C. 784.]

Sec. 94. Paydays—Failure to Pay—Damages—Attorney Fee.

1 All wages shall be paid in money upon demand semi-monthly, by
2 paying the amount earned during the first fifteen (15) days of each
3 month not later than the first Saturday after the twentieth of said
4 month, and for those earned after the fifteenth of each month not
5 later than the first Saturday after the fifth of the succeeding month.
6 A failure or refusal to make payment within five (5) days after de-
7 mand shall entitle the laborer to recover the amount due him, and
8 one dollar (\$1.00) per day additional, not exceeding the amount
9 due, for each day such payment is neglected or refused, and in any
10 action therefor the court shall tax as a part of the costs a reasonable

11 attorney fee to plaintiff's attorney.

[C. C. 784.]

Sec. 95. Wages How Paid—Coercion Prohibited.

1 Where ten (10) or more miners are employed, the operator shall
2 not sell, give, deliver or issue, directly or indirectly, to any person
3 employed, in payment for labor due or as advances for labor to be
4 performed, any script, check, draft, order or other evidence of indebt-
5 edness payable or redeemable otherwise than in money at its face
6 value. He or they shall not compel or in any manner endeavor to
7 coerce any employee to purchase goods or supplies from any particu-
8 lar person, firm, company or corporation.

[C. C. 784.]

Sec. 96. Annual Reports—What to Contain.

1 The operator of any mine shall on or before the first day of Feb-
2 ruary in each year send to the office of the inspector of the district
3 where the mine is located, upon blanks furnished by the state, a cor-
4 rect return with respect to the year ending January first of each
5 year showing the quantity of coal mined and the number of persons
6 ordinarily employed at, in and around such mine, designating the num-
7 ber of persons below and above ground and such other information
8 as required by such blank.

[C. C. 770.]

Sec. 97. Uniform Reports.

1 The inspectors shall prepare uniform blanks which shall be used
2 in all cases where reports are required to be made to the district
3 mine inspectors or the inspectors at their general office.

[C. C. 734.]

Sec. 98. Report of Accidents.

1 Forthwith upon the happening of any accident resulting in the
2 death of an employee, the operator shall report the same by mail or
3 otherwise to the mine inspector of the district and the coroner of the
4 county in which the accident happens. In all other cases of personal
5 injury not resulting in death, the operator shall make a report to the
6 mine inspector of the district upon a standard form provided by the
7 inspector for that purpose, containing a detailed statement of the
8 extent of the injury and the manner in which it occurred.

[C. C. 731, 770.]

Sec. 99. Failure to Provide for Safety of Employees.

1 In addition to any and all other remedies, if any owner or person
2 in charge of any mine shall fail to provide any of the appliances speci-
3 fied in this chapter for the safety of the employees, or the appliances
4 provided do not conform to such requirements, or such owner or agent
5 shall neglect, for twenty (20) days after notice given in writing by the
6 mine inspector of such failure to remedy the same, such inspector may
7 apply to the district court, or any judge thereof, in an action brought in
8 the name of the state, for writ of injunction to restrain the working of
9 the mine with more persons than are necessary to make the improve-
10 ments needed and prevent deterioration of the mine, until such appli-
11 ances have been supplied. In case an injury happens to those engaged
12 in work because of such failure, the negligence of such operator shall
13 be held to be the proximate cause of such injury.

[C. C. 786.]

**Sec. 100. Changes Not Covered by Statute—Order of Inspector—Refusal
to Obey—Petition.**

1 In all cases not covered by statute when it is found necessary that
2 some change, improvement or device is required to reasonably secure
3 the safety of the employees of any mine, and the operator neglects or
4 refuses to make the change or improvement or supply the device
5 needed within a reasonable time after written notice so to do given
6 by the inspector of the district in which the mine is located, the in-
7 spector shall file a verified petition with the clerk of the district
8 court of the county where the mine is located setting forth all such
9 facts and asking a mandatory writ to compel the making of such im-
10 provements.

[C. C. 789.]

Sec. 101. Notice of Time and Place of Hearing.

1 Such inspector shall give five (5) days' notice to the accused in
2 the same manner as original notices are served, stating the time and
3 place and the name of the judge before whom the case will be tried.
4 The accused party shall be required to appear at the time and place
5 mentioned in the notice which may be at any place convenient for the
6 judge in the judicial district.

[C. C. 789.]

Sec. 102. Title of Proceeding—Time to Plead—How Tried.

1 The proceeding shall be entitled the state of Iowa as plaintiff and
2 the operator as defendant, who shall plead on or before noon of the
3 fourth day after notice. At the time and place fixed in the notice the
4 case shall be heard and tried by the judge in equity who shall make
5 such order as the evidence warrants.

[C. C. 789.]

Sec. 103. Witnesses—Court May Suspend Operation.

1 The clerk of the district court where such petition has been filed
2 shall issue subpoenas at the request of either party, and witnesses
3 shall be required to respond thereto as in other cases, and it shall be
4 the official duty of the county attorney to represent the plaintiff in all
5 matters pertaining to such proceeding. Pending such proceeding the
6 judge may, if he deems it advisable for the safety of the employees,
7 order the mine closed until such hearing is completed, and if changes
8 are ordered, then till such changes are made.

[C. C. 789.]

Sec. 104. Burden of Proof—Final Order.

1 The burden of proof shall rest upon the plaintiff to show that the
2 proposed change, improvement or device is reasonably required for
3 the safety of the employees. If the evidence in the whole case shows
4 that the proposed change, improvement or device is necessary for the
5 purposes intended, the judge shall forthwith issue a mandatory order
6 specifying the improvements required and the time within which they
7 shall be made, and enter the same of record in the district court of the
8 county in which the mine is located.

[C. C. 789.]

Sec. 105. Contempt of Court—Penalty.

1 If the defendant fails to comply with the order made by the judge
2 within the time fixed, such defendant may be charged with contempt
3 of court, and upon conviction thereof be fined not to exceed five hun-
4 dred dollars (\$500.00) and committed to the county jail until such fine
5 is paid.

[C. C. 789.]

Sec. 106. Right of Adjoining Land Owner—Survey—Bond.

1 Upon affidavit of any person owning land in the vicinity of any
2 mine, or his agents, filed with the inspector of the district stating that
3 it is necessary for the protection of his property to know how near his
4 land the excavations in the mine extend, the inspector shall make an
5 examination or employ a surveyor therefor if necessary, to determine
6 the length and direction of entries and other works toward the land
7 of the applicant and the extent of excavation of same on all of his land,
8 if any, and file a report thereof in his office. The inspector may in
9 such case permit examination of such map or copies thereof as may
10 be in his custody, for the purpose of determining the location of the
11 workings. If it be found necessary to survey the premises to discover
12 the facts the owner or person filing the affidavit shall first give a bond
13 or other security to the inspector in favor of the state in the sum of
14 one hundred dollars (\$100.00) conditioned to pay all costs and ex-
15 penses incurred thereby.

[C. C. 737.]

Sec. 107. Expenses by Whom Paid.

1 The necessary expenses incurred and compensation of five dollars
2 (\$5.00) per day to the inspector for the use of the state and ten dollars
3 (\$10.00) per day to the surveyor shall be paid by the applicant except
4 when it shall be shown that said applicant's property has been under-
5 mined, in which case the expense shall be paid by the mine owner,
6 operator or lessee or person in charge.

[C. C. 737.]

Sec. 108. Double Damages.

1 In any case where any operator without permission takes coal

2 from adjoining land he shall be liable for double damages to the
3 owner and for all expenses caused thereby.

[C. C. 737.]

Sec. 109. **Violations of Provisions—Misdemeanors—Penalties.**

1 Any person, firm or corporation violating any of the provisions of
2 this chapter shall be guilty of a misdemeanor and shall be punished as
3 hereinafter provided, respectively:

4 1. Any owner, operator, lessee or person in charge of any mine,
5 refusing or neglecting to comply with the provisions of this chapter
6 in relation to making and furnishing to the mine inspector maps of
7 such mine, shall be fined one hundred dollars (\$100.00) and be im-
8 prisoned in the county jail until such fine and costs are paid.

9 2. Any person, employer or employee refusing or neglecting to
10 comply with any order of the mine inspector relating to insufficient
11 air, improper ventilation or unsafe and improper health conditions in
12 any mine, shall be fined not less than five dollars (\$5.00) nor more
13 than one hundred dollars (\$100.00).

14 3. Any owner, operator, lessee, agent or managing officer of any
15 mine who shall employ any mine foreman, pit boss or hoisting engi-
16 neer, who does not hold a certificate of competency from the board of
17 examiners, except as otherwise provided in this chapter, shall be
18 fined not exceeding five hundred dollars (\$500.00), or be imprisoned
19 in the county jail not exceeding six (6) months, or both.

20 4. Any owner, lessee, operator or the agent thereof or officer or
21 agent of any firm or corporation violating any of the provisions of this
22 chapter relating to the transportation and storage of powder and other
23 explosives in and about any mine, shall be fined not exceeding one hun-

24 dred dollars (\$100.00) or imprisoned in the county jail not exceeding
25 thirty (30) days.

26 5. Any person, firm, corporation or their agents or employees,
27 violating any of the provisions of this chapter relating to inspection,
28 selling or offering to sell illuminating oils or any other substance for
29 illuminating purposes in any mine, shall be fined not less than twenty-
30 five dollars (\$25.00) nor more than one hundred dollars (\$100.00).

31 6. Any owner, operator, lessee or employee of any mine violating
32 any of the provisions of this chapter prohibiting the use or sale or
33 permitting the use or sale of impure or adulterated oil or other sub-
34 stance for illuminating purposes in any mine, shall be fined not less
35 than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00).

36 7. Any owner, lessee or operator or any party in charge of any
37 mine or any weighman or checkweighman violating any of the pro-
38 visions of this chapter relating to the correct weighing and recording
39 of the weights of coal mined at any mine shall be fined not exceeding
40 five hundred dollars (\$500.00) or be imprisoned in the county jail not
41 exceeding sixty (60) days.

42 8. Any miner, workman or other person violating any of the pro-
43 visions of this chapter relating to injuring or interfering with any air
44 course or brattice, obstructing or throwing open doors in mines, dis-
45 turbing any part of the machinery or equipment, disobeying any
46 orders in carrying out the provisions of this chapter, riding upon a
47 loaded car or other means of transportation in the mine except as in
48 this chapter permitted, doing any act whereby the lives, limbs or
49 health of persons or the security of the mine and machinery are en-
50 dangered, or neglecting or refusing to securely prop or support the

51 roof and entries under his or their control, or neglecting or refusing to
52 obey any order of the superintendent in relation to the safety of the
53 mine in the part under his control, shall be fined not exceeding one
54 hundred dollars (\$100.00) or imprisoned in the county jail not exceed-
55 ing thirty (30) days.

[C. C. 736, 757, 775, 783, 785, 788, 798.]

That chapter two (2) of title five (5) of the compiled code of Iowa is amended, revised and codified to read as follows:

CHAPTER 2

GYPSUM MINES AND MINING

Sec. 110 **State Mine Inspector to Have Jurisdiction.**

1 The state mine inspectors shall have the same jurisdiction over
2 and perform the same duties in relation to gypsum mines in their
3 respective districts so far as applicable as is provided in relation to
4 coal mines in the preceding chapter. The inspection districts for the
5 purposes of gypsum mines under this chapter shall be the same dis-
6 tricts as for coal mines under the preceding chapter.

[C. C. 803.]

Sec. 111. **Laws Applicable.**

1 All the laws relating to coal mines and mining and mine inspection
2 as contained in the preceding chapter shall be in force and effect in the
3 government, operation and inspection of gypsum mines so far as the
4 same are applicable, except sections sixty-eight (68), sixty-nine (69),
5 seventy-five (75), ninety-one (91), ninety-two (92) and ninety-three
6 (93) of said chapter, which shall not apply.

[C. C. 799 to 806, inclusive, with additions.]

Code Commissioners' Bill No. 42

Subject: WORKMEN'S COMPENSATION

Senate File No... .. Referred to Committee on
 House File No.
 By Date.....

A BILL FOR

An act to amend, revise and codify chapter three (3) of title five (5) of the compiled code of Iowa, 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 is amended, revised and codified to read as follows:

CHAPTER 3**WORKMEN'S COMPENSATION****Section 1. To Whom Not Applicable.**

1 This chapter shall not apply:

2 1. To any household or domestic servant, farm or other laborer
 3 engaged in agricultural pursuits.

4 2. Persons whose employment is of a casual nature.

5 3. As between a municipal corporation, city or town and any
 6 person or persons receiving any benefits under, or who may be entitled
 7 to, benefits from any "firemen's pension fund" or "policemen's pen-
 8 sion fund" of any municipal corporation, city or town.

[C. C. 807, sub-div. a.]

Sec. 2. Compulsory When.

1 Where the state, county, municipal corporation, school district,
2 or city under any form of government is the employer, the provisions
3 of this chapter for the payment of compensation and amount thereof
4 for such injury sustained by an employee of such employer shall be
5 exclusive, compulsory and obligatory upon both employer and em-
6 ployee, except as otherwise provided in the preceding section.

[C. C. 807, sub-div. b.]

Sec. 3. Employers Presumed to Secure and Pay Compensation to Injured Employees.

1 Except as provided by this chapter, it shall be conclusively pre-
2 sumed that every employer has elected to provide, secure and pay com-
3 pensation according to the provisions of this chapter for any and all
4 personal injuries sustained by an employee arising out of and in the
5 course of the employment. When compensation shall have been paid
6 as provided in this chapter, the employer shall be relieved from other
7 liability for recovery of damages or other compensation for such per-
8 sonal injury.

[C. C. 807.]

Sec. 4. Provisions May Be Rejected.

1 The presumption as stated in the preceding section shall continue
2 and be in force until notice in writing of an election to the contrary
3 shall have been given to the employees by posting the same in some
4 conspicuous place where the business is carried on, and also by filing
5 notice with the industrial commissioner with return thereon by affi-
6 davit showing the date and place notice was posted. Any employer
7 beginning business and giving notice at once of his rejection of this

8 chapter shall not be considered as under such provisions, but such em-
9 ployer shall not be relieved of the payment of compensation until thirty
10 (30) days after the posting and filing of such notice with the indus-
11 trial commissioner.

[C. C. 807, sub-div. 4 of sub-div. c.]

Sec. 5. **Employers' Notice to Reject.**

1 An employer's notice of election to reject the provisions of this
2 chapter shall be substantially in the following form:

3 To the employees of the undersigned, and the Iowa industrial
4 commissioner:

5 You are hereby notified that the undersigned rejects the provi-
6 sions to provide, secure and pay compensation to employees of the
7 undersigned for injuries received as provided in chapter three (3),
8 title five (5) of the code, and elects to pay damages for personal in-
9 juries received by such employee under the common law and statutes
10 of this state as modified by said chapter.

11 Signed (Employer)

12 State of Iowa, }
13 County. } ss.

14 The undersigned on oath says that a true copy of the foregoing
15 notice was on the day of , 19 , posted
16 at (State fully place where posted)

17
18 Subscribed and sworn to before me by ,
19 this day of , 19 .

20 (Notary Public)

[C. C. 807.]

Sec. 6. Posting Notice to Reject.

1 The employer shall keep such notice posted in some conspicuous
2 place where the business is carried on which shall apply to the em-
3 ployees subsequently employed by the employer with the same force
4 and effect and to the same extent as employees in the employ at the
5 time the notice was given.

[C. C. 807, sub-div. 4 of sub-div. c.]

Sec. 7. Defenses When Employee Rejects.

1 In the event an employee elects to reject the provisions of this
2 chapter, the rights and remedies thereof shall not apply where such
3 employee brings an action or takes proceedings to recover damages
4 or compensation for injuries received arising out of and in the course
5 of his employment, except as otherwise provided by this chapter; and
6 in such actions the employer shall have the right to plead and rely
7 upon any and all defenses including those at common law, and the
8 defenses of contributory negligence, assumption of risk and fellow
9 servant rule except as otherwise provided by law.

[C. C. 809, sub-div. b.]

Sec. 8. Certain Defenses not Available When Employee Rejects.

1 When an employee who has rejected the provisions of this chap-
2 ter, receives an injury through failure of the employer to exercise
3 reasonable care to furnish, keep and maintain any safety device, ap-
4 pliance or equipment as required by law or through the violation of
5 any other statutory requirements or regulations on the part of such

21 Subscribed and sworn (or affirmed) to before me by the said
 22 this day of , 19 .

23

(Notary Public)

[C. C. 809, sub-div. b.]

Sec. 10. Affidavit of Employee as to Rejection.

1 When an employee or one who is an applicant for employment
 2 rejects the provisions of this chapter, he shall, in addition to such
 3 notice, state in an affidavit to be filed with said notice who, if any
 4 person, requested, suggested, or demanded of such person to reject the
 5 provisions of this chapter. And if such request, suggestion, or de-
 6 mand has been made of such employee by any person, such employee
 7 shall state the name of the person who made the request, suggestion,
 8 or demand, and all of the circumstances relating thereto, the date and
 9 place made, and persons present, and if it be found that the employer
 10 of such employee, or an employer to whom an applicant for employ-
 11 ment, or any person a member of the firm, association, corporation,
 12 or agent or official of such employer, made a request, suggestion or
 13 demand to such employee or applicant for employment to reject the
 14 provisions of this chapter, the rejection made under such circum-
 15 stances shall be conclusively presumed to have been fraudulently pro-
 16 cured, and such rejection shall be null and void and of no effect.

[C. C. 809, sub-div. b.]

Sec. 11. Interested Person not to Administer Oath.

1 No person interested in the business of such employer, financially
 2 or otherwise, shall be permitted to administer the oath to the affiant

3 required in case an employee or applicant for employment elects to
4 reject the provisions of this chapter. And the person administering
5 such oath to such affiant, shall carefully read the notice and affidavit
6 to such person making such rejection, and shall explain that the pur-
7 pose of the notice is to bar such person from recovering compensation
8 in accordance with the schedule and terms of this chapter in the event
9 that he sustains an injury in the course of such employment; all of
10 which shall be shown by certificate of the person administering the
11 oath herein contemplated. The industrial commissioner shall refuse
12 to file the notice and affidavit, unless the same fully and in detail,
13 comply with the requirements hereof. And if such rejection, affidavit
14 or certificate is found insufficient for any cause, they shall be returned
15 to the person who executed the instrument, with the reasons indorsed
16 thereon by the industrial commissioner.

[C. C. 809, sub-div. b.]

Sec. 12. Tenure of Election.

1 When the employer or employee has given notice in compliance
2 with this chapter electing to reject the terms thereof, such election
3 shall continue and be in force until such employer or employee shall
4 thereafter elect to come under the provisions of this chapter as is
5 provided in the next section.

[C. C. 810, sub-div. a.]

Sec. 13. Waiver of Election to Reject.

1 When an employer or employee rejects the provisions of this chap-
2 ter, such party may at any time thereafter elect to waive the same
3 by giving notice in writing in the same manner required of the party
4 in electing to reject the provisions of this chapter, which shall become

5 effective when filed with the industrial commissioner and posted at the
6 place of business.

[C. C. 810, sub-div. b.]

Sec. 14. Liability When Employer and Employee Reject.

1 When the employer and employee elect to reject the provisions
2 of this chapter, the liability of the employer shall be the same as
3 though the employee had not rejected the provisions hereof.

[C. C. 811.]

Sec. 15. Defenses Not Available When Employer Rejects.

1 An employer who rejects the provisions of this chapter in the
2 manner and form provided, shall not escape liability for personal
3 injury sustained by an employee of such employer when the injury
4 sustained arises out of and in the course of the employment on the
5 grounds that:

6 1. The employee assumed the risks inherent in or incidental to
7 or arising out of his or her employment, or the failure of the employer
8 to provide and maintain a reasonably safe place to work, to furnish
9 reasonably safe tools or appliances, or to exercise reasonable care in
10 selecting competent employees in the business.

11 2. The injury was caused by the negligence of a coemployee.

12 3. The employee was negligent, unless such negligence was the
13 sole and only proximate cause of the injury.

[C. C. 807, sub-div. 1, 2, 3, of sub-div. c, modified.]

Sec. 16. Wilful Injury—Intoxication.

1 No compensation under this chapter shall be allowed for an
2 injury caused:

3 1. By the employee's wilful intent to injure himself or to wilfully

4 injure another.

5 2. When intoxication of the employee was the proximate cause
6 of the injury.

[C. C. 808.]

Sec. 17. Implied Agreement When Terms Not Rejected.

1 Where the employer and employee have not given notice of an
2 election to reject the terms of this chapter, every contract of hire,
3 express or implied, shall be construed as an implied agreement be-
4 tween them and a part of the contract on the part of the employer
5 to provide, secure and pay, and on the part of the employee to accept
6 compensation in the manner as by this chapter provided for all per-
7 sonal injuries sustained arising out of and in the course of the em-
8 ployment.

[C. C. 807, sub-div. 4 of sub-div. c.]

Sec. 18. Contract to Relieve Not Operative.

1 No contract, rule, regulation or device whatsoever shall operate
2 to relieve the employer, in whole or in part, from any liability created
3 by this chapter except as herein provided.

[C. C. 814.]

Sec. 19. Negligence Presumed—Burden of Proof.

1 In actions by an employee against an employer for personal injury
2 sustained, arising out of and in the course of the employment, when
3 the employer has rejected the provisions of this chapter, the following
4 provisions shall apply:

5 1. It shall be presumed that the injury to the employee was the
6 direct result and growing out of the negligence of the employer.

7 2. That such negligence was the proximate cause of the injury.

8 3. The burden of proof shall rest upon the employer to rebut the
9 presumption of negligence and proximate cause.

[C. C. 807, sub-div. 4 of sub-div. c.]

Sec. 20. Rights of Employee Exclusive—Presumption.

1 The rights and remedies provided in this chapter for an em-
2 ployee on account of injury shall be exclusive of all other rights and
3 remedies of such employee, his personal or legal representatives, de-
4 pendants or next of kin, at common law or otherwise, on account of
5 such injury; and all employees affected by this chapter shall be con-
6 clusively presumed to have elected to take compensation in accordance
7 with the terms, conditions and provisions hereof until notice in writ-
8 ing shall have been served upon his employer, and also on the indus-
9 trial commissioner, with return thereon by affidavit showing the date
10 upon which notice was served upon the employer.

[C. C. 809, sub-div. a.]

Sec. 21. Subsequent Election to Reject—Security for Compensation Due.

1 An employer having come under this chapter, who thereafter
2 elects to reject the terms, conditions and provisions thereof, shall not
3 be relieved from the payment of compensation to any employee who
4 sustains an injury arising out of and in the course of the employment
5 before the election to reject becomes effective; and in such cases the
6 employer shall be required to secure the payment of any compensation
7 due or that may become due to such employee, subject to the approval
8 of the Iowa industrial commissioner.

[C. C. 812.]

Sec. 22. Liability of Other Than Employer—Subrogation.

1 When an employee receives an injury for which compensation is

2 payable under this chapter, and which injury is caused under circum-
3 stances creating a legal liability against some person other than the
4 employer to pay damages, the employee, his beneficiary or legal
5 representative, may take proceedings against his employer for com-
6 pensation, and may also maintain an action against such third party
7 for damages, if he shall first serve notice of the commencement
8 thereof on his employer for the length of time required for the
9 service of original notice, and the following rights and duties shall
10 ensue:

11 1. If compensation is paid the employee or beneficiary under this
12 chapter, the employer by whom the same was paid, or his insurer
13 which paid it, shall be indemnified out of the recovery of damages
14 to the extent of the payment so made, with legal interest, and shall
15 have a lien on the claim for such recovery and the judgment thereon
16 for the compensation for which he is liable. In order to continue
17 and preserve the lien, the employer or insurer shall, within thirty
18 (30) days after receiving notice of such suit from the employee, file,
19 in the office of the clerk of the court where the action is brought,
20 notice of the lien.

21 2. In case the employee refuses to bring such action within
22 ninety (90) days after written notice so to do given by the employer
23 or his insurer, as the case may be, then the employer or his insurer
24 shall be subrogated to the rights of the employee to maintain the
25 action against such third party, and may recover damages for the
26 injury to the same extent that the employee might. In case of re-
27 covery, the court shall enter judgment for distribution of the proceeds
28 thereof as follows:

29 (a) A sum sufficient to pay the reasonable and necessary costs
30 and expenses of the litigation, including a reasonable attorney's fee
31 to be fixed by the court for the prosecution of the suit.

32 (b) A sum sufficient to repay the employer for the amount of
33 compensation actually paid by him to that time.

34 (c) A sum sufficient to pay the employer the present worth com-
35 puted on a six per cent (6%) basis, of the future payments of com-
36 pensation for which he is liable.

37 (d) The balance, if any, shall be paid over to the employee.

38 3. Before a settlement shall become effective between an em-
39 ployee and such third party who is liable for the injury, it must be
40 either with the written consent of the employer or insurer, as the case
41 may be, or the written approval of the industrial commissioner.

42 4. A written memorandum of any settlement, if made, shall be
43 filed by the employee in the office of the industrial commissioner.

[C. C. 813, modified.]

Sec. 23. **Notice of Injury—Failure to Give.**

1 Unless the employer or his representative shall have actual knowl-
2 edge of the occurrence of an injury, or unless the employee or some
3 one on his behalf or some of the dependents or someone on their behalf
4 shall give notice thereof to the employer within fifteen (15) days after
5 the occurrence of the injury then no compensation shall be paid until
6 and from the date such notice is given or knowledge obtained; but
7 if such notice is given or knowledge obtained within thirty (30) days
8 from the occurrence of the injury, no want, failure or inaccuracy of
9 a notice shall be a bar to obtaining compensation, unless the employer
10 shall show that he was prejudiced thereby, and then only to the ex-

11 tent of such prejudice; but if the employee or beneficiary shall show
 12 that his failure to give prior notice was due to mistake, inadvertence,
 13 ignorance of fact or law, or inability, or to the fraud, misrepresenta-
 14 tion or deceit of another or to any other reasonable cause or excuse,
 15 then compensation may be allowed, unless and then to the extent only
 16 that the employer shall show that he was prejudiced by failure to
 17 receive such notice; but unless knowledge is obtained or notice given
 18 within ninety days after the occurrence of the injury, no compensation
 19 shall be allowed.

[C. C. 815.]

Sec. 24. Form of Notice of Injury.

1 No particular form of notice shall be required, but may be sub-
 2 stantially as follows:

3 To.....

4 You are hereby notified that on or about the day of
 5, 19....., personal injury was sustained by
 6while in your employ at

7
 (Give name and place employed and point where located when injury occurred.)

8 and that compensation will be claimed therefor.

9 Signed.....

10 No variation from this form of notice shall be material if the
 11 notice is sufficient to advise the employer that a certain employee, by
 12 name, received an injury in the course of his employment on or about
 13 a specified time at or near a certain place.

[C. C. 815.]

Sec. 25. Service of Notice of Injury.

1 The notice may be served on any one upon whom an original
2 notice may be served in civil cases. Service may be made by any
3 peace officer and return made over his official signature or by any
4 person over sixteen (16) years of age, who shall make return verified
5 by affidavit upon a copy of the notice, showing the date and place of
6 service and upon whom served, but no special form of the return of
7 service of the notice shall be required. It shall be sufficient if the
8 facts therefrom can be reasonably ascertained. The return of serv-
9 ice may be amended at any time.

[C. C. 815.]

Sec. 26. Surgical and Medical Services—Amount.

1 In addition to other compensation hereinafter provided for at
2 the time of the injury and thereafter during the disability, but not
3 exceeding four (4) weeks of incapacity, the employer, if so requested
4 by the employee, or anyone for him, or if so ordered by the court or
5 industrial commissioner, shall furnish reasonable surgical, medical
6 and hospital services, and supplies therefor, not exceeding one hun-
7 dred dollars (\$100.00); but in exceptional cases, an application may
8 be made in writing to the industrial commissioner for additional surg-
9 ical, medical and hospital services, and supplies therefor, in which
10 case a copy of such application shall be mailed to the employer or his
11 insurer. If such application is approved by the commissioner, then
12 the employer shall furnish additional medical, surgical and hospital
13 services and supplies for such period and in such amount as the indus-
14 trial commissioner shall order, but in no event to exceed one hundred

15 dollars (\$100.00), for such additional services and supplies.

[C. C. 816, sub-div. b.]

Sec. 27. Burial Expense in Case of Death From Injury.

1 In addition to any compensation hereinafter provided, in case of
2 the death of any employee from injury received in the course and
3 arising out of his employment, the employer shall pay the reasonable
4 expense of the last sickness and burial of such employee not to exceed
5 one hundred dollars (\$100.00), for each.

[C. C. 816, sub-div. c.]

Sec. 28. Extent of Employer's Liability When Employee Leaves no Dependents.

1 When an employee dies from his injuries leaving no dependents
2 as hereinafter defined, the payment for medical, surgical and hospital
3 expenses, if any, and the burial expenses as provided in the preceding
4 section, shall be the full extent of all and every liability of the em-
5 ployer.

[C. C. 816, sub-div. c.]

Sec. 29. Basis of Compensation Schedule.

1 In all cases where an employee receives a personal injury for
2 which compensation other than for medical, surgical and hospital serv-
3 ices and burial expenses, is payable, such compensation shall be upon
4 the basis of sixty per cent (60%) per week of the average weekly
5 earnings at the time of the accident but not to exceed fifteen dollars
6 (\$15.00) nor less than six dollars (\$6.00) per week, except if at the
7 time of his injury his earnings are less than six dollars (\$6.00) per
8 week, then he shall receive in weekly payments a sum equal to the

9 full amount of his weekly earnings.

[C. C. 816, sub-div. h, i and j.]

Sec. 30. **Compensation in Death Cases—Dependents.**

1 1. When death results from the injury, the employer shall pay
2 the dependents who were wholly dependent on the earnings of the
3 employee for support at the time of his injury, the weekly compensa-
4 tion for a period of three hundred (300) weeks from the date of his
5 injury.

6 2. When the injury causes the death of a minor employee whose
7 parent is entitled to receive his earnings, the compensation to be paid
8 such parent shall be two-thirds ($\frac{2}{3}$) the weekly compensation for an
9 adult with like earnings.

10 3. If the employee leaves dependents only partially dependent on
11 his earnings for support at the time of the injury, the weekly com-
12 pensation to be paid to each partial dependent, shall be in that pro-
13 portion to the weekly compensation that the partial dependency bears
14 to the amount such partial dependent would receive if he or she were
15 one of an equal number of wholly dependents.

16 4. When weekly compensation has been paid to an injured em-
17 ployee prior to his death, the compensation to dependents shall run
18 from the date to which compensation was fully paid to such employee,
19 but shall not continue for more than three hundred (300) weeks from
20 the date of the injury.

21 5. Where an employee is entitled to compensation under this chap-
22 ter for an injury received and death ensues from any cause not result-
23 ing from the injury for which he was entitled to the compensation,
24 payments of the unpaid balance for such injury shall cease and all

25 liability therefor shall terminate.

[C. C. 816, sub-div. d, e and f; C. C. 817.]

Sec. 31. **When Compensation Begins—Periodical Increase.**

1 Except as to injuries resulting in partial permanent disability,
2 compensation shall begin on the fifteenth day of disability after the
3 the injury.

4 If the period of disability extends beyond the thirty-fifth day fol-
5 lowing the date of injury, then the compensation for the fifth week
6 shall be increased by adding thereto an amount equal to two-thirds
7 ($\frac{2}{3}$) of one (1) week of compensation; if the period of disability
8 extends beyond the forty-second day following the date of injury,
9 then the compensation for the sixth week shall be increased by adding
10 thereto an amount equal to two-thirds ($\frac{2}{3}$) of one (1) week of com-
11 pensation; if the period of disability extends beyond the forty-ninth
12 day following the date of injury, then the compensation for the sev-
13 enth week shall be increased by adding thereto an amount equal to
14 two-thirds ($\frac{2}{3}$) of one (1) week of compensation; if the period of
15 disability extends beyond the forty-ninth day following the date of
16 injury, then the compensation thereafter shall be only the weekly
17 compensation.

[C. C. 816, sub-div. g.]

Sec. 32. **Compensation for Temporary Disability—Limit.**

1 For injury producing temporary disability, and beginning on the
2 fifteenth day thereof, the employer shall pay the weekly compensation
3 during the period of such disability, but not exceeding three hundred
4 (300) weeks, together with the periodical increase in cases to which
5 the preceding section applies.

[C. C. 816, sub-div. h.]

Sec. 33. Compensation for Permanent Total Disability.

1 For an injury causing permanent total disability the employer
2 shall pay the weekly compensation during four hundred (400) weeks
3 from the date of such injury.

[C. C. 816, sub-div. i.]

Sec. 34. Schedule of Permanent Partial Disabilities.

1 For permanent partial disability the compensation shall be as
2 follows:

3 1. For the loss of a thumb, weekly compensation during forty
4 (40) weeks.

5 2. For the loss of a first finger, commonly called the index finger,
6 weekly compensation during thirty (30) weeks.

7 3. For the loss of a second finger, weekly compensation during
8 twenty-five (25) weeks.

9 4. For the loss of a third finger, weekly compensation during
10 twenty (20) weeks.

11 5. For the loss of a fourth finger, commonly called the little
12 finger, weekly compensation during fifteen (15) weeks.

13 6. The loss of the first phalange of the thumb or of any finger
14 shall equal the loss of one-half ($\frac{1}{2}$) of such thumb or finger and com-
15 pensation shall be one-half ($\frac{1}{2}$) of the time last above specified.

16 7. The loss of more than one (1) phalange shall equal the loss
17 of the entire finger or thumb.

18 8. For the loss of a great toe, weekly compensation during twenty-
19 five (25) weeks.

20 9. For the loss of one (1) of the toes other than the great toe,

21 weekly compensation during fifteen (15) weeks.

22 10. The loss of the first phalange of any toe, shall equal the loss
23 of one-half ($\frac{1}{2}$) of such toe and the compensation shall be one-half
24 ($\frac{1}{2}$) of the time last above specified.

25 11. The loss of more than one (1) phalange shall equal the loss
26 of the entire toe.

27 12. For the loss of a hand, weekly compensation during one hun-
28 dred fifty (150) weeks.

29 13. The loss of two-thirds ($\frac{2}{3}$) of that part of an arm between
30 the shoulder joint and the elbow joint shall equal the loss of an arm
31 and the compensation therefor shall be weekly compensation during
32 two hundred twenty-five (225) weeks.

33 14. For the loss of a foot, weekly compensation during one hun-
34 dred twenty-five (125) weeks.

35 15. The loss of two-thirds ($\frac{2}{3}$) of that part of a leg between
36 the hip joint and the knee joint shall equal the loss of a leg, and the
37 compensation therefor shall be weekly compensation during two hun-
38 dred (200) weeks.

39 16. For the loss of an eye, weekly compensation during one hun-
40 dred (100) weeks.

41 17. For the loss of a second or last eye, the other eye having
42 been lost prior to the injury resulting in the loss of the second eye,
43 weekly compensation during two hundred (200) weeks.

44 18. For the entire loss of hearing in one (1) ear, weekly com-
45 pensation during fifty (50) weeks, and for the entire loss of hearing
46 in both ears, weekly compensation during one hundred fifty (150)
47 weeks.

48 19. The loss of both arms, or both hands, or both feet, or both
49 legs, or both eyes, or of any two (2) thereof, caused by a single acci-
50 dent, shall equal permanent total disability, to be compensated as such.

51 20. In all other cases of permanent partial disability, the com-
52 pensation shall bear such relation to the periods of compensation
53 stated in the above schedule as the disability bears to those produced
54 by the injuries named in the schedule.

[C. C. 816, sub-divs. 1 to 20 inc. of sub-div. j.]

Sec. 35. Basis of Computation.

1 1. Compensation shall be computed on the basis of the annual
2 earnings which the injured person received as salary, wages or earn-
3 ings in the employment of the same employer during the year next
4 preceding the injury.

5 2. Employment by the same employer shall mean in the grade
6 in which the employee was employed at the time of the accident, unin-
7 terrupted by absence from work due to illness or any other unavoid-
8 able cause.

9 3. The annual earnings, if not otherwise determinable, shall be
10 three hundred (300) times the average daily earnings.

11 4. If the injured person has not been engaged in the employment
12 for a full year immediately preceding the accident, the compensation
13 shall be computed according to the annual earnings which persons
14 of the same class in the same or in neighboring employments of the
15 same kind have earned during such period. And if this basis of com-
16 putation is impossible, or should appear to be unreasonable, three
17 hundred (300) times the amount which the injured person earned
18 on an average of those days when he was working during the year

19 next preceding the accident, shall be the basis for the computation.

20 5. In case of injured employees who earn either no wages or less
21 than three hundred (300) times the usual daily wage or earnings of
22 the adult day laborer in the same line of industry of that locality, the
23 yearly wage shall be reckoned as three hundred (300) times the aver-
24 age daily local wages of the average wage earner in that particular
25 kind or class of work; or if information of that kind is not obtainable,
26 then the class most kindred or similar in the same general employment
27 in the same neighborhood.

28 6. For employees in a business or enterprise which customarily
29 shuts down and ceases operation during a season of each year, the
30 number of working days which it is the custom of such business or
31 enterprise to operate each year instead of three hundred (300) shall
32 be the basis for computing the annual earnings; but the minimum
33 number of days which shall be used as a basis for the year's work
34 shall not be less than two hundred (200).

35 7. Earnings, for the purpose of this section, shall be based on
36 the earnings for the number of hours commonly regarded as a day's
37 work for that employment and shall exclude overtime earnings. The
38 earnings shall not include any sum which the employer has been accus-
39 tomed to pay the employee to cover any special expense entailed on
40 him by the nature of the employment.

41 8. In computing the compensation to be paid to any employee
42 who, before the accident for which he claims compensation, was dis-
43 abled and drawing compensation under the provisions of this chapter,
44 the compensation for each subsequent injury shall be apportioned ac-
45 cording to the proportion of disability caused by the respective injuries

46 which he shall have suffered.

[C. C. 822, sub-div. a to h inc.]

Sec. 36. Contributions From Employees—No Reduction of Employer's Liability.

1 The compensation herein provided shall be the measure of liabil-
2 ity which the employer has assumed for injuries or death that may
3 occur to employees in his employment subject to the provisions of this
4 chapter, and it shall not be in anywise reduced by contribution from
5 employees or other donations.

[C. C. 819.]

Sec. 37. Examination of Injured Employee—Suspension of Compensation.

1 After an injury, the employee, if so requested by his employer,
2 shall submit himself for examination at some reasonable time and
3 place within the state and as often as may be reasonably requested, to
4 a physician or physicians authorized to practice under the laws of
5 this state, without cost to the employee; but if the employee requests,
6 he shall, at his own cost, be entitled to have a physician of his own
7 selection present to participate in such examination. The refusal of
8 the employee to submit to such examination shall deprive him of the
9 right to any compensation for the period of such refusal.

[C. C. 818.]

Sec. 38. Employer to Furnish Statement of Earnings.

1 The employer shall furnish upon request of an injured employee
2 or dependent or any legal representative acting for such person, a
3 statement of the earnings, wages, or salary and other matters relating
4 thereto during the year or part of the year that such employee was
5 in the employment of such employer for the year preceding the injury;

6 but not more than one (1) report shall be required on account of any
7 one (1) injury.

[C. C. 833.]

Sec. 39. Penalty for Refusing or Neglecting to Furnish Statement.

1 On failure of the employer to furnish such statement of earnings
2 for thirty (30) days after receiving written request therefor from
3 an injured employee, his agent, attorney, dependent or legal repre-
4 sentative, such employer shall pay a penalty of twenty-five dollars
5 (\$25.00) for each offense to be collected by the commissioner in any
6 court having jurisdiction and paid into the state treasury.

[New.]

Sec. 40. Persons Conclusively Presumed Wholly Dependent.

1 The following shall be conclusively presumed to be wholly de-
2 pendent upon the deceased employee:

3 1. The surviving spouse, with the following exceptions:

4 a. When it is shown that at the time of the injury the surviving
5 spouse had wilfully deserted deceased without fault of the deceased,
6 then such survivor shall not be considered as dependent in any degree.

7 b. When the surviving spouse was not the lawful wife or husband
8 of deceased at the time of the injury.

9 c. When the deceased leaves no dependent children and the sur-
10 viving spouse remarries, then all compensation shall cease on the date
11 of such marriage.

12 2. A child or children under sixteen (16) years of age, and, over
13 said age if physically or mentally incapacitated from earning, whether
14 actually dependent for support or not upon the parent at the time of
15 of his or her death. An adopted child or children or stepchild or

16 children shall be regarded the same as issue of the body.

17 3. A parent of a minor entitled to the earnings of the employee
18 at the time when the injury occurred. Stepparents shall be regarded
19 as parents.

[C. C. 823, sub-divs. 1, 2, 3, 6, 7 of sub-div. c.]

Sec. 41. Payment to Spouse—Her Death Before Payment.

1 If the deceased employee leaves a surviving spouse, the full com-
2 pensation shall be paid to her or him, subject to the exceptions in the
3 preceding section.

4 If the employee dies before full payment, the balance shall be
5 paid to the person or persons wholly dependent on deceased, if any,
6 share and share alike. If there are none wholly dependent, then such
7 balance shall be paid to partial dependents, if any, in proportion to
8 their dependency.

[C. C. 823, sub-div. 4 of sub-div. c.]

Sec. 42. Payment to Actual Dependents.

1 In all other cases, questions of dependency in whole or in part
2 shall be determined in accordance with the facts; and in such other
3 cases if there is more than one (1) person wholly dependent, the
4 death benefit shall be equally divided among them. If there is no
5 one wholly dependent and more than one (1) person partially de-
6 pendent, the death benefit shall be divided among them in the pro-
7 portion each dependency bears to their aggregate dependency; but
8 when the payments are commuted to a lump sum, the court or com-
9 missioner, in making distribution thereof, shall take into considera-
10 tion the contingent rights of partial dependents or the rights of those
11 who may become such after a wholly dependent child or children

12 become sixteen (16) years of age.

[C. C. 823, sub-div. 5 of sub-div. c.]

Sec. 43. Commutation—Conditions for Granting.

1 Future payments of compensation may be commuted to a present
2 worth lump sum payment on the following conditions:

3 1. When the period during which compensation is payable can
4 be definitely determined.

5 2. When the written approval of such commutation by the indus-
6 trial commissioner has been filed in the proceedings to commute.

7 3. When it shall be shown to the satisfaction of the court or a
8 judge thereof that such commutation will be for the best interest of
9 the person or persons entitled to the compensation, or that periodical
10 payments so compared with a lump sum payment will entail undue
11 expense, hardship or inconvenience upon the employer liable therefor.

[C. C. 821.]

Sec. 44. Proceedings for Commutation.

1 A written petition for commutation may be made to the district
2 court in and for the county in which the injury occurred or to any
3 judge thereof, and which shall have indorsed thereon the approval
4 of the industrial commissioner.

5 Notice of the filing or presentation of such petition shall be
6 served upon the opposite party or parties for the time and in the man-
7 ner required for original notices. The court or judge shall hear and
8 determine the matter as a proceeding in equity and render such judg-
9 ment and decree, granting such commutation or dismissing the petition
10 as equity will warrant on the facts presented.

[C. C. 821, modified.]

Sec. 45. Basis of Commutation—Payment—Discharge.

1 When the commutation is ordered, the court shall fix the lump
2 sum to be paid at an amount which will equal the total sum of the
3 probable future payments capitalized at their present value and upon
4 the basis of interest, calculated at five per cent (5%) per annum.
5 Upon the payment of such amount the employer shall be discharged
6 from all further liability on account of such injury or death, and be
7 entitled to a duly executed release, upon filing which the liability of
8 such employer under any agreement, award, finding or judgment shall
9 be discharged of record.

[C. C. 821.]

Sec. 46. Trustees for Minors and Those Mentally Incompetent.

1 When an injured minor employee, or a minor dependent, or one
2 mentally incompetent, is entitled to compensation under this chapter,
3 payment shall be made to a trustee appointed by the judge of the
4 district court for the county in which the injury occurred, and the
5 money coming into the hands of said trustee shall be expended for
6 the use and benefit of the person entitled thereto under the direction
7 and orders of the judge during term time or in vacation. If the judge
8 making the appointment deems it advisable, a trustee may be ap-
9 pointed to serve for more than one (1) county in the district and the
10 expenses shall be paid ratably by each county according to the amount
11 of work performed in each county. The trustee shall qualify and
12 give bond in such amount as the judge may direct, which may be
13 increased or diminished from time to time as the court may deem best.

[C. C. 820.]

Sec. 47. Annual Report of Trustee—Compensation.

1 The trustee shall make annual reports to the court of all money
2 or property received and expended for each person and for services
3 rendered as trustee shall be paid such compensation by the county as
4 the court may direct by written order directed to the auditor of the
5 county, who shall issue a warrant therefor upon the treasurer of the
6 county in which the appointment is made.

[C. C. 820.]

Sec. 48. Alien Dependents in Foreign Country—Representative.

1 In case a deceased employee for whose injury or death compen-
2 sation is payable leaves surviving him an alien dependent or depend-
3 ents residing outside the United States, the consul general, consul,
4 vice consul or consular agent of the nation of which the said dependent
5 or dependents are citizens shall be regarded as the exclusive repre-
6 sentative of such dependent or dependents, for the purpose of receiv-
7 ing from the proper person or custodian of such funds and distribut-
8 ing and paying to such foreign resident beneficiaries all compensation
9 to which they shall be entitled under this chapter, by complying with
10 the provisions of the next three (3) sections.

[C. C. 820, modified.]

Sec. 49. Consular Officer or Agent May Be Appointed Trustee.

1 When an administrator other than such consular officer, agent
2 or representative has been appointed for the estate of such deceased
3 employee, such consular officer may file with the district court in which
4 such administration is pending, evidence of his authority, and there-
5 upon the court shall appoint him a trustee for such foreign resident
6 alien beneficiaries, and thereafter he shall be subject to the jurisdic-

7 tion of said court till his final report of distribution and payment has
8 been filed and approved. As such trustee he shall have the right to
9 receive from the administrator or other person all funds after the
10 payment of costs and expenses of administration.

[C. C. 820, modified.]

Sec. 50. Preference of Resident Relatives—Waiver.

1 Any adult relative of such deceased employee, either by blood or
2 marriage, residing within the state, shall have the exclusive right for
3 twenty (20) days after the death of such employee, to apply for let-
4 ters of administration, but may file a written waiver of such right
5 in the office of the clerk of the district court in the county where said
6 deceased last resided, in favor of such consular officer, agent, repre-
7 sentative or any other resident of the state, and in such case the court
8 shall appoint the person in whose favor such waiver is filed.

[C. C. 820, modified.]

Sec. 51. Consular Officer or Agent Appointed Administrator.

1 In cases where no administrator of the estate of such deceased
2 employee has been appointed within twenty (20) days after the death
3 of decedent, such consular officer, agent or representative, may apply
4 for and receive letters of administration in the county where said
5 deceased resided at the time of his death, giving bond and qualifying
6 as such, and thereafter he shall be subject to the jurisdiction of said
7 court until his final report has been filed and approved and he shall
8 have been discharged.

[C. C. 820, modified.]

Sec. 52. Notice to Consular Officer of Death of Employees With Alien Dependents.

1 If such consular officer, or his duly appointed representative, shall
2 file with the industrial commissioner evidence of his authority, the
3 industrial commissioner shall notify such consular officer or his repre-
4 sentative of the death of all employees leaving alien dependent or de-
5 pendants residing in the country of said consular officer so far as same
6 shall come to his knowledge.

[C. C. 820.]

Sec. 53. Provisions Apply Only to Compensation Cases.

1 The provisions of the last five (5) preceding sections shall only
2 apply to compensation cases arising under this chapter.

[New.]

Sec. 54. Insurance Against Compensation Prohibited—Penalty.

1 Any contract of employment, relief benefit or insurance or other
2 device whereby the employee is required to pay any premium or pre-
3 miums for insurance against the compensation provided for in this
4 chapter shall be null and void; and any employer withholding from
5 the wages of any employee any amount for the purpose of paying
6 any such premium shall be guilty of a misdemeanor and punishable
7 by a fine not less than ten dollars (\$10.00) nor more than fifty dollars
8 (\$50.00) for each offense.

[C. C. 824.]

Sec. 55. Provisions Cannot Be Waived.

1 No employee or beneficiary to whom this chapter applies, shall
2 have power to waive any of the provisions of this chapter in regard
3 to the amount of compensation which may be payable to such em-
4 ployee or beneficiary hereunder.

[C. C. 824.]

Sec. 56. Contract Respecting Claim for Injury Deemed Fraudulent.

1 Any contract or agreement made by any employer or his agent
2 or attorney with any employee or any other beneficiary under the
3 provisions of this chapter within twelve (12) days after the injury
4 shall be presumed to be fraudulent.

[C. C. 825.]

Sec. 57. Employees in Interstate and Intrastate Commerce.

1 So far as permitted, or not forbidden, by any act of congress,
2 subject to the approval of the industrial commissioner, the employers
3 engaged in interstate or foreign commerce and their employees work-
4 ing only in this state, may by written agreement mutually accept and
5 become bound by the provisions of this chapter in like manner and
6 with the same force and effect in every respect as by this chapter
7 provided for other employers and employees.

[C. C. 827.]

Sec. 58. Payment to Employees of State.

1 All valid claims now due or which may hereafter become due
2 employees of the state under the provisions of this chapter, shall be
3 paid out of any funds in the state treasury not otherwise appropriated.

[C. C. 828.]

Sec. 59. Auditor to Issue Warrants.

1 The auditor of state is hereby authorized and directed to draw
2 warrants on the state treasury for any and all amounts due state
3 employees under the provisions of this chapter upon there being filed
4 in his office, either a memorandum of settlement approved by the
5 industrial commissioner or of an award made by a board of arbitra-

6 tion, for which no review is pending, or an order of the industrial
7 commissioner from which no appeal has been taken, or a judgment
8 of any court of the state accompanied by a certificate of the indus-
9 trial commissioner setting forth the amount of compensation due and
10 the statutory provisions under which the same should be paid.

[C. C. 829.]

Sec. 60. Board of Audit Not to Approve.

1 Claims for compensation under the last two (2) preceding sec-
2 tions shall not require approval by the board of audit.

[C. C. 830.]

Sec. 61. Terms Defined.

1 In this chapter, unless the context otherwise requires, the follow-
2 ing definition of terms shall prevail:

3 1. "Employer" includes and applies to any person, firm, associa-
4 tion or corporation, state, county, municipal corporation, city under
5 special charter and under commission form of government, school dis-
6 trict and the legal representatives of a deceased employer.

7 2. "Workman" or "employee" means a person who has entered
8 into the employment of, or works under contract of service, express
9 or implied, or apprenticeship for any employer, except a person whose
10 employment is purely casual, or not for the purpose of the employer's
11 trade or business, or one holding an official position, or standing in a
12 representative capacity of the employer, or an official elected or ap-
13 pointed by the state, county, school district, municipal corporation,
14 cities under special charter and commission form of government, or
15 those engaged in clerical work only. But clerical work shall not in-

16 clude any one who may be subjected to the hazards of the business.

17 An independent contractor shall not be considered an employee.

18 3. The term "workman" or "employee" shall include the singular
19 and plural of both sexes. Any reference to a workman or employee
20 who has been injured shall, when such workman or employee is dead,
21 include, his dependents as herein defined, legal representatives and
22 where the workman or employee is a minor or incompetent it shall
23 include his guardian or next friend.

24 4. The words "injury" or "personal injury" shall be construed
25 as follows:

26 a. They shall include death resulting from personal injury.

27 b. They shall not include injury caused by the wilful act of a
28 third person against an employee for reasons personal to or against
29 such employee, or by reason or on account of his employment.

30 c. They shall not include a disease unless it shall result from the
31 injury.

32 5. The words "personal injury arising out of and in the course
33 of the employment" shall include injuries to employees whose services
34 are being performed on, in or about the premises which are occupied,
35 used or controlled by the employer, and also injuries to those who
36 are engaged elsewhere in places where their employer's business re-
37 quires their presence and subjects them to dangers incident to the
38 business.

39 6. The word "court" whenever used in this chapter, unless the
40 context shows otherwise, shall be taken to mean the district court.

[C. C. 823, sub-divs. d to h, inclusive.]

CHAPTER 4

INDUSTRIAL COMMISSIONER

Sec. 62. Industrial Commissioner—Term—Vacancy.

1 The governor shall, prior to the adjournment of the general
2 assembly in nineteen hundred nineteen (1919) and each six (6) years
3 thereafter, appoint, with the approval of the senate, an industrial
4 commissioner whose term of office shall be six (6) years from July
5 first of the year of appointment. He shall maintain his office at the
6 seat of government. An appointment to fill a vacancy may be made
7 when the senate is not in session, but shall be acted upon at the next
8 session thereof.

[C. C. 831.]

Sec. 63. Appointment of Deputy—Other Help.

1 The commissioner shall, in writing, appoint one (1) deputy for
2 whose acts he shall be responsible. He may also with the approval
3 of the executive council appoint such additional office and clerical
4 help as shall be necessary to properly carry on the business and dis-
5 charge the duties thereof, and to serve during the pleasure of the
6 commissioner.

[C. C. 831, modified.]

Sec. 64. Duties of the Deputy.

1 The deputy, in the absence or disability of the industrial com-
2 missioner or in cooperation with him, shall have all of the powers and
3 perform all of the duties of the industrial commissioner pertaining
4 to his office.

[C. C. 831.]

Sec. 65. Appropriation for Expenses.

1 There is hereby appropriated out of any money not otherwise
2 appropriated, or so much thereof as may be required, the sum of
3 twenty thousand dollars (\$20,000.00) annually to defray the expenses
4 of said office.

[C. C. 832.]

Sec. 66. Political Activity and Contributions Prohibited.

1 It shall be unlawful for the commissioner, or any appointee of
2 the commissioner while in office, to espouse the election or appoint-
3 ment of any candidate to any political office, contribute to the cam-
4 paign fund of any political party, or to the campaign fund of any
5 person who is a candidate for election or appointment of any political
6 office, and any person violating the provisions of this section shall be
7 guilty of a misdemeanor and shall be fined one hundred dollars
8 (\$100.00), and it shall be sufficient cause for removal from office.

[C. C. 832, 846.]

**Sec. 67. Candidates for Commissioner—Political Promises Prohibited—
Penalty.**

1 Any person who is a candidate for appointment as commissioner
2 who makes any promise to another, express or implied, in considera-
3 tion of any assistance or influence given or recommendation made
4 that the candidate will, if appointed as a commissioner, appoint such
5 person or one whom he may recommend to any office within the power
6 of the commissioner to appoint, shall be fined one hundred dollars
7 (\$100.00).

[C. C. 847.]

Sec. 68. Recommendations of Candidate in Writing—Record.

1 All recommendations to the governor of any person asking the
2 appointment of another as commissioner shall be reduced to writing
3 signed by the person presenting the same, which shall be filed by the
4 governor in his office and open at all reasonable times for public in-
5 spection, and all recommendations made by any person to the com-
6 missioner for the appointment of another within the power of the
7 commissioner to appoint, shall be reduced to writing, signed by the
8 person presenting the same and filed by the commissioner and open
9 for public inspection at all reasonable times. If any person recom-
10 mending the appointment of another within the contemplation of this
11 section refuses to reduce the same to writing, it shall be the duty of
12 the person to whom the recommendation is made, to make a memo-
13 randum thereof, stating the name of the person recommended and
14 the name of the person who made the same, which shall be filed in the
15 office of the governor or the commissioner as the case may be.

[C. C. 848.]

Sec. 69. Interest in Affected Business Prohibited.

1 It shall be unlawful for the commissioner to be financially inter-
2 ested in any business enterprise coming under or affected by this
3 chapter during his term of office, and if he violates this statute, it
4 shall be sufficient grounds for his removal from office, and in such
5 case the governor shall at once declare the office vacant and appoint
6 another to fill the vacancy.

[C. C. 848.]

Sec. 70. Duties—Rules and Regulations—Reports.

1 It shall be the duty of the commissioner:

2 1. To establish and enforce all necessary rules and regulations
3 not in conflict with the provisions of this and the preceding and the
4 next succeeding chapters for carrying out the purposes thereof.

5 2. To prepare and distribute the necessary blanks relating to
6 computation, adjustment and settlement of compensation arising
7 thereunder.

8 3. To preside as chairman of boards of arbitration for the settle-
9 ment of controversies.

10 4. To keep records of all proceedings and decisions of such
11 boards, issue subpoenas for witnesses, administer oaths, examine
12 books and records of parties subject to such provisions.

13 5. In general to do all things not inconsistent with law in carry-
14 ing out said provisions according to their true intent and purpose.

[C. C. 833, modified.]

Sec. 71. Biennial Reports.

1 The commissioner shall on or before the first day of October in
2 each even-numbered year make a biennial report to the governor set-
3 ting forth in appropriate form the business and expense of the office
4 for the two (2) preceding years, the number of arbitrations and the
5 results thereof and such other matters pertaining to his office as may
6 be of public interest, together with any recommendations for change
7 or amendments of the laws as found in this and the preceding and
8 next succeeding chapters, and which recommendations, if any, shall
9 be transmitted by the governor to the first general assembly in session
10 thereafter.

[C. C. 833, modified.]

Sec. 72. Pay Rolls and Records Open to Inspection of Commissioner.

1 All books, records and pay rolls of the employers, showing or
2 reflecting in any way upon the amount of wage expenditure of such
3 employers, shall always be open for inspection by the industrial com-
4 missioner or any of his representatives presenting a certificate of
5 authority from said commissioner for the purpose of ascertaining the
6 correctness of the wage expenditure; the number of men employed
7 and such other information as may be necessary for the uses and pur-
8 poses of the commissioner in his administration of the law. Informa-
9 tion so obtained shall be used for no other purpose than to advise
10 the commissioner or insurance association with reference to such mat-
11 ters. A refusal on the part of the employer to submit his books, rec-
12 ords or pay rolls for the inspection of the commissioner or his author-
13 ized representatives presenting written authority from the commis-
14 sioner, shall subject the employer to a penalty of one hundred dollars
15 (\$100.00) for each such offense, to be collected by civil action in the
16 name of the state, and paid into the state treasury.

[C. C. 845.]

Sec. 73. Reports of Injuries—Records—Inspection.

1 Every employer shall hereafter keep a record of all injuries, fatal
2 or otherwise, sustained by his employees in the course of their em-
3 ployment and resulting in incapacity for a longer period than one
4 (1) day. Within forty-eight (48) hours, not counting Sundays and
5 legal holidays, after the employer has knowledge of the occurrence
6 of an accident resulting in personal injury causing incapacity for a
7 longer period than one (1) day, a report shall be made in writing
8 by the employer to the industrial commissioner on blanks to be pro-

9 cured from the commissioner for that purpose.

[C. C. 845.]

Sec. 74. Subsequent Reports.

1 Upon the termination of the disability of the injured employee,
2 or if such disability extends beyond a period of sixty (60) days, at
3 the expiration of such period, the employer shall make a supplemental
4 report on blanks to be procured from the commissioner for that pur-
5 pose. The said reports shall contain the name and nature of the
6 business of the employer, the location of the establishment, the name,
7 age, sex and occupation of the injured employee, and shall state the
8 date and hour of the accident, the nature and cause of the injury, and
9 such other information as may be required by the commissioner. Any
10 employer who fails to make the report required by this and the pre-
11 ceding section shall be liable to a penalty of fifty dollars (\$50.00) for
12 each offense, to be recovered by the commissioner. The commissioner
13 shall be represented by the county attorney of the county in which
14 such proceeding is brought.

[C. C. 845.]

Sec. 75. Compensation Agreements—Approval.

1 If the employer and the employee reach an agreement in regard
2 to the compensation, a memorandum thereof shall be filed with the
3 industrial commissioner by the employer or employee, and unless the
4 commissioner shall, within twenty (20) days, notify the employer and
5 employee of his disapproval of the agreement by registered letter sent
6 to their addresses as given on the memorandum filed, the agreement
7 shall stand approved and be enforceable, for all purposes, except as
8 otherwise provided in this chapter. In case the injured employee is

9 a minor, either he or his trustee may execute the memorandum of
10 agreement and may give a valid and binding release for the compen-
11 sation paid on his account. Such agreement shall be approved by
12 said commissioner only when the terms conform to the provisions of
13 this and the preceding chapter.

[C. C. 834.]

Sec. 76. Board of Arbitration.

1 If the employer and injured employee or his representatives or de-
2 pendents fail to reach an agreement in regard to compensation, either
3 party may notify the industrial commissioner, who shall thereupon
4 in writing notify the parties to form a board of arbitration. Such
5 board shall consist of three (3) persons, one (1) of whom shall be
6 the industrial commissioner or his deputy, who shall act as chairman.
7 The other two (2) shall be named, respectively, by the two (2) parties.

[C. C. 835.]

Sec. 77. Commissioner to Appoint When.

1 If either party fails to appoint an arbitrator by the time fixed
2 for hearing, the commissioner shall appoint one for such defaulting
3 party.

[C. C. 837.]

Sec. 78. Oath of Arbitrators.

1 The arbitrators appointed by the parties shall be sworn by the
2 chairman to take the following oath:

3 "I,, do solemnly swear (or affirm)
4 that I will faithfully perform my duties as arbitrator and will not
5 be influenced in my decision by any feeling of friendship or partiality

6 toward either party.

7 Signed.....”

[C. C. 836.]

Sec. 79. Powers of Board—Hearings—Decision.

1 The board of arbitration shall make such inquiries and investi-
 2 gations as it shall deem necessary. The hearings of the board shall
 3 be in the county where the injury occurred, but by written stipula-
 4 tion of the parties filed in the case it may be held at any other place
 5 in the state. If the injury occurred outside this state the hearings
 6 of the board shall be held in the county seat of this state which is
 7 nearest to the place where the injury occurred unless the interested
 8 parties and the industrial commissioner mutually agree by written
 9 stipulation that the same may be held at some other place.

[C. C. 838, modified.]

Sec. 80. Liberal Rules of Evidence.

1 While sitting as a board of arbitration, or when conducting a
 2 hearing on review, or in making any investigation or inquiry, neither
 3 the board of arbitration nor the commissioner shall be bound by com-
 4 mon law or statutory rules of evidence or by technical or formal rules
 5 of procedure; but they shall hold such arbitrations, or conduct such
 6 hearings and make such investigations and inquiries in such manner
 7 as is best suited to ascertain and conserve the substantial rights of all
 8 parties thereto.

[C. C. 833.]

Sec. 81. Appointment of Shorthand Reporters.

1 For the purpose of taking the evidence at any hearing before
 2 the commissioner or a board of arbitration the commissioner may on

3 written request filed by either party to the controversy appoint an
4 official shorthand reporter for such hearing, whose duty it shall be
5 to faithfully and accurately report all evidence, offers of evidence,
6 rulings, exceptions and other proceedings as required.

[New.]

Sec. 82. Compensation—Payment.

1 Such reporter shall be paid not to exceed ten dollars (\$10.00) per
2 day and expense of transportation, which shall be paid in the first
3 instance by the party requesting his appointment, and such expense
4 taxed as other costs in the case.

[New.]

Sec. 83. Transcript of Evidence—Compensation.

1 The official shorthand reporter appointed for any hearing, before
2 the commissioner or a board of arbitration on written request by either
3 party to the controversy, or the commissioner, shall make a transcript
4 of the evidence or so much as shall be requested, to be paid for at the
5 rate of not to exceed ten cents (10c) for each one hundred (100)
6 words. The transcript shall be paid for by the party requesting it,
7 and if used as the record of the evidence on a review or appeal, the
8 expense shall be taxed as part of the costs against the losing party,
9 or apportioned as the case may be.

[New.]

Sec. 84. Depositions.

1 The deposition of any witness may be taken and used as evidence
2 in any hearing pending before a board of arbitration or the industrial
3 commissioner in compensation proceedings.

4 Such deposition shall be taken in the same manner as provided

5 for the taking of depositions for use in the district court, and when
6 so taken shall be admissible in evidence in such hearings in the same
7 manner subject to the same rules governing the admission of evidence
8 as in the district court.

9 Application for a commission to take depositions in such case
10 shall be filed in the office of the clerk of the district court of the county
11 wherein the injury occurred.

[C. C. 833.]

Sec. 85. Findings of Arbitration Board Filed.

1 The decision of the board of arbitration together with a state-
2 ment of evidence submitted before it, its findings of fact, rulings of
3 law and any other matters pertinent to questions arising before it
4 shall be filed with the industrial commissioner.

[C. C. 838.]

Sec. 86. Petition for Review—Proceedings.

1 Any party aggrieved by the decision or findings of a board of
2 arbitration may within five (5) days after such decision is filed with
3 the industrial commissioner, file in the office of the commissioner a
4 petition for review, who shall thereupon fix a time for the hearing on
5 such petition and notify the parties.

6 At such hearing, the commissioner shall hear the parties, consider
7 all evidence taken before the board of arbitration if it has been tran-
8 scribed, and hear any additional evidence, and he may affirm, modify
9 or reverse the decision of the board, or may remand it to the board
10 for further findings of facts.

[C. C. 841, 842.]

Sec. 87. Decision and Findings of Fact by Commissioner.

1 The decision of the industrial commissioner in any case on review
2 before him shall be in writing filed in his office and shall set forth:

- 3 1. Findings of fact on all fact issues before him.
- 4 2. Conclusions of law on all legal questions raised on review.

[C. C. 841, 842, modified.]

Sec. 88. Appeal—Time—Manner.

1 Any party aggrieved by any decision or order of the industrial
2 commissioner in a proceeding on review, may within thirty (30) days
3 from the date such decision or order is filed, appeal therefrom to the
4 district court of the county, in which the injury occurred, by filing in
5 the office of the commissioner a written application for appeal setting
6 forth in general terms the decision appealed from and the grounds
7 of the appeal. The commissioner shall forthwith give notice to the
8 other parties in interest.

[C. C. 842, modified.]

Sec. 89. Transcript.

1 Within thirty (30) days after an application for an appeal is filed
2 with the commissioner, he shall make, certify and file in the office of
3 the clerk of the court to which the appeal is taken, a full and complete
4 transcript of all documents in the case including any depositions and
5 a transcript of the evidence together with the application for appeal.

[C. C. 842, modified.]

Sec. 90. Trial Term—Precedence.

1 The first term after the appeal is taken shall be the trial term, and
2 if the appeal is taken during a term, it shall be triable at that term at
3 any time after ten (10) days from the date of filing the transcript

4 by the commissioner. Such appeal shall have precedence on the docket
5 and for trial over all other civil business except appeals of the same
6 kind which shall be tried in the order in which they are filed, except
7 as otherwise agreed in writing by all parties in interest and filed.

[C. C. 842, modified.]

Sec. 91. Record—Finding of Fact Conclusive.

1 The transcript as certified and filed by the industrial commis-
2 sioner shall be the record on which the appeal shall be heard, and no
3 additional evidence shall be heard. In the absence of fraud the find-
4 ings of fact made by the industrial commissioner within his powers
5 shall be conclusive.

[C. C. 842.]

Sec. 92. Power of Court on Appeal.

1 Any order or decision of the industrial commissioner may be
2 modified, reversed or set aside on one (1) or more of the following
3 grounds and on no other:

- 4 1. If the commissioner acted without or in excess of his powers.
- 5 2. If the order or decree was procured by fraud.
- 6 3. If the facts found by the commissioner do not support the
7 order or decree.
- 8 4. If there is not sufficient competent evidence in the record to
9 warrant the making of the order or decision.

[C. C. 842.]

Sec. 93. Judgment or Order Remanding.

1 When the district court on appeal reverses or sets aside an order
2 or decision of the industrial commissioner, it may remand the case to
3 the commissioner for further proceedings in harmony with the hold-

4 ings of the court, or it may enter the proper judgment, as the case
5 may be. Such judgment or decree shall have the same force and
6 effect as if action had been originally brought and tried in said court.

[C. C. 842.]

Sec. 94. Costs on Appeal.

1 The clerk shall charge no fee for any service rendered in com-
2 pensation appeal cases except the filing fee and transcript fees when
3 the transcript of a judgment is required. The taxation of costs in
4 such appeals shall be in the discretion of the court.

[C. C. 842.]

Sec. 95. Appeal to Supreme Court—Time for Submission.

1 An appeal may be taken to the supreme court from any final
2 order, judgment or decree of the district court, but such appeal shall
3 be docketed, placed upon the term calendar and submitted in the same
4 time and manner as criminal causes in said court.

[C. C. 842.]

Sec. 96. Review of Payments Fixed by Agreement or Award.

1 Any award for payments or agreement for settlement made under
2 this chapter where the amount has not been commuted, may be re-
3 viewed by the industrial commissioner at the request of the employer
4 or of the employee at any time, and if on such review the commis-
5 sioner finds the condition of the employee warrants such action, he
6 may end, diminish or increase the compensation so awarded or agreed
7 upon.

[C. C. 843, modified.]

Sec. 97. Notice—Hearing.

1 When any interested party desires a review of payments or settle-

2 ment as provided in the preceding section, he shall file a petition for
3 review with the industrial commissioner setting forth the grounds
4 upon which the right of review is claimed. The commissioner shall
5 forthwith give the parties in interest notice of the time fixed for such
6 hearing, which shall not be less than five (5) days from the date of
7 filing such petition.

[C. C. 843, modified.]

Sec. 98. Notice by Commissioner—How Given.

1 Any notice to be given by the commissioner or court provided for
2 in this chapter shall be in writing, but service thereof shall be suffi-
3 cient if registered and deposited in the mail, addressed to the last
4 known address of the parties unless otherwise provided in this chapter.

[C. C. 843.]

Sec. 99. Place of Hearing All Reviews by Commissioner.

1 All petitions for review of the decision and findings of a board
2 of arbitration, and all petitions for review of payments or settlements,
3 shall be heard at the seat of government, unless the interested parties
4 and the industrial commissioner agree by written stipulation that any
5 such petition may be heard elsewhere.

[C. C. 843.]

Sec. 100. Court to Revoke or Modify Judgment When.

1 Upon the presentation to the court of a certified copy of a de-
2 cision of the industrial commissioner ending, diminishing or increas-
3 ing a weekly payment under the provisions of this chapter, the court
4 shall revoke or modify any judgment or decree then on record in his
5 court to conform to such decision.

[C. C. 843.]

Sec. 101. Examination by Physician—Fee—Evidence.

1 The industrial commissioner may appoint a duly qualified, impar-
2 tial physician to examine the injured employee and make report. The
3 fee for this service shall be five dollars (\$5.00), to be paid by the
4 industrial commissioner, together with traveling expenses, but the
5 commissioner may allow additional reasonable amounts in extraord-
6 inary cases. Any physician so examining any injured employee shall
7 not be prohibited from testifying before the industrial commissioner,
8 board of arbitration or any other person, commission or court, as to
9 the results of his examination or the condition of the injured employee.

[C. C. 839.]

Sec. 102. Attorney Fee—Approval—Lien.

1 The claim of any attorney for services in securing compensation
2 under this and the preceding chapter for an employee or his or her
3 dependents, shall be subject to the approval of the industrial commis-
4 sioner, and no lien for such service shall be enforceable, without the
5 approval of the amount thereof by the industrial commissioner.

[C. C. 826, 844, modified.]

Sec. 103. Compensation of Arbitrators—Costs.

1 The arbitrators except the commissioner shall each receive such
2 amount as the commissioner shall allow in each case, but not less than
3 ten dollars (\$10.00) nor more than twenty-five dollars (\$25.00) per day
4 as compensation for his services. The fees shall be paid by the em-
5 ployer, who may deduct an amount equal to one-half ($\frac{1}{2}$) the sum
6 from any compensation found due the employee. All other costs in-
7 curred in the hearing before a board of arbitration or the commissioner
8 shall be in the discretion of such board or the commissioner as the

9 case may be.

[C. C. 840, modified.]

Sec. 104. Witness Fees.

1 Witness fees and mileage on hearings before an arbitration board
2 or the industrial commissioner shall be the same as in the district
3 court.

[New.]

Sec. 105. Judgment on Award by District Court.

1 Any party in interest may present a certified copy of an order
2 or decision of the commissioner, or an award of a board of arbitration
3 from which no petition for review has been filed within the time al-
4 lowed therefor, or a memorandum of agreement approved by the com-
5 missioner, and all papers in connection therewith, to the district court
6 of the county in which the injury occurred, whereupon said court shall
7 render a decree or judgment in accordance therewith and cause the
8 clerk to notify the parties. Such decree or judgment in the absence
9 of an appeal from the decision of the industrial commissioner, shall
10 have the same effect and in all proceedings in relation thereto shall
11 thereafter be the same as though rendered in a suit duly heard and
12 determined by said court. Upon the presentation to the court of a
13 certified copy of a decision of the industrial commissioner, ending,
14 diminishing or increasing a weekly payment under the provisions of
15 this chapter, the court shall revoke or modify the decree or judgment
16 to conform to such decision.

Sec. 106. Satisfaction of Judgment or Decree.

[C. C. 842.]

1 When any judgment or decree rendered as provided in the pre-

2 ceding section has been fully paid off or complied with, satisfaction
3 shall either be entered on the record thereof by the party in whose
4 favor it is entered, or by the clerk of the court if payment is made
5 to him.

[New.]

CHAPTER 5

COMPENSATION LIABILITY INSURANCE

Sec. 107. Insurance of Liability Required.

1 Every employer subject to the provisions of this and the two (2)
2 preceding chapters shall insure his liability thereunder in some cor-
3 poration, association or organization approved by the commis-
4 sioner of insurance. Every such employer shall exhibit on demand
5 of the insurance commissioner evidence of his compliance with
6 this section; and if such employer refuses, or neglects to comply with
7 this section, he shall be liable in case of injury to any workman in
8 his employ under the common law as modified by statute, and in the
9 same manner and to the same extent as though such employer had
10 legally exercised his right to reject the provisions relating to compen-
11 sation for injury to employees.

[C. C. 850.]

Sec. 108. Notice of Failure to Insure.

1 Any employer who fails to insure his liability as required herein
2 shall keep posted a sign of sufficient size and so placed as to be easily
3 seen by his employees in the immediate vicinity where working, which
4 sign shall read as follows:

5 "NOTICE TO EMPLOYEES

6 "You are hereby notified that the undersigned employer has failed
7 to insure his liability to pay compensation as required by law, and
8 that because of such failure he is liable to his employees in damages
9 for personal injuries sustained by his employees in the same manner
10 and to the same extent as though he had legally exercised his right
11 to reject the provisions relating to compensation.

12 (Signed)....."

13 Any employer coming under the provisions of this and the two
14 (2) preceding chapters who fails to comply with this section or to
15 post and keep posted the above notice in the manner and form herein
16 required shall be guilty of a misdemeanor.

[C. C. 850.]

Sec. 109. Maximum Commission or Compensation for Reinsurance.

1 No insurer of any obligation under this chapter shall either by
2 himself or through another, either directly or indirectly, charge or
3 accept as a commission or compensation for placing or renewing any
4 insurance under this chapter more than fifteen per cent (15%) of
5 the premium charged.

[C. C. 855.]

Sec. 110. Mutual Companies—Conditions.

1 For the purpose of complying with this chapter groups of em-
2 ployers by themselves or in an association with any or all of their
3 workmen, may form insurance associations as hereafter provided, sub-
4 ject to such reasonable conditions and restrictions as may be fixed by
5 the insurance commissioner, and membership in such mutual
6 insurance organization as approved, together with evidence of the

7 payment of premiums due, shall be evidence of compliance with the
8 preceding section.

[C. C. 851.]

Sec. 111. Benefit Insurance—Approval.

1 Subject to the approval of the industrial commissioner, any em-
2 ployer or group of employers may enter into or continue an agreement
3 with his or their workmen to provide a scheme of compensation, bene-
4 fit or insurance in lieu of compensation and insurance; but such
5 scheme shall in no instance provide less than the benefits provided
6 and secured, nor vary the period of compensation provided for dis-
7 ability or for death, or the provisions of law with respect to periodic
8 payments, or the percentage that such payments shall bear to weekly
9 wages, except that the sums required may be increased; and the ap-
10 proval of the industrial commissioner shall be granted, if the scheme
11 provides for contribution by workmen, only when it confers benefits
12 in addition to those required by law commensurate with such con-
13 tributions.

[C. C. 852.]

Sec. 112. Certificate of Approval.

1 When such scheme or plan is approved by the industrial com-
2 missioner, he shall issue a certificate to that effect, whereupon it shall
3 be legal for such employer, or group of employers to contract with
4 any or all of his or their workmen to substitute such scheme or plan
5 for the provisions relating to compensation and insurance during a
6 period of time fixed by said department.

[C. C. 853.]

Sec. 113. Termination—Appeal to District Court.

1 Such scheme or plan may be terminated by the industrial com-
2 missioner on reasonable notice to the interested parties if it shall
3 appear that the same is not fairly administered, or if its operation
4 shall disclose latent defects threatening its solvency, or if for any sub-
5 stantial reason it fails to accomplish the purpose of this chapter; but
6 from any such order of said industrial commissioner the parties
7 affected, whether employer or workman, may, upon the giving of
8 proper bond to protect the interests involved, appeal for equitable
9 relief to the district court of this state in the same time and manner
10 as appeals from actions of the industrial commissioner.

[C. C. 854.]

Sec. 114. Insolvency Clause Prohibited.

1 No policy of insurance issued under this chapter shall contain
2 any provision relieving the insurer from payment if the insured be-
3 comes insolvent or discharged in bankruptcy during the period that
4 the policy is in operation, or the compensation, or any part of it, is
5 due and unpaid.

[C. C. 857.]

Sec. 115. Lien of Employees—Direct Payment by Insurer.

1 Every policy shall provide that the workman shall have a first
2 lien upon any amount becoming due on account of such policy to the
3 insured from the insurer, and that in case of the legal incapacity,
4 inability or disability of the insured to receive the amount due and
5 pay it over to the insured workman, or his dependents, said insurer
6 shall pay the same directly to such workman, his agent, or to a trustee
7 for him or his dependents, to the extent of any obligation of the insured

8 to said workman or his dependents.

[C. C. 857.]

Sec. 116. Policy Requirements.

1 Every policy issued by an insurance corporation, association or
2 organization to insure the payment of compensation shall contain a
3 clause providing that between any employer and the insurer, notice
4 to and knowledge of the occurrence of injury or death on the part
5 of the insured shall be notice and knowledge on the part of the insurer ;
6 and jurisdiction of the insured shall be jurisdiction of the insurer,
7 and the insurer shall be bound by every agreement, adjudication,
8 award or judgment rendered against the insured.

[C. C. 856.]

Sec. 117. Relief From Insurance Requirement—Proof of Solvency.

1 When an employer coming under this chapter furnishes satisfac-
2 tory proofs to the insurance commissioner of such employer's solvency
3 and financial ability to pay the compensation and benefits as by law
4 provided and to make such payments to the parties when entitled
5 thereto, or when such employer deposits with such commissioner se-
6 curity satisfactory to him and the industrial commissioner as guaranty
7 for the payment of such compensation, such employer shall be relieved
8 of the provisions of this chapter requiring insurance ; but such em-
9 ployer shall, from time to time, furnish such additional proof of sol-
10 vency and financial ability to pay as may be required by such insurance
11 commissioner or industrial commissioner.

[C. C. 858.]

Sec. 118. Revocation of Release From Insurance Requirement.

1 The insurance commissioner with the concurrence of the indus-

2 trial commissioner may, at any time, upon reasonable notice to such
3 employer and upon hearing, revoke for cause any order theretofore
4 made relieving any employer from carrying insurance as provided by
5 this chapter.

[C. C. 858.]

Sec. 119. Employer Failing to Insure—Election of Employee.

1 When any employer to which this and the two (2) preceding
2 chapters apply has not rejected the terms and provisions thereof by
3 filing and posting notice as provided in chapter three (3) of this title,
4 but has failed to insure his or its liability in one of the ways provided
5 in this chapter, then any employee of such employer, who has not
6 rejected the provisions of said chapters, in case of personal injury in
7 the course of and arising out of such employment, shall have the right
8 to elect to collect compensation as provided in chapters three (3) and
9 four (4) of this title or collect damages at common law as modified by
10 said chapter three (3).

[New.]

Sec. 120. Manner of Making Election.

1 Any employee entitled to make an election as provided in the
2 preceding section shall do so in writing signed by himself indicating
3 the election made and filed with the industrial commissioner within
4 twenty (20) days after receiving an injury for which such employee
5 is entitled to either compensation or damages.

[New.]

Sec. 121. Notice of Employer of Election.

1 Within five (5) days after a written election has been filed in
2 the office of the industrial commissioner as provided in the preceding

3 section, the commissioner shall give notice in writing to the employer
4 by registered mail as provided for giving other notice by the com-
5 missioner.

[New.]

Code Commissioners' Bill No. 43

Subject: HEALTH AND SAFETY APPLIANCES

Senate File No..... Referred to Committee on
 House File No.....
 By Date.....

A BILL FOR

An act to amend, revise and codify sections eight hundred fifty-nine (859) to eight hundred sixty-two (862), inclusive, and section eight hundred eighty-three (883) of the compiled code of Iowa, 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) to eight hundred sixty-two (862), inclusive, and section eight hundred eighty-three (883) of the compiled code of Iowa are amended, revised and codified to read as follows:

CHAPTER 4

HEALTH AND SAFETY APPLIANCES

Section 1. **Enforcement.**

- 1 It shall be the duty of the commissioner of labor of the state, and
- 2 the mayor and chief of police of every city or town, to enforce the pro-
- 3 visions of this chapter.

[C. C. 862.]

Sec. 2. **Water-closets—Separate for Each Sex.**

- 1 Every manufacturing or mercantile establishment, workshop or
- 2 hotel in which five (5) or more persons are employed, shall be pro-
- 3 vided with a sufficient number of water-closets, earth closets or privies
- 4 for the reasonable use of the persons employed therein, which shall be

5 properly screened and ventilated and kept at all times in a clean con-
6 dition and free from all obscene writing or marking; and such water-
7 closets or privies shall be supplied in the proportion of at least one (1)
8 to every twenty (20) employees; and if women or girls are employed
9 in such establishment, the water-closets, earth closets or privies used
10 by them shall have separate approaches and be separate and apart
11 from those used by the men or boys.

[C. C. 859.]

Sec. 3. Washing Facilities—Separate for Each Sex.

1 In factories, mercantile establishments, mills and workshops,
2 adequate washing facilities shall be provided for all employees; and
3 when the labor performed by the employees is of such a character as
4 to require or make necessary a change of clothing, wholly or in part,
5 by the employees, there shall be provided a dressing room, or rooms,
6 lockers for keeping clothing and adequate washing facilities separate
7 for each sex, and no person or persons shall be allowed to use the facili-
8 ties assigned to the opposite sex. A sufficient supply of water suitable
9 for drinking purposes shall be provided.

[C. C. 859.]

Sec. 4. Seats for Female Employees When Practicable.

1 All employers of females in any workshop, mercantile or manu-
2 facturing business or establishment shall provide and maintain suit-
3 able seats, when practicable, for the use of such female employees, at
4 or beside the counter or work-bench where employed, and permit the
5 use thereof by such employees to such extent as the work engaged in
6 may reasonably admit.

[C. C. 859.]

Sec. 5. Steam and Water Gauges and Safety Valves on Steam Boilers.

1 Every person owning or operating a steam boiler in this state shall
2 provide the same with steam gauge, safety-valve and water-gauge,
3 and keep the same in good order.

[C. C. 860.]

Sec. 6. Safety Appliances—Guarding Machinery.

1 It shall be the duty of the owner, agent, superintendent or other
2 person in charge of any workshop, manufacturing or other industrial
3 establishment, or concern operated by machinery, either in a fixed
4 location or when portable and moved from place to place in carrying
5 on such industry, to install and keep in order belt shifters or other
6 safe mechanical means for throwing belts on and off pulleys, install
7 loose pulleys and protect by guards or housing, all gearing, cogs, belt-
8 ing, shafting, tumbling rods, universal or knuckle joints, set screws,
9 saws, planes and other machinery, so far as practicable, when so lo-
10 cated or used that employees may receive injury thereby.

[C. C. 860, modified.]

Sec. 7. Removal of Guards or Safety Appliances.

1 When any person shall remove any guard or safety appliance from
2 any machine or other equipment or shall so adjust or place the same
3 as to destroy or impair its use in preventing bodily injury, or safe-
4 guarding health, for the purpose of enabling the employee operating
5 said machine to perform any special work that cannot otherwise be
6 performed, it shall be the duty of said employee or employer to imme-
7 diately replace it after such special work has been completed.

[C. C. 862.]

Sec. 8. Blowers and Pipes for Dust.

1 All persons, companies or corporations operating any factory or
2 workshop where emery wheels or emery belts of any description, or
3 tumbling barrels used for rumbling or polishing castings, or machines
4 which create or throw off dust sufficiently light to float in the air, are
5 used, shall provide the same with blowers and pipes of sufficient ca-
6 pacity, placed in such a manner as to protect the person or persons
7 using same from the particles of dust produced or caused thereby, and
8 to carry away said particles of dust arising from or thrown off such
9 wheels, belts, tumbling barrels or machines, while in operation, directly
10 to the outside of the building, or to some receptacle placed so as to
11 receive or confine such particles of dust; but grinding machines upon
12 which water is used at the point of grinding contact, and small emery
13 wheels which are used temporarily for tool grinding, are not included
14 within the provisions of this section, and the shops employing not more
15 than one (1) man at such work may, in the discretion of the labor com-
16 missioner, be exempt from the provisions hereof.

[C. C. 861.]

Sec. 9. Pipes and Flues for Gases.

1 Any factory, workshop, printshop or other place where molten
2 metal or other material which gives off deleterious gases or fumes is
3 kept or used shall be equipped with pipes or flues so arranged as to
4 give easy escape to such gases or fumes into the open air, or provided
5 with other adequate ventilators.

[C. C. 861.]

Sec. 10. Record of Accidents.

1 Manufacturers, manufacturing corporations, proprietors or corpo-

2 rations operating any mercantile establishment, mill, workshop, busi-
3 ness house or mine other than those subject to inspection by the state
4 mine inspector, shall keep a careful record of any accidents occurring
5 to an employee while at work for the employer, when such accident
6 results in the death of the employee or in such bodily injury as will
7 or probably may prevent him from returning to work within one (1)
8 day thereafter. The said record shall at all times be open to inspection
9 by an inspector of the bureau of labor.

[C. C. 883.]

Sec. 11. Report of Accidents.

1 Within forty-eight (48) hours after the occurrence of an accident,
2 the record of which is required to be kept, a written report thereof
3 shall be forwarded to the commissioner of labor and said commissioner
4 may require further and additional report to be furnished him should
5 the first report be by him deemed insufficient. No statement contained
6 in any such report shall be admissible in any action arising out of the
7 accident therein reported.

[C. C. 883.]

Sec. 12. Penalties.

1 Any person, corporation, firm, agent or superintendent violating
2 any of the provisions of this chapter shall be guilty of a misdemeanor
3 and shall be punished as follows:

4 1. For a violation of any one of the provisions of sections two (2),
5 three (3) and four (4), by a fine not exceeding ten dollars (\$10.00) for
6 each offense.

7 2. For a violation of section five (5), by a fine of not less than
8 fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

9 3. For a violation of any one of the provisions of sections six (6),
10 seven (7), eight (8), nine (9), ten (10) and eleven (11), by a fine not
11 exceeding one hundred dollars (\$100.00).

[C. C. 859, 860, 862, 883.]

Code Commissioners' Bill No. 44

Subject: CHILD LABOR

Senate File No.	.....	Referred to Committee on
House File No.	.....	.....
By ..	.....	Date.....

A BILL FOR

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, relating to child labor.

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

That sections eight hundred eighty-two (882) and eight hundred eighty-four (884) to eight hundred ninety (890), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

CHAPTER —

CHILD LABOR

Section 1. **Child Labor in Establishments—Age Limit—Exception.**

1 No person under fourteen (14) years of age shall be employed
2 with or without compensation in any mine, manufacturing establish-
3 ment, factory, mill, shop, laundry, slaughter house or packing house
4 or in any store or mercantile establishment where more than eight (8)
5 persons are employed or in any livery stable, garage, place of amuse-
6 ment, or in the distribution or transmission of merchandise or mes-
7 sages; but nothing in this section shall be construed as prohibiting any
8 child from working in any of the above establishments or occupations
9 when operated by his parents.

[C. C. 882.]

Sec. 2. Hours of Labor—Noon Intermission.

1 No person under sixteen (16) years of age shall be employed at
2 any of the places or in any of the occupations specified in the preceding
3 sections before the hour of seven (7) o'clock in the morning or after
4 the hour of six (6) o'clock in the evening, and if such person is em-
5 ployed exceeding five (5) hours of each day, a noon intermission of
6 not less than thirty (30) minutes shall be given between the hours of
7 eleven (11) and one (1) o'clock, and such person shall not be employed
8 more than eight (8) hours in any one (1) day, exclusive of the noon
9 hour intermission; nor shall any such person be employed more than
10 forty-eight (48) hours in any one (1) week.

[C. C. 886.]

Sec. 3. Hours—Where Part-time School Prevails.

1 When in any organized school district there shall have been estab-
2 lished a part-time school, department or class, no person under sixteen
3 (16) years of age shall be employed for more than forty (40) hours
4 in any one (1) week.

[C. C. 886.]

Sec. 4. Cleaning or Operating Dangerous Machinery—Age Limit.

1 No person under sixteen (16) years of age shall be permitted to
2 operate or assist in operating dangerous machinery, or any freight or
3 passenger elevator, and no boy under sixteen (16) or girl under eigh-
4 teen (18) years of age shall be directed or permitted to clean machin-
5 ery while it is in motion.

[C. C. 860, 882.]

Sec. 5. Permit for Child Labor.

1 No child under sixteen (16) years of age shall be employed, per-

mitted 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 employment of a child whose permit is on file, such permit shall be returned 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.

[C. C. 888.]

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:

9 1. A written agreement from the person, firm or corporation into
10 whose service the child under sixteen (16) years of age is about to
11 enter promising to give such child employment, describing the work to
12 be performed and agreeing to return the work permit of such child to
13 the office from which it was issued within two (2) days after the ter-
14 mination of the employment of such child.

15 2. The school record of such child filled out and signed by the
16 superintendent of the school which such child has last attended certi-
17 fying that the child is able to read intelligently and write legibly sim-
18 ple sentences in the English language and has completed a course of
19 study equivalent to six (6) yearly grades in reading, writing, spelling,
20 English language, geography and arithmetic. Such school record
21 shall give also the name, date of birth and residence of the child as
22 shown on the records of the school and also the name of its parent,
23 guardian or custodian. But in exceptional cases where a child is
24 strong, healthy and well developed physically, superintendents or local
25 school boards may, with the approval of the labor commissioner, issue
26 permits for boys and girls between the ages of fourteen (14) and six-
27 teen (16), with less educational acquirements, good for vacation
28 only.

29 3. A certificate signed by a medical inspector of schools or if there
30 be no such inspector then by a physician appointed by the board of
31 education certifying that the applicant for the work permit has
32 reached the normal development of a child of its age and is in suf-
33 ficiently sound health and physically able to perform the work for
34 which the permit is sought.

35 4. Evidence of age showing that the child is fourteen (14) years

36 old, or more, which shall consist of one (1) of the following proofs re-
37 quired in the order herein designated as follows:

38 *a.* A transcript of the birth certificate filed according to law with
39 a registrar of vital statistics or other officer charged with the duty of
40 recording births.

41 *b.* A passport or a transcript of a certificate of baptism showing
42 the date of birth and place of baptism of such child.

43 *c.* A school census record.

44 *d.* In cases where none of the above named proofs are obtainable,
45 a certificate signed by the local medical inspector of schools, or if
46 there be no such inspector then by a physician appointed by the local
47 board of education certifying that in his opinion the applicant for the
48 work permit is fourteen (14) years of age or more.

[C. C. 888.]

Sec. 7. What Permit Shall Show.

1 Every such work permit shall state the name, sex, the date and
2 place of birth, the residence of the child in whose name it is issued, the
3 color of hair and eyes, the height and weight, the proof of age, the
4 school grade completed, the name and location of the establishment
5 where the child is to be employed, the work for which the permit is
6 issued, that the papers required for its issuance have been duly exam-
7 ined, approved, and filed, and that the person named therein has per-
8 sonally appeared before the officer issuing the permit and has been
9 examined.

[C. C. 888.]

Sec. 8. Duplicate Permit Filed With Commissioner—Blanks Furnished.

1 A duplicate of every such work permit issued shall be filled out

2 and forwarded to the office of the labor commissioner between the first
3 and the tenth day of the month following the month in which it is
4 issued. The blank forms for the work permit, the employer's agree-
5 ment, the school record and the physician's certificate shall be formu-
6 lated by the superintendent of public instruction and furnished by him
7 to the local school authorities.

[C. C. 888.]

Sec. 9. Authority of Officers to Require Showing.

1 Any officer whose duty it is to enforce the provisions of this chap-
2 ter shall have authority to demand of any employer in or about whose
3 place or establishment a child apparently under the age of sixteen (16)
4 years is employed, permitted or suffered to work, and whose permit is
5 not filed as required by this chapter, that such employer shall
6 either furnish him within ten (10) days the same documentary evi-
7 dence of age of such child as is required upon the issuance of a work
8 permit, or shall cease to employ or permit or suffer such child to
9 work in such place or establishment.

[C. C. 888.]

Sec. 10. Where Life, Health or Morals Are Endangered—Age Limitation.

1 No person under sixteen (16) years of age shall be employed at
2 any work or occupation which, by reason of its nature or the place
3 of employment, the health of such person may be injured, or morals
4 depraved, or at any work in which the handling or use of gunpowder,
5 dynamite or other like explosive is required, or in or about any mine
6 during the school term or in or about any hotel, cafe, restaurant, bowl-
7 ing alley, pool or billiard room, cigar store, barber shop, or in any
8 occupation dangerous to life or limb. No female under twenty-one

9 (21) years of age shall be employed in any capacity where the duties
10 of such employment compel her to remain constantly standing.

[C. C. 885.]

Sec. 11. **Street Occupations for Children Forbidden—Exceptions.**

1 No boy under eleven (11) years of age nor girl under eighteen
2 (18) years of age shall be employed, permitted or suffered to work at
3 any time in any city of ten thousand (10,000), or more inhabitants
4 within this state in or in connection with the street occupations of
5 peddling, bootblacking, the distribution or sale of newspapers, maga-
6 zines, periodicals or circulars, nor in any other occupations in any
7 street or public place, except that in such cities, the superintendent of
8 schools or person authorized by him, upon sufficient showing made by a
9 judge of the superior, municipal or juvenile court, may, in exceptional
10 cases, issue a permit to a boy under eleven (11) years of age.

[C. C. 884.]

Sec. 12. **Street Occupations for Boys—Age Limit—Permit—Badge.**

1 No boy between eleven (11) and sixteen (16) years of age shall
2 be employed or permitted to work in any such city in connection with
3 any of the occupations mentioned in the preceding section unless he
4 complies with all the requirements for the issuance of work permits as
5 described in this chapter except the filing of an employers' agreement,
6 but the school record so required shall certify only that the boy is
7 regularly attending school and that the work in which he wishes to
8 engage will not interfere with his progress at school. Upon compli-
9 ance with these requirements such boy shall be entitled to receive from
10 the officer authorized to issue work permits a badge which shall author-
11 ize such boy to engage in the above-mentioned occupations at such

12 time or times, between four (4) a. m. and seven-thirty (7:30) p. m.
13 each day as the public schools of the city or district where such boy
14 resides are not in session, but at no other time, except that during the
15 summer school vacation such boy may engage in such occupation until
16 the hour of eight-thirty (8:30) p. m. All such badges issued in the
17 same calendar year shall be of the same color, which color shall be
18 changed each year and shall become void upon the first day of January
19 following their issuance.

[C. C. 884.]

Sec. 13. Night Work Prohibited—Age Limit.

1 No person under eighteen (18) years of age shall be employed in
2 the transmission, distribution or delivery of goods or messages be-
3 tween the hours of ten (10) in the evening and five (5) in the morn-
4 ing in any city of ten thousand (10,000) or more inhabitants.

[C. C. 886.]

Sec. 14. Violations—Penalties.

1 1. Any parent, guardian or other person, who having under his
2 control any person under sixteen (16) years of age causes or permits
3 said person to work or be employed in violation of the provisions of
4 this chapter, or any person making, certifying to, or causing to be
5 made or certified to, any statement, certificate or other paper for the
6 purpose of procuring the employment of any person in violation of
7 said provisions or who makes, files, executes or delivers any such state-
8 ment, certificate or other paper containing any false statement for the
9 purpose of procuring the employment of any person in violation of
10 this chapter, or for the purpose of concealing the violation thereof in
11 such employment, and any person, firm or corporation, or the agent,

12 manager, superintendent or officer of any person, firm or corporation,
13 whether for himself or such person, firm, corporation, either by him-
14 self or acting through any agent, foreman, superintendent or man-
15 ager, who employs any person or permits any person to be employed
16 in violation of the provisions of this chapter or who shall refuse to
17 allow any authorized officer or person to inspect any place of business
18 under said provisions, if demand is made therefor at any time during
19 business hours, or who shall wilfully obstruct such officer or person
20 while making such inspection, or who shall fail to keep posted the lists
21 containing the names of persons employed under sixteen (16) years
22 of age and other information as required by this chapter, or who shall
23 knowingly insert any false statement in such list, shall be deemed
24 guilty of a misdemeanor, and upon conviction shall be fined not to ex-
25 ceed one hundred dollars (\$100.00) or be imprisoned in the county jail
26 not to exceed thirty (30) days.

27 2. The parent or person in charge of any child who shall engage
28 in any street occupation in violation of any of the provisions of this
29 chapter shall be punished by a fine of not more than fifteen dollars
30 (\$15.00).

31 3. Whoever furnishes or sells to any minor any article of any
32 description with the knowledge that said minor intends to sell said
33 article in violation of the provisions of this chapter relating to street
34 occupations, shall be punished by a fine of not less than fifteen dollars
35 (\$15.00) nor more than one hundred dollars (\$100.00) for each offense.

36 4. Whoever violates any other provision of this chapter, shall be
37 fined not to exceed one hundred dollars (\$100.00).

[C. C. 884, 887, 889.]

Sec. 15. Enforcement—Duties of Officers.

1 It shall be the duty of the labor commissioner, his deputies, in-
2 spectors and assistants to enforce the provisions of this chapter. It
3 shall also be the duty of all mayors and police officers, town and city
4 marshals, sheriffs and their deputies, school superintendents, school
5 truant and attendance officers, within their several jurisdictions to
6 cooperate in the enforcement of such provisions and furnish the labor
7 commissioner, his deputies and assistants all information coming to
8 their knowledge regarding any violations of such provisions. All such
9 officers and any person authorized in writing by any court of record
10 shall have authority to enter for purposes of investigation any of the
11 establishments and places mentioned in this chapter and to freely ques-
12 tion any person therein as to any violations of such provisions.

13 It shall be the duty of county attorneys to investigate all com-
14 plaints made to them of violations of any such provisions, and to
15 prosecute all such cases of violation within their respective counties.

[C. C. 884, 890.]

Code Commissioners' Bill No. 45

Subject: FIRE ESCAPES

Senate File No. Referred to Committee on
 House File No.
 By Date.....

A BILL FOR

An act to amend, revise and codify chapter twelve (12) of title five (5) of the compiled code of Iowa, 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 is 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.

1 All buildings, structures and enclosures of three (3) or more
 2 stories in height, and such other buildings of a less number of stories
 3 as are in this chapter specially designated, shall be equipped with such
 4 protection against fire, and means of escape therefrom, as in this
 5 chapter provided.

[C. C. 1061.]

Sec. 2. Terms Defined.

1 The word "building" as used in this chapter shall include all
 2 structures or enclosures of each of the classes mentioned or referred
 3 to herein. The word "story" shall include a basement story when
 4 such basement story is on the average five (5) feet or more above
 5 the ground.

[C. C. 1061.]

Sec. 3. **Number of Fire Escapes Required—Where Placed.**

1 Every building, structure or enclosure of three (3) or more stories
2 and every schoolhouse, dance, lodge or assembly hall, of two (2) stories
3 and not provided with two (2) inside stairways located approximately
4 at each end of the hallway in the second story and every structure
5 having a stage, and every theater or opera house of more than one
6 (1) story, or having balconies or galleries, shall have the number of
7 fire escapes of the kind prescribed by law, which minimum number
8 shall be based upon the following formula :

9 Number of fire escapes shall equal C times P.

10 P equals the average maximum number of persons on any story
11 above the first story having the largest number; such number to be
12 fixed and determined according to the purpose for which the building
13 is used.

14 C is a coefficient and is fixed and shall be taken for the various
15 classes of buildings as follows :

16 1. Buildings having wooden or combustible walls, C equals .020.

17 2. Buildings having brick or combustible walls with combustible
18 interior, C equals .014.

19 3. Buildings having brick or incombustible walls and incombust-
20 ible roof and slow burning construction, C equals .012.

21 4. Buildings of fireproof construction throughout, C equals .007.

22 5. Buildings of wooden or combustible walls equipped with effi-
23 cient water sprinkler system, C equals .014.

24 6. Buildings having brick or incombustible walls with combust-
25 ible interior equipped with efficient water sprinkler system, C equals
26 .008.

27 7. Buildings having brick or incombustible walls and incombust-
28 ible roof and slow burning construction equipped with efficient water
29 sprinkler system, C equals .006.

30 8. Fireproof buildings equipped with efficient water sprinkler
31 system, C equals .003.

32 When the result of the said formula is one (1) or any fraction
33 thereof the number of escapes shall be equal to one (1). The number
34 of escapes above the formula, including any fraction as a unit, except
35 when such fraction shall be thirty-three hundredths (.33) or less, in
36 which case the fraction may be dropped if permitted by the inspector.

[C. C. 1062.]

Sec. 4. **Regulations as to Location of Fire Escapes and Exits.**

1 The following regulations as to location of fire escapes and exits
2 are hereby established:

3 1. The first fire escape required by law shall be placed as far as
4 possible from the existing inside stairway or exits to the lower floors
5 of the building, taking into account the hazard and the path or route
6 of access to the escape from such stairway.

7 2. The distance from any inside stairway or exit to the lower
8 floor to the nearest fire escape shall not exceed two hundred (200)
9 feet by way of the path or route of access to such fire escape from
10 such stairway or exit.

11 3. Additional fire escapes to those otherwise provided by law
12 shall be provided wherever it is necessary to pass within twenty (20)
13 feet from such stairway or shaft to reach the fire escape required by
14 the other provisions of law and where there are peculiar, unusual or
15 extreme hazards, additional fire escapes may be required by those au-

16 thorized by law to regulate and fix the number and requirements of
17 fire escapes.

18 4. If by reason of the height of buildings or by reason of any or
19 all stories above the second story of such buildings having near the
20 average maximum of persons on any one (1) floor above the first,
21 such buildings shall be equipped with a sufficient number of fire
22 escapes to permit the exit of such average maximum number of per-
23 sons occupying such buildings above the first story, permanently, or
24 temporarily in the course of business within the following periods of
25 time:

26 *a.* Buildings with wooden or combustible walls, two (2) minutes.

27 *b.* Buildings having brick or incombustible walls with combust-
28 ible interior, three (3) minutes.

29 *c.* Buildings having brick or incombustible walls and incombust-
30 ible roof and slow burning interior construction, four (4) minutes.

31 *d.* Buildings of fire proof construction throughout, fifteen (15)
32 minutes; or a less period of time if hazard of merchantable contents
33 of such building may so require.

34 5. In estimating the period of time required the rate of descent
35 on the fire escapes shall not be taken in excess of one and five-tenths
36 (1.5) feet of vertical distance, or height per second, when said fire
37 escapes are fully loaded, which rate of descent shall be estimated to
38 permit the exit of not to exceed one (1) person per second; but the
39 time of complete exit as herein provided may be increased where effi-
40 cient sprinkler systems are installed, such increase of time to be de-
41 termined by the character and efficiency of the sprinkling system

42 unless peculiar or unusual hazards shall exist.

[C. C. 1062.]

Sec. 5. **Fire Escapes—How Constructed—Classes of.**

1 All fire escapes shall be constructed as described in the following
2 classifications :

3 Class A. Fire escapes of this class shall consist of those more safe
4 and efficient than outside ladders and stairways and which shall have
5 been approved as such by the labor commissioner, and may include
6 inside stairways and means of escape in fireproof buildings when ap-
7 proved by said commissioner.

8 Class B. Fire escapes of this class shall consist of a suitable out-
9 side stairway of not less than twenty-two (22) inches clear width of
10 steel or wrought iron constructed with platform and with stationary
11 stairway carried down to within six and one-half ($6\frac{1}{2}$) feet from the
12 ground or with a drop or counterbalanced stairway from the second
13 story platform or balcony to the ground.

14 Class C. Fire escapes of this class shall consist of at least one
15 (1) ladder not less than eighteen (18) inches in width of steel or
16 wrought iron construction of sufficient size and strength for safety
17 attached to the outside walls of the building and provided with plat-
18 form of steel or wrought iron inclosed by suitable railings and of such
19 dimensions and in such proximity to the windows of each story above
20 the first so as to render access to the ladder from each story easy and
21 safe, the said ladder to extend to within six and one-half ($6\frac{1}{2}$) feet
22 from the ground or to be provided with a drop ladder hung at the
23 second story in such a manner that it can be easily lowered for use.

[C. C. 1063.]

Sec. 6. Fire Escapes—Construction and Arrangement.

1 1. All of the above classes of fire escapes shall be of suitable
2 material, construction, arrangement and location to make the same
3 safe and efficient and no fire escape of a higher class shall be less safe
4 and efficient than of a lower class and the provisions of each lower
5 class with respect to platform, access to windows and openings and
6 sufficiency of strength shall apply to the upper class except where
7 allowed to be modified by those having authority.

8 2. All fire escapes reaching the top floor shall have suitable ex-
9 tensions reaching from the upper platform to safe landing on the roof
10 of building.

11 3. All fire escapes of any of the foregoing classes shall have such
12 necessary windows or openings leading to the platform or balconies
13 of the same as shall be necessary to make the same safe and efficient,
14 and all routes or paths of access to said fire escapes shall be safe and
15 sufficient, with all doors of rooms leading to fire escapes one-half ($\frac{1}{2}$)
16 glass and equipped with mortise latches or equivalent that the same
17 may be easily and quickly opened by breaking the glass and turning
18 the latches from the inside of the doors, all so as to render access to
19 the fire escape from each floor above the first easy and safe. No
20 window or door leading to the platform of fire escapes shall be fast-
21 ened against exit.

22 4. The attachment of all fire escapes shall be made in a thorough
23 and substantial manner and sufficient to carry the full load that may
24 be placed on said fire escapes when the same are crowded, with a
25 factor of safety of not less than four (4).

26 5. Suitable signs indicating the location of fire escapes shall be

27 posted at all entrances to elevators, stairways, landings and in all
28 rooms.

29 6. In all buildings which are used for lodging or sleeping pur-
30 poses and in opera houses, theaters and public assembly halls red
31 lights shall be maintained at night or when the buildings are darkened
32 to indicate the place or opening through which access to the fire escape
33 is obtained.

[C. C. 1063.]

Sec. 7. **Class of Escapes Required—Stairways Permitted.**

1 1. Hotels, lodg ing houses, tenements, apartment buildings,
2 schools, retail or department stores, seminaries, college buildings,
3 office buildings, hospitals, asylums, opera houses, theaters, assembly
4 halls and factories required by law to be equipped with fire escapes
5 shall be equipped with those of class "A" or class "B". All other
6 buildings and structures required to be equipped with fire escapes
7 shall be equipped with those of class "A", "B" or "C" or with a com-
8 bination of such classes.

9 2. Class "C" shall not be used on any building over three (3)
10 stories in height in which more than five (5) persons are at any one
11 time allowed upon any one (1) of the floors above said third story
12 nor where any of the persons allowed upon any floor above the third
13 story are females or minors; but the labor commissioner may under
14 peculiar conditions and where the hazards are not great permit fire
15 escapes of class "C" to be used on buildings of more than three (3)
16 stories, but when ladder fire escapes are permitted on buildings more
17 than three (3) stories in height the ladders thereof must offset at the

18 platforms and must not continue in the same line for more than one
19 (1) story.

20 3. Where stairways not less than forty-four (44) inches in clear
21 width are provided they shall be taken as the equivalent of two (2)
22 or more single stairways in proportion to their width, provided the
23 means of escape and efficiency and safety of said escapes are not
24 thereby diminished.

[C. C. 1064.]

Sec. 8. Doors to Open Outward—Exits.

1 The entrance and exit doors of all hotels, churches, lodge halls,
2 courthouses, assembly halls, theaters, opera houses, colleges and public
3 schoolhouses and other structures where the hazard is deemed suffi-
4 cient by the inspector and the entrance doors to all class and assembly
5 rooms in public school buildings shall open outward and shall not be
6 fastened against exit or so the same can not be easily opened from
7 within.

[C. C. 1065.]

Sec. 9. Inspector to Determine Number and Size of Escapes.

1 Inspectors shall, subject to the final decision of the commissioner,
2 have power to determine the number and size of exits from all the-
3 aters, opera houses and assembly halls and those having one or more
4 balconies, the location of such exits with reference to fire escapes, and
5 shall require and enforce the requirement that no exit shall be fastened
6 against exit.

[C. C. 1066.]

Sec. 10. Rules and Regulations as to Aisles.

1 The inspector may also establish rules and regulations as to the

2 width of aisles leading to exits and for keeping the same at all times
3 open and free from obstruction so as to afford easy and safe exit
4 therefrom.

[C. C. 1066, modified.]

Sec. 11. Labor Commissioner—Supervision of Fire Escapes by.

1 The labor commissioner, except when otherwise specially provided
2 by law, shall have general charge and supervision of the inspection
3 and regulation of fire escapes and means of escape and of the enforce-
4 ment of the law relating thereto and for this purpose the inspectors
5 named herein and others upon whom there is imposed by law or ordi-
6 nance any duty with reference to fire escapes shall be subject to his
7 direction and to the rules and regulations adopted by such commis-
8 sioner.

[C. C. 1066.]

Sec. 12. Standard Specifications for Fire Escapes.

1 The said commissioner shall adopt standard uniform specifica-
2 tions for the various classes of fire escapes provided by law and shall
3 furnish such specifications to all persons made by law inspectors of
4 fire escapes and means of escape from fire and such persons shall keep
5 the same on file in their respective offices.

[C. C. 1066.]

Sec. 13. Distribution of Rules and Regulations.

1 The labor commissioner shall make all necessary rules and regu-
2 lations to carry out the purpose of this law and for all buildings
3 wherever constructed and have the same printed in pamphlet form
4 for distribution and he shall have the power to approve any and all
5 plans relating to fire escapes of the various classes, and it shall be

6 his duty to see that the same conform to the law and to make rulings
7 and orders relative thereto, and where any dispute or disagreement
8 arises with respect to the plans and specifications for any fire escape
9 or means of escape from fire the commissioner shall have the power
10 and authority to determine and pass upon the same and make orders
11 relative thereto.

[C. C. 1066.]

Sec. 14. Building Inspectors—What Officers Constitute.

1 The building inspector or other officer performing like duties in
2 cities having such officer and if there be no such officer, then the chief
3 of the fire department, and if there be no chief of a paid fire depart-
4 ment, the mayor of each city or town, or if the building is not within
5 the corporate limits of any city or town, then the chairman of the
6 board of supervisors shall inspect all fire escapes within their respec-
7 tive jurisdictions, except buildings otherwise required by law to be
8 inspected.

[C. C. 1066.]

Sec. 15. Powers and Duties of Inspection Officers.

1 Such inspection officers shall as often as necessary and whenever
2 complaint is made carefully inspect and examine such fire escapes and
3 such inspection shall include all paths or routes of access between any
4 interior exit to a lower floor and the opening and means of access
5 to the said fire escapes and the signs, lights, exits and means of escape
6 of all buildings required to be equipped with fire escapes and required
7 to have certain exits and means of escape and upon the complaint or
8 request of any person that any fire escape, exit or means of escape
9 from fire or any rule or regulation relative thereto or relative to pro-

10 tection against fire is being violated, such inspector shall examine into
11 the complaint or request and determine what, if any, requirements
12 should be made in relation thereto, and shall have power to make all
13 reasonable requirements and regulations in conformity with the law
14 and to determine all matters with respect to fire escapes, protection
15 from fire and means of escape from buildings.

[C. C. 1066.]

Sec. 16. Limitation of Powers.

1 Said inspectors, however, shall be subject to and their duties shall
2 not conflict with the duties of inspection by the labor commissioner,
3 the engineer of the state board of health and their assistants or
4 deputies.

[C. C. 1066.]

Sec. 17. Inspectors to Serve Notice on Owner.

1 It shall be the duty of any inspector required by law to inspect
2 fire escapes or means of escape from fire to serve or cause to be served
3 a written notice in behalf of the state of Iowa upon the owner, if he
4 be a resident of the county in which the buildings are situated, or if
5 he be a nonresident of such county, then upon his agent or lessee, that
6 the buildings are not provided with fire escapes in accordance with the
7 provisions of this act, or that the fire escapes or means of escape from
8 fire are defective, unsafe or dangerous, notifying such owner of such
9 such want of fire escapes, condition of the building, defective, danger-
10 ous or unsafe means of escape from fire or any matter relating thereto
11 and notifying him to comply with the law and requirements of the
12 inspector or commissioner within sixty (60) days after the service
13 of such notice; but the time of such notice may be extended by the

14 labor commissioner if necessary.

[C. C. 1066.]

Sec. 18. Owner's Right of Appeal to Commissioner.

1 The owner, by himself, his agent or lessee, may appeal from the
2 action or requirement of any inspector at any time within sixty (60)
3 days after the service of such notice by a written communication ad-
4 dressed to said commissioner, setting forth such objections as may be
5 taken to the complaint, requirement or regulation of such inspector
6 and it shall be the duty of the commissioner to pass upon and deter-
7 mine all matters of disagreement relating to fire escapes and the means
8 of escape from fire from buildings, and all rules, regulations, findings
9 and orders made by the commissioner in his discretion, shall be rea-
10 sonable and not unduly burdensome.

[C. C. 1066.]

Sec. 19. Violations—Penalty.

1 Any person who shall violate any of the provisions of law relating
2 to fire escapes or means of escape from fire, or any owner, agent or
3 trustee having the full care and control of any building and who has
4 been served with notice as provided herein and who shall, within sixty
5 (60) days of the service of the notice, or within the time as extended
6 by the commissioner, fail and neglect to comply with the requirements
7 of law or of the inspector or the commissioner, or who shall fail,
8 refuse or neglect to perform any order or requirement fixed by law, or
9 by the labor commissioner, shall be punished by a fine of not less than
10 twenty-five dollars (\$25.00) nor more than one hundred dollars
11 (\$100.00). Each additional week of neglect to comply with such no-
12 tice, order or requirement shall constitute a separate offense.

[C. C. 1067.]

Code Commissioners' Bill No. 46

Subject: LABOR BUREAU AND COMMISSIONER

Senate File No... .. Referred to Committee on
 House File No... ..
 By Date... ..

A BILL FOR

An act to amend, revise and codify sections eight hundred seventy-three (873) to eight hundred eighty-one (881), inclusive, of the compiled code of Iowa, 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-one (881), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

CHAPTER 6**BUREAU OF LABOR****Section 1. Labor Commissioner—Appointment.**

1 The bureau of labor shall be under the control of a labor commis-
 2 sioner appointed biennially by the governor with the approval of the
 3 senate, whose term of office shall commence on the first day of July
 4 in each odd-numbered year and continue for two (2) years. He shall
 5 have an office at the seat of government, and devote his whole time to
 6 the duties thereof. An appointment may be made to fill a vacancy
 7 when the senate is not in session, but shall be acted upon at the
 8 next session thereof.

[C. C. 873, modified.]

Sec. 2. **Removal—Vacancy.**

1 The commissioner may be removed from office for cause by the
2 governor, with the advice and consent of the executive council, record
3 thereof being made in his office; any vacancy shall be filled in the same
4 manner as the original appointment.

[C. C. 873.]

Sec. 3. **Appointment of Deputy Commissioner.**

1 The labor commissioner may appoint a deputy whose duties shall
2 be generally to perform such duties as the commissioner may assign
3 to him; and in the absence or inability of the commissioner to perform
4 the duties enjoined upon the commissioner.

[C. C. 881.]

Sec. 4. **Collection of Industrial Statistics and Information—Reports.**

1 The duties of said commissioner shall be:

2 1. To safely keep all records, papers, documents, correspondence,
3 and other property pertaining to or coming into his hands by virtue
4 of his office, and deliver the same to his successor, except as otherwise
5 provided.

6 2. To collect, assort and systematize statistical details relating to
7 all departments of labor in the state, especially in its relation to the
8 commercial, social, educational and sanitary conditions surrounding
9 the laboring classes, the means of escape from, and the protection of
10 life and health in factories, the employment of children, the number
11 of hours of labor exacted from them and from women, and to the
12 permanent prosperity of the mechanical, manufacturing and produc-
13 tive industries of the state.

14 3. To collect as fully as practicable such information and reliable

15 reports from each county in the state, the amount and condition of
16 the mechanical and manufacturing interests, the value and location of
17 the various manufacturing and coal productions of the state, also sites
18 offering natural or acquired advantages for the profitable location and
19 operation of different branches of industry; he shall by correspond-
20 ence with interested parties in other parts of the United States, im-
21 part to them such information as may tend to induce the location of
22 mechanical and producing plants within the state, together with such
23 other information as shall tend to increase the productions, and con-
24 sequent employment of producers.

25 4. To submit the foregoing statistics and information to the gov-
26 ernor in biennial reports in which he shall give a statement of the
27 business of the bureau since the last regular report, and shall compile
28 therein such information as may be considered of value to the indus-
29 trial interests of the state, the number of laborers and mechanics em-
30 ployed, the number of apprentices in each trade, with the nativity of
31 such laborers, mechanics and apprentices, wages earned, the savings
32 from the same, with age and sex of laborers employed, the number
33 and character of accidents, the sanitary condition of institutions where
34 labor is employed, the restrictions, if any, which are put upon appren-
35 tices when indentured, the proportion of married laborers and me-
36 chanics who live in rented houses, with the average annual rental, and
37 the value of property owned by laborers and mechanics; to include in
38 such report what progress has been made with schools now in opera-
39 tion for the instruction of students in the mechanic arts, and what
40 systems have been found most practical, with details thereof.

41 5. To issue from time to time, with the consent of the executive

42 council, bulletins containing information of importance to the indus-
43 tries of the state and to the safety of wage earners.

[C. C. 873, 874.]

Sec. 5. Other Duties—Jurisdiction in General.

1 The commissioner shall have jurisdiction and it shall be his duty
2 to supervise the enforcement of:

3 1. All laws relating to safety appliances and inspection thereof
4 and health conditions in manufacturing and mercantile establish-
5 ments, workshops, machine shops, and other industrial concerns
6 within his jurisdiction.

7 2. The laws relating to preventing fires and to fire escapes and
8 other means of escaping therefrom.

9 3. All laws of the state relating to child labor.

: 0 4. All laws relating to the state free employment bureau and em-
11 ployment agencies.

12 5. Such other provisions of law as are now or shall hereafter be
13 within his jurisdiction.

[C. C. 862, 891, 1066.]

Sec. 6. Appointment of Inspectors—Duties.

1 The commissioner may appoint, subject to the approval of the
2 executive council, three (3) factory inspectors, one (1) of whom shall
3 be a woman. With the approval of such council, on a satisfactory
4 showing of necessity by the commissioner, he may appoint not more
5 than two (2) additional inspectors, one (1) of whom may be a woman,
6 whose duties shall be to make inspections of all industrial establish-
7 ments and concerns and make investigations bearing on the enforce-
8 ment of laws, rules and regulations within the jurisdiction of the com-

9 missioner, and such other duties as the commissioner shall assign to
10 them.

, [C. C. 881.]

Sec. 7. Special Duty of Woman Inspector.

1 The woman inspector shall, in addition to the general duties as-
2 signed to her and under the direction of the commissioner, inspect the
3 sanitary and general conditions of all factories, workshops, hotels,
4 cafes, restaurants, stores and all other establishments and places
5 where women and children are employed; collect statistics and report
6 the same to the commissioner with such recommendations as she be-
7 lieves will improve working conditions of women and children, and to
8 which the commissioner shall make special reference in his biennial
9 reports to the governor. She shall perform such other services under
10 the direction of the commissioner as will tend to promote the health
11 and general welfare of the women and children employed in the indus-
12 tries within the state.

[C. C. 881.]

Sec. 8. Traveling Expenses—Limitation.

1 The commissioner, inspectors and other employees of the office
2 shall be allowed their necessary traveling expenses while in the dis-
3 charge of their duties. Such expenses in the aggregate shall not ex-
4 ceed five thousand dollars (\$5,000.00) per annum.

[C. C. 881, modified.]

Sec. 9. Right to Enter Premises.

1 The labor commissioner and the inspectors shall have the power
2 to enter any factory or mill, workshop, mine, store, business house,
3 public or private work, when the same is open or in operation, for

4 the purpose of gathering facts and statistics such as are contemplated
5 by this chapter, and to examine into the methods of protection from
6 danger to employees, and the sanitary conditions in and around such
7 buildings and places, and make a record thereof.

[C. C. 876.]

Sec. 10. Power to Secure Evidence—Witness Fees—Limitation.

1 The labor commissioner, his deputy and inspectors shall have the
2 power to issue subpoenas, administer oaths and take testimony in all
3 matters relating to the duties required of them, said testimony to be
4 taken in some suitable place in the vicinity to which testimony is ap-
5 plicable. No witness shall be compelled by such subpoena to go out-
6 side the county of his residence, except when the hearing is in a county
7 adjoining the county of his residence, then he shall be required to
8 obey such subpoena. Witnesses subpoenaed and testifying before the
9 commissioner or an inspector shall be paid the same fees as witnesses
10 before a justice's court, such payment to be made out of the general
11 funds of the state on voucher by the commissioner, but such expense
12 for witnesses shall not exceed one hundred dollars (\$100.00) annually.

[C. C. 875.]

Sec. 11. Prosecutions for Violations—Discretion.

1 If the commissioner or an inspector shall learn of any violation
2 of, or neglect to comply with the law in respect to the employment of
3 children, or in respect to fire escapes, or the safety of employees, or
4 for the preservation of health, such officer shall give the county attor-
5 ney of the county in which such factory or building is situated, written
6 notice of the facts, whereupon that officer shall immediately institute
7 the proper proceedings against the person guilty of such offense or

8 neglect. But if the commissioner or inspector is of the opinion that
9 such violation or neglect is not wilful, or is an oversight or of a trivial
10 nature, he may in his discretion fix a time within which the defect or
11 evil may be corrected and notify the owner, operator, superintendent
12 or person in charge and if corrected within the time fixed, then the
13 commissioner or inspector shall not cause prosecution to be begun.

[C. C. 876, modified.]

Sec. 12. Reports to Bureau.

1 It shall be the duty of every owner, operator or manager of every
2 factory, mill, workshop, mine, store, business house, public or private
3 work, or any other establishment where labor is employed, as herein
4 provided, to make to the bureau, upon blanks furnished by the com-
5 missioner such reports and returns as he may require for the purpose
6 of compiling such labor statistics as are contemplated in this chapter;
7 and the owner, operator or business manager shall make such reports
8 or returns within sixty (60) days from the receipt of blanks furnished
9 by the commissioner, and shall certify under oath to the correctness
10 of the same.

[C. C. 878.]

Sec. 13. Use of Name of Persons Furnishing Information Forbidden.

1 Any use of the names of individuals, firms or corporations fur-
2 nishing the commissioner information required by this chapter for
3 his biennial report, in such manner as to disclose any of their private
4 or personal affairs, is hereby prohibited.

[C. C. 879.]

Sec. 14. Reports and Records Preserved—Destroyed When.

1 No report or return made to said bureau in accordance with the

2 provisions of this chapter, and no schedule, record or document gath-
3 ered or returned by its officers or employees, shall be destroyed within
4 two (2) years after the collection or receipt thereof. At the expira-
5 tion of two (2) years all records, schedules or papers accumulating in
6 said bureau during said period that may be considered of no value
7 by the commissioner may be destroyed by authority of the executive
8 council first obtained.

[C. C. 880.]

Sec. 15. Definition of Terms.

1 The expressions "factory", "mill", "workshop", "mine", "store",
2 "business house" and "public or private work", as used in this chap-
3 ter, shall be construed to mean any factory, mill, workshop, mine,
4 store, business house, public or private work, where wage earners are
5 employed for a compensation.

[C. C. 877.]

Sec. 16. Violations—Penalties.

1 Persons violating any of the provisions of this chapter shall be
2 punished as in this section provided, respectively:

3 1. Any owner, superintendent, manager or person in charge of
4 any factory, mill, workshop, store, mine, hotel, restaurant, cafe, busi-
5 ness house, public or private work who shall refuse to allow the com-
6 missioner of labor or any inspector or employee of the bureau of labor
7 to enter the same, or who shall hinder or deter him in collecting in-
8 formation which it is his duty to collect shall be fined not exceeding
9 one hundred dollars (\$100.00) or imprisoned in the county jail not
10 exceeding thirty (30) days.

11 2. Any person duly subpoenaed to attend a hearing before the

12 commissioner or an inspector or a court in any proceeding provided
13 by this chapter shall be fined not exceeding fifty dollars (\$50.00) or
14 imprisoned in the county jail not exceeding thirty (30) days.

15 3. Any officer or employee of the bureau of labor, or any person
16 making unlawful use of names or information obtained by virtue of
17 their office, shall be fined not exceeding five hundred dollars (\$500.00)
18 or imprisoned in the county jail not exceeding one (1) year.

19 4. Any owner, operator or manager of a factory, mill, workshop,
20 mine, store, business house, public or private work, who shall neglect
21 or refuse for thirty (30) days after receipt of notice from the com-
22 missioner to furnish any reports or returns he may require to enable
23 him to discharge his duties shall be fined not to exceed one hundred
24 dollars (\$100.00) or imprisonment in the county jail not to exceed
25 thirty (30) days.

[C. C. 875, 876, 878 and 879.]

Sec. 17. **Term of Office Extended.**

1 The term of office of the present labor commissioner is extended
2 to July first, nineteen hundred twenty-one (1921).

[New.]

Subject: STATE EMPLOYMENT BUREAU

Senate File No..... Referred to Committee on
House File No.....
By Date.....

A BILL FOR

An act to amend, revise and codify sections eight hundred ninety-one (891) to eight hundred ninety-eight (898), inclusive, of the compiled code of Iowa, 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-one (891) to eight hundred ninety-eight (898), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

CHAPTER —

STATE EMPLOYMENT BUREAU AND EMPLOYMENT AGENCIES

Section 1. Free Employment Bureau—Commissioner to Establish.

1 The labor commissioner shall maintain in his office at the seat of
2 government a department to be called the state free employment
3 bureau, and the said commissioner is hereby directed to adopt such
4 rules and regulations as are necessary to carry out the purposes of
5 this chapter. He shall, with the approval of the executive council, ap-
6 point a competent person who shall be placed in charge of such work
7 and be known as the chief clerk of the bureau, whose term of office
8 shall be the same as that of the labor commissioner.

[C. C. 891.]

Sec. 2. Applications—Advertisement.

1 The chief clerk of the bureau shall cause to be printed the num-
2 ber desiring employment and the classes of employment sought, and
3 also the classes desiring to employ help and the classes desired, which
4 have been received since making up the previous list, and shall cause
5 copies of such list to be mailed to the farm agents or bureaus of each
6 county having such agents or bureaus, and also to such mayors and
7 clerks of such cities and towns in the state and as often as in the judg-
8 ment of the labor commissioner will afford the best means of finding
9 employment or help for all such applicants. The commissioner shall
10 use such other means of bringing the unemployed and those desiring
11 to employ together as in his judgment will be most effective.

12 It shall be the duty of all farm agents and other officers receiving
13 any such lists of applicants to display the same in a conspicuous place
14 and keep their communities respectively informed as to the demand
15 for and supply of labor as indicated by such lists, and other informa-
16 tion that may come to them from the free employment bureau.

[C. C. 892, modified.]

Sec. 3. Service Free.

1 No fee or compensation shall be received, either directly or indi-
2 rectly, from persons applying to the bureau for employment or help.

[C. C. 892.]

Sec. 4. Failure to Procure Employment—Fee Returned.

1 Every person, firm or corporation who shall agree or promise, or
2 who shall advertise through the public press, or by letter, to furnish
3 employment or situations to any person or persons, and in pursuance
4 of such advertisement, agreement or promise, shall receive any money,

5 personal property or other valuable thing whatsoever, and who shall
6 fail to procure for such person or persons acceptable situations or
7 employment as agreed upon, within the time stated or agreed upon, or
8 if no time be specified then within a reasonable time, shall upon de-
9 mand return all such money, personal property or valuable considera-
10 tion of whatever character.

[C. C. 894, modified.]

Sec. 5. Copy of Application or Agreement Furnished Applicant.

1 It shall be unlawful for any person, firm or corporation to receive
2 any application for employment from, or enter into any agreement
3 with, any person to furnish or procure for said person any employment
4 unless there is delivered to such person making such application or con-
5 tract at the time of the making thereof a true and full copy of such
6 application or agreement, which application or agreement shall specify
7 the fee or consideration to be paid by the applicant.

[C. C. 895.]

Sec. 6. Division of Fees Between Agency and Employer Prohibited.

1 It shall be unlawful for any person, firm or corporation or any per-
2 son employed or authorized by such person, firm or corporation to hire
3 or discharge employees, to receive any part of any fee or any per-
4 centage of wages or any compensation of any kind whatever, that is
5 agreed upon to be paid by any such employee to any employment bu-
6 reau or agency for services rendered to any such employee in pro-
7 curing for him employment with such person, firm or corporation.

[C. C. 896.]

Sec. 7. Employment Agencies Required to Keep Records.

1 Every person, firm or corporation operating an employment
2 agency or engaged in the business of finding employment for others

3 for which any fee is charged, shall keep a record of the applications
4 received and what if any employment was found or furnished to the
5 applicant, giving the name of each applicant and the name and ad-
6 dress of his employer, if employment is found, and the fee charged
7 each applicant.

[New]

Sec. 8. Investigation by Labor Commissioner.

1 The labor commissioner, his deputy or inspectors, and the chief
2 clerk of the bureau shall have authority to examine at any time the
3 records, books and any papers relating in any way to the conduct of
4 any employment agency or bureau within the state, and must investi-
5 gate any complaint made against any such employment agency or
6 bureau, and if any violations of law are found he shall at once file
7 or cause to be filed an information against any person, firm or corpo-
8 ration guilty of such violation of law.

[C. C. 897.]

Sec. 9. Violations—Penalties.

1 Any person, firm or corporation violating any of the provisions of
2 the five preceding sections, or who shall refuse access to records, books
3 or other papers relative to the conduct of such agency or bureau, to
4 any person having authority to examine same, shall be punished by a
5 fine not exceeding one hundred dollars (\$100.00), and in case of in-
6 dividuals on default of payment of such fine, imprisonment in the
7 county jail not to exceed thirty (30) days.

[C. C. 898.]

Sec. 10. Defacing Lists—Penalty.

1 Any person who shall deface, mutilate, destroy or remove any of

- 2 the lists or advertising matter posted as by this chapter provided, shall
- 3 be fined not exceeding one hundred dollars (\$100.00) or imprisoned in
- 4 the county jail not exceeding thirty (30) days.

[C. C. 893.]

Code Commissioners' Bill No. 48

Subject: BOARDS OF ARBITRATION

Senate File No. Referred to Committee on

House File No. . . .

By Date . . .

A BILL FOR

An act to amend, revise and codify sections eight hundred sixty-four (864), eight hundred sixty-five (865), eight hundred sixty-eight (868) and eight hundred seventy-one (871) of the compiled code of Iowa, relating to boards of arbitration.

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

That sections eight hundred sixty-four (864) and eight hundred sixty-five (865) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Petition for Appointment.

1 When any dispute arises between any person, firm, corporation
 2 or association of employers and their employees or association of em-
 3 ployees, of this state, except employers or employees having trade
 4 relations directly or indirectly based upon interstate trade relations
 5 operating through or by state or international boards of conciliation,
 6 which has or is likely to cause a strike or lockout, involving ten (10)
 7 or more wage earners, and which does or is likely to interfere with
 8 the due and ordinary course of business, or which menaces the public
 9 peace, or which jeopardizes the welfare of the community, and the
 10 parties thereto are unable to adjust the same, either or both parties
 11 to the dispute, or the mayor of the city, or the chairman of the board

12 of supervisors of the county in which said employment is carried
13 on, or on petition of any twenty-five (25) citizens thereof, over the
14 age of twenty-one (21) years, or the labor commissioner, after inves-
15 tigation, may make written application to the governor for the ap-
16 pointment of a board of arbitration and conciliation, to which board
17 such dispute may be referred under the provisions of this chapter;
18 and the manager of the business of any person, firm, corporation or
19 association of such employers, or any organization representing such
20 employees, or if such employees are not members of any organization,
21 then a majority of such employees affected may make the application
22 as provided in this chapter, but in no case shall more than twenty (20)
23 employees be required to join in such application.

[C. C. 864.]

Sec. 2. Notification by Governor—Appointment.

1 The governor shall at once upon application made to him as herein
2 provided, and upon his being satisfied that the dispute comes within
3 the provisions of the preceding section, notify the parties to the dis-
4 pute of the application for the appointment of a board of arbitration
5 and conciliation and make request upon each party to the dispute that
6 each of them recommend within three (3) days from the date of
7 notice, the names of five (5) persons who have no direct interest in
8 such dispute and are willing and ready to act as members of the board,
9 and the governor shall appoint from each list submitted one (1) of
10 such persons recommended. Should either of the parties fail or neg-
11 lect to make any recommendation within the said period, the governor
12 shall, as soon thereafter as possible, appoint a fit person who shall be
13 deemed to be appointed on the recommendation of the parties in de-

14 fault. The members of the board so appointed shall within five (5)
 15 days of their appointment recommend to the governor the name of
 16 one (1) person who is ready and willing to act as a third member
 17 of the board, and upon failure or neglect upon their part to make
 18 such recommendation within the said period, or upon the failure or
 19 refusal of the person so recommended to act, the governor shall as
 20 soon thereafter as possible appoint some person to act as the third
 21 member of the board.

[C. C. 865.]

That section eight hundred sixty-eight (868) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 3. Evidence—Witnesses.

1 For the purpose of this inquiry the board shall have all the powers
 2 of summoning before it and enforcing the attendance of witnesses, of
 3 administering oaths and of requiring witnesses to give evidence, to
 4 produce books, papers and other documents or things as the board
 5 may deem requisite to the full investigation of the matters into which
 6 it is inquiring, as is vested in the district court in civil cases. Any
 7 member of the board may administer an oath, and the board may
 8 accept, admit and call for such evidence as in equity and good con-
 9 science it thinks material and proper, whether strictly legal evidence
 10 or not.

[C. C. 868.]

Sec. 4. Subpoenas—By Whom Served—Fees.

1 A subpoena or any notice may be delivered or sent to any sheriff,
 2 constable, or any police officer who shall forthwith serve the same,
 3 and make due return thereof, according to directions. Witnesses in

4 attendance and officers serving subpoenas or notices shall receive the
 5 same fees as are allowed in the district court, payable from the state
 6 treasury, upon the certificate of the board that such fees are due and
 7 correct. The board shall have the same power and authority to main-
 8 tain and enforce order at the hearings and obedience to its writs of
 9 subpoena as is by law conferred upon the district court for like pur-
 10 poses.

[C. C. 868.]

That section eight hundred seventy-one (871) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 5. Report to Governor.

1 Within five (5) days after the completion of the investigation,
 2 unless the time is extended by the governor for good cause shown, the
 3 board or a majority thereof shall render a decision, stating such de-
 4 tails as will clearly show the nature of the controversy and the point
 5 disposed of by them, and make a written report to the governor of
 6 their findings of fact and of their recommendation to each party to
 7 the controversy.

[C. C. 871.]

Sec. 6. Decision Filed With Governor—Evidence Preserved.

1 Every decision and report shall be filed in the office of the gover-
 2 nor, and a copy served upon each party to the controversy, and a
 3 copy furnished to the labor commissioner for publication in the report
 4 of the commissioner, who shall cause such decision and report to be
 5 published at a rate of not to exceed thirty-three and one-third cents
 6 ($33\frac{1}{3}c$) per ten (10) lines of brevier type or its equivalent, in two
 7 (2) newspapers of general circulation in the county in which the

8 business is located upon which the dispute arose. All evidence taken
9 and exhibits and documents offered shall be carefully preserved and
10 at the close of the investigation shall be filed in the office of the gover-
11 nor of the state and shall only be subject to inspection upon his order.

[C. C. 871.]

Subject: ASSUMPTION OF RISKS

Senate File No..... Referred to Committee on

House File No.....

By Date.....

A BILL FOR

An act to amend, revise and codify section eight hundred sixty-three (863) of the compiled code of Iowa, relating to assumption of risks:

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

That section eight hundred sixty-three (863) of the compiled code of Iowa is amended, revised and codified to read as follows:

CHAPTER —

ASSUMPTION OF RISKS

Section 1. Assumption of Risks by Employee.

1 In all cases where the property, works, machinery or appliances
2 of an employer are defective or out of repair, and where it is the duty
3 of the employer to furnish reasonably safe machinery, appliances or
4 place to work, the employee shall not be deemed to have assumed the
5 risk, by continuing in the prosecution of the work, growing out of any
6 defect of which the employee had knowledge when the employer also
7 had knowledge of such defect, except when in the usual and ordinary
8 course of his employment it is the duty of such employee to make the
9 repairs, or remedy the defects. Nor shall the employee under such
10 excepted conditions be held to have waived the negligence of the em-
11 ployer, if any, unless the danger was imminent to such extent that a

12 reasonably prudent person would not have continued in the prosecu-
13 tion of the work. No contract which restricts liability to which this
14 chapter applies shall be legal or binding. This statute shall not be con-
15 strued so as to include such risks as are incident to the employment.

[C. C. 863.]

Code Commissioners' Bill No. 50.

Subject: SUSPENSION OF STATE OFFICERS

Senate File No.	Referred to Committee on
House File No. . . . .	.....
By	Date

A BILL FOR

An act to amend, revise and codify chapter twenty-two (22) of title four (4) of the compiled code of Iowa, 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 is amended, revised and codified to read as follows:

Section 1. Commission to Examine Accounts.

1 The governor shall, when of the opinion that the public service
2 requires such action, appoint, in writing, a commission of three (3)
3 competent accountants and direct them to examine the books, papers,
4 vouchers, moneys, securities and documents in the possession or under
5 the control of any state officer who can be removed only by impeach-
6 ment.

[C. C. 657, modified.]

Sec. 2. Power of Commission.

1 Said commissioners while in session shall have power to issue sub-
2 poenas, to call any person to testify in reference to any fact connected
3 with their investigation and to require such persons to produce any
4 paper or book which the district court might require to be produced.

5 Each commissioner shall have power to administer oaths.

[C. C. 658, modified.]

Sec. 3. Nature of Report.

1 Such accountants shall make out a full, complete and specific
2 statement of the transactions of said officer with, for or on behalf of
3 the state, showing the true balances in each case, and report the same
4 to the governor, with such suggestions as they may think proper.

[C. C. 657.]

Sec. 4. Basis of Suspension.

1 If the commission shall report that the officer has been guilty of
2 any defalcation or misappropriation of the public money, or that his
3 accounts, papers and books are not kept so as to disclose the true con-
4 dition of the business of his office, the governor shall, by written order,
5 forthwith suspend such officer from the exercise of his office, and re-
6 quire him to deliver all the moneys, books, papers and other property
7 of the state to him, to be disposed of as hereinafter provided.

[C. C. 659, modified.]

Sec. 5. Effect of Order—Penalty.

1 It shall be unlawful for such officer, after the making of such
2 order, to exercise or attempt to exercise any of the functions of his
3 office until such suspension shall be revoked; and any attempt to exer-
4 cise such office by the suspended officer shall be punished by imprison-
5 ment in the county jail not more than one (1) year, or by a fine not
6 exceeding one thousand dollars (\$1,000.00), or by both fine and im-
7 prisonment.

[C. C. 659.]

Sec. 6. Temporary Appointment.

1 On the making of such order, the governor shall appoint a tem-
2 porary incumbent of said office. Such appointee, after qualifying,
3 shall perform all the duties and enjoy all the rights belonging to the
4 said office, until the removal of the suspension of his predecessor, or
5 the appointment or election of a successor.

[C. C. 660.]

Sec. 7. Duty of Governor.

1 When the governor shall suspend any public officer, he shall direct
2 the proper legal steps to be taken to indemnify the state from loss.

[C. C. 661.]

Sec. 8. Governor to Report to General Assembly.

1 Forthwith after the organization of the general assembly first
2 convening after the making of said order of suspension, the governor
3 shall lay before it the order and all information and evidence relating
4 thereto in his possession.

[New.]

Sec. 9. Effect of Failure to Impeach or Convict.

1 The adjournment of such assembly without voting articles of im-
2 peachment against such officer or a verdict of "not guilty" on such
3 articles duly preferred, shall work a revocation of such order of sus-
4 pension.

[New.]

Sec. 10. Compensation of Commissioners.

1 Said commissioners shall each receive for the time actually em-
2 ployed in the performance of their duties the sum of twenty-five dol-

SUSPENSION OF STATE OFFICERS

3 lars (\$25.00) per day, which sum shall be paid out of any unappro-
4 priated funds in the state treasury.

[C. C. 662, modified.]

Subject: **INTOXICATING LIQUORS.**

Senate File No. Referred to Committee on

House File No.

By Date.. ..

A BILL FOR

An act to amend, revise and codify sections nine hundred seventeen (917), nine hundred twenty (920) to nine hundred twenty-two (922), inclusive, nine hundred twenty-four (924), nine hundred twenty-nine (929), nine hundred thirty-three (933) to nine hundred thirty-six (936), inclusive, nine hundred sixty-seven (967), nine hundred seventy-four (974), nine hundred seventy-six (973), nine hundred seventy-seven (977), nine hundred eighty-four (984), nine hundred eighty-eight (988), nine hundred ninety-nine (999), ten hundred four (1004), ten hundred five (1005), ten hundred seven (1007), ten hundred ten (1010), ten hundred thirteen (1013) and ten hundred sixteen (1016) of the compiled code of Iowa, relating to the manufacture, sale and transportation of intoxicating liquors.

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

That section nine hundred seventeen (917) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Persons Interested in Distilling or Brewing.

- 1 No person, firm, association or corporation and no officer, member,
- 2 stockholder, agent or employee thereof engaged in the manufacture,
- 3 brewing, distilling or refining of intoxicating liquors shall be interested
- 4 or engaged, either directly or indirectly, in the retail sale of intoxi-
- 5 cating liquors, or own, operate or lease any building, erection or place
- 6 to be used for the sale or keeping for sale of intoxicating liquors at
- 7 retail, or own or lease or be interested in, either directly or indirectly,

8 any fixtures, furniture or apparatus to be used in the retail sale of
9 intoxicating liquors, or furnish any bond required by law or pay for
10 such bond or guarantee the bond of such person engaging in the sale of
11 intoxicating liquors contrary to the conditions above prohibited. Any
12 violation of this section shall be punished as provided in the next
13 section.

[C. C. 917.]

That sections nine hundred twenty (920) to nine hundred twenty-two (922), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

Sec. 2 Purposes for Which Permit Holders May Sell Liquor.

1 Persons holding permits may sell and dispense intoxicating
2 liquors, not including malt liquors, for pharmaceutical and medical
3 purposes, and to permit holders for use and resale by them only for
4 the purposes authorized in this chapter; they may also sell and dis-
5 pense alcohol for specified chemical and mechanical purposes, and
6 wine for sacramental purposes.

[C. C. 920.]

Sec. 3. Purchases by Certain Persons for Compounding Drugs.

1 Registered pharmacists, licensed physicians, and manufacturers
2 of proprietary medicines may buy from permit holders intoxicating
3 liquors, not including malt, for the purpose of compounding medicines,
4 tinctures, and extracts that can not be used as a beverage.

5 Nothing in this chapter shall be construed to authorize the
6 manufacture or sale of any preparation or compound under any name,
7 form, or device, which may be used as a beverage and which is intoxi-
8 cating in its character.

[C. C. 920.]

Sec. 4. Pharmacists—Manufacturers of Proprietary Medicines.

1 If any such registered pharmacist or manufacturer of proprietary
2 medicines shall sell, barter, give, exchange, dispose of or use intoxi-
3 cating liquors in any manner or for any purpose other than author-
4 ized in the preceding section, he shall be liable to all the penalties and
5 proceedings provided for in this chapter, and upon proof of such viola-
6 tion by a registered pharmacist, the clerk of the district or superior
7 court shall transmit to the state board of health a certified copy
8 of the record thereof within ten (10) days after its entry, and upon
9 receipt of such certified copy said board may strike his name from the
10 list of registered pharmacists and cancel his certificate.

[C. C. 921.]

Sec. 5. Application for Permit.

1 All applications for a permit to sell intoxicating liquors for the
2 purposes allowed in this chapter shall be by petition, signed and sworn
3 to by the applicant, and filed in the office of the clerk of the district
4 or superior court of the county or city in which the buying and selling
5 is to be carried on, at least ten (10) days before the term at which
6 the matter is to be for trial, which petition shall set out the name of
7 the applicant, his residence and business, then and for the two (2) pre-
8 vious years, the place, particularly describing it, where the business
9 is to be conducted, that he is a citizen of the United States and of this
10 state, that he is a registered pharmacist, that now and for the six (6)
11 months last past he has been lawfully conducting a pharmacy in the
12 township, town or city wherein he proposes to engage in the business
13 under the permit applied for, that he has not been adjudged guilty of
14 any violation of the law relating to intoxicating liquors within the two

15 (2) years next preceding the making of his application, is not the
16 keeper of a hotel, dining house, saloon, restaurant or place of public
17 amusement, and that he is not addicted to the use of intoxicating
18 liquors as a beverage, and desires a permit to buy, keep and sell liquors
19 for lawful purposes only. If the applicant has previously held a per-
20 mit which has been revoked, his petition, in addition to the foregoing
21 requirements, shall state that he has not, within the last two (2) years
22 next before making the application, knowingly been engaged, employed
23 or interested in the unlawful manufacture or sale of, or keeping with
24 intent to sell, intoxicating liquors.

[C. C. 922.]

That section nine hundred twenty-four (924) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 6. Hearing—Remonstrances.

1 On the return day the court shall, if no remonstrance has been
2 filed, unless for cause postponed to some other day in the term, pro-
3 ceed to hear and try the application. Any remonstrance against or
4 objection to the granting of the permit must be in writing and filed
5 in the clerk's office by noon of the first day of the term, unless further
6 time be given, and shall be so filed before the date fixed for the trial.
7 Such remonstrance or objections may be made by any citizen of the
8 county wherein the application is made, specifically stating the rea-
9 sons therefor, and the court shall fix a day in the term for the trial,
10 and all applications shall be triable at the first term after completed
11 service has been made of the required notice.

[C. C. 924.]

Sec. 7. Findings Required—County Attorney to Appear.

1 No permit shall be granted unless the court shall find from com-
 2 petent evidence that all the averments in the petition are true, that
 3 the reasonable convenience and necessities of the people, considering
 4 the population and all the surroundings, make the granting of the per-
 5 mit proper, and that the applicant is possessed of the character and
 6 qualifications required, worthy of the trust to be reposed in him, and
 7 likely to discharge the same with fidelity. The county attorney shall
 8 appear in such cases, and any number of persons, not less than five (5),
 9 filing any remonstrance or objection, may also appear by counsel and
 10 resist the application.

[C. C. 924.]

Sec. 8. When Tried.

1 If more than one (1) permit is applied for in the same locality,
 2 the applications shall be heard at the same time, unless for cause
 3 shown it be otherwise ordered. If for any reason the application
 4 cannot be tried in term time, the same may be heard by the judge in
 5 vacation, at a time to be fixed by the court and made of record, and
 6 in all applications for permits the court may grant or refuse any or
 7 all applications, as will best subserve the public good.

[C. C. 924.]

That section nine hundred twenty-nine (929) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 9. Requests to Purchase—Blanks—Permit Holder to Fill in.

1 Before selling or delivering any intoxicating liquors to any person,
 2 a request must be signed by the applicant, in his true name, truly
 3 dated, stating the applicant is not a minor, his residence, for whom

4 and whose use the liquor is required, and his true name and residence,
5 and, if numbered, by street and number if in a city, the amount and
6 kind required, the actual purpose for which the request is made, and
7 for what use desired, and that neither the applicant nor the person
8 for whose use requested, habitually uses intoxicating liquors as a
9 beverage; and attested by the permit holder who receives and fills the
10 request. The blanks for such request shall, with proper stubs, in all
11 cases, be printed in book form and shall be furnished to the permit
12 holder by the auditor of the county in which such permit is in force,
13 and shall contain, in addition to the matter provided for in this sec-
14 tion, the facsimile signature of such auditor; and both the stub and
15 the request shall be numbered consecutively. Such blank requests
16 with stubs, shall be furnished the permit holder applying therefor,
17 upon payment by him to the auditor of the actual cost of printing the
18 same. Such blank requests and the corresponding stubs shall be filled
19 out in ink by the person making the sale, and in the presence of the
20 applicant for such liquors and prior to the applicant's signature
21 thereof. The line between the request and its corresponding stub shall
22 be perforated. The permit holder shall be required to preserve the
23 stubs in book form and shall keep them at all times subject to the
24 inspection of the county attorney, any grand juror, sheriff or justice
25 of the peace in the county in which such permit is in force.

[C. C. 929.]

Sec. 10. Identification When Applicant not Known.

1 If the applicant is not personally known, the permit holder, before
2 filling the order or delivering the liquor, shall require identification of
3 the applicant, and a statement in writing that the applicant is not a

4 minor, nor in the habit of using intoxicating liquor as a beverage, and
 5 is worthy of credit as to the truthfulness of the statements in the ap-
 6 plication, signed in his true name by a reliable, trustworthy person of
 7 good character and habits, giving his correct address, and personally
 8 known to the permit holder.

[C. C. 929.]

Sec. 11. **Request Refused When.**

1 The request shall be refused if the permit holder has reason to
 2 believe the statement to be untrue, and in no case granted unless the
 3 permit holder filling it personally knows the applicant is not a minor,
 4 not intoxicated, nor in the habit of using intoxicating liquors as a
 5 beverage.

[C. C. 929.]

Sec. 12. **Form of Request.**

1 The blank form of request and stub shall be as follows:

2 No. (Official Form E—Series B.)

3 CERTIFIED REQUEST OF PURCHASERS.

4 Date, 19 . . . No., Iowa, 19

5 To Reg. Phar. No.

6 I hereby make request for the purchase of the
 7 following intoxicating liquors:

8 Amount Amount Kind

9 Kind

10

11 Purchaser My true name is I am not

12 Township a minor and reside in township,

13 Street at street, city or town of

INTOXICATING LIQUORS

14 City or town _____, county of _____
 15 County _____ state of _____
 16 State _____ The actual purpose for which this request is made
 17 For _____ is to obtain liquor for _____,
 18 Township _____ residing in _____ township, at
 19 Street _____ street, city or town of _____,
 20 City or town _____ county of _____, state of _____,
 21 County _____ for _____ use, and
 22 State _____ neither myself nor the said
 23 Purpose _____ habitually use intoxicating liquors as a beverage
 24 _____

(Signature of Purchaser)

25 _____ If the applicant is unknown to the permit holder,
 26 _____ the following form shall be filled out and signed
 27 _____ by a witness

28 Certifier I, _____, hereby certify that
 29 _____ I am acquainted with _____,
 30 _____ the applicant for the purchase of the foregoing
 31 _____ described liquors, and that said
 32 _____ is not a minor and is not in the habit of using
 33 _____ intoxicating liquors as a beverage, and is worthy
 34 Township _____ of credit as to the truthfulness of the statements
 35 Street _____ in the foregoing request My residence is
 36 City or town _____ township, at
 37 County _____ street, city or town of _____,
 38 State _____ county of _____, state of _____
 40 _____

(Signature of certifier)

8 be destroyed, or delivered to a hospital as provided by law.

[C. C. 934, modified.]

Sec. 15. Evidence.

1 On the trial of an action or proceeding against any person for
 2 manufacturing, selling, giving away or keeping with intent to sell,
 3 intoxicating liquors in violation of law, or for any failure to comply
 4 with the conditions or duties imposed by law, the requests for liquors
 5 and returns made to the auditor, the quantity and kinds of liquors
 6 sold, or kept, purchased or disposed of, the purposes for which liquors
 7 were obtained by or from him and for which they were used, the char-
 8 acter and habits of sobriety or otherwise of the purchasers, shall be
 9 competent evidence, and may be considered, so far as applicable to the
 10 particular case, with other recognized, competent and material facts
 11 and circumstances bearing on the issues involved in determining the
 12 ultimate facts.

[C. C. 934.]

Sec. 16. Court to Compel Production of Evidence.

1 In any suit, prosecution or proceeding under this chapter, the
 2 court shall compel the production in evidence of any books or papers
 3 required to be kept, and shall compel any permit holder, his clerk, or
 4 any person who has purchased liquors of either of them, to appear and
 5 give evidence, but such oral evidence shall not be used against such
 6 person or witness on the trial of any criminal proceeding against him.

[C. C. 934.]

Sec. 17 Revocation of Permit.

1 Permits shall be deemed trusts reposed in the recipients, and may
 2 be revoked upon sufficient showing by order of a court or judge. Com-

3 plaint may be presented at any time to the district or superior court,
4 or a judge thereof, which shall be in writing and signed and sworn to
5 by three (3) citizens of the county in which the permit was granted.
6 A copy of the complaint shall, with a notice in writing of the time and
7 place of hearing, be served on the accused five (5) days before the
8 hearing, and if the complaint is sufficient, and the accused appear and
9 deny the same, the court or judge shall proceed without delay, unless
10 continued for cause, to hear and determine the controversy. If con-
11 tinued or appealed at the instance of the permit holder, his permit
12 may, in the discretion of the court, be suspended during the contro-
13 versy.

[C. C. 935.]

Sec. 18. Parties May Appear by Counsel.

1 The complainant and accused may be heard in person or by coun-
2 sel, or both, and proofs may be offered by the parties; and if it shall
3 appear upon such hearing that the accused has in any way abused the
4 trust or that liquors are sold by the accused or his employees in vio-
5 lation of law, or dispensed unlawfully, or he has in any proceeding,
6 civil or criminal, within the last two (2) years, been adjudged guilty
7 of violating any of the provisions of this chapter, the court or judge
8 shall revoke and set aside the permit; the papers and order in such
9 case shall be immediately returned to and filed by the clerk of the
10 court, and, if heard by a judge, the order shall be entered of record
11 as if made in court.

[C. C. 935.]

Sec. 19. Repeated Violation Forfeits Pharmacist's Certificate.

1 If in this or any other proceedings, civil or criminal, it shall be

2 adjudged by the court or judge that any registered pharmacist, pro-
3 prietor or clerk has been guilty of violating any provision of this
4 chapter, such adjudication may be by the state board of health
5 regarded as sufficient if repeated, to work a forfeiture of his certifi-
6 cate of registration. It shall be the duty of the clerk to forward to
7 the state board of health transcripts of such judgments or orders with-
8 out charge therefor, and as soon as practicable after final judgment
9 or order has been made and entered.

[C. C. 935.]

Sec. 20. How Business Conducted—Partner—Clerks.

1 A permit holder may employ not more than two (2) registered
2 pharmacists as clerks to sell intoxicating liquors in conformity to the
3 permit and the law; but in such cases the acts of clerks in conduct-
4 ing the business shall be considered the acts of the permit holder, who
5 shall be liable therefor as if he had personally done them, and in mak-
6 ing returns, the verification of such requests as may have been re-
7 ceived, attested and filled by the clerk must be made by such clerk and
8 the clerk who transacted any of the business under the permit must
9 join in the general oath required of the employer, so far as relates to
10 his own connection therewith. In case a permit holder shall die, his
11 personal or legal representative may continue the business, subject to
12 the provisions of such permit through the agency of any reputable
13 registered pharmacist, upon the approval of the court granting such
14 permit, or the clerk thereof, and the giving of a bond as hereinbefore
15 provided. A partner who is a registered pharmacist, not holding a
16 permit, shall have the same rights and be subject to the same re-
17 strictions as clerks, and for whose acts the permit holder shall be held

18 responsible the same in all respects as for his clerks.

[C. C. 936.]

Sec. 21. Lapse of Pharmacist's Certificate Avoids Permit.

1 If for any cause a registered pharmacist who holds a permit shall
2 cease to hold a valid and subsisting certificate of registration or re-
3 newal thereof, his permit shall be forfeited and be null and void.

[C. C. 936.]

Sec. 22. Physician May Dispense.

1 Nothing contained in this chapter shall be construed to prevent
2 licensed physicians from in good faith dispensing liquors as medicines
3 to patients actually sick and under their treatment.

[C. C. 936.]

That section nine hundred sixty-seven (967) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 23. How Brought and Tried.

1 Actions to enjoin nuisances may be brought in the name of the
2 state by the county attorney, who shall prosecute the same to judg-
3 ment, or any citizen of the proper county may institute and maintain
4 such a proceeding in his name. The action when brought shall be
5 triable at the first term of court after due and timely service of notice
6 of the commencement thereof has been given.

[C. C. 967.]

Sec. 24. General Reputation—Attorney's Fee.

1 In such action evidence of the general reputation of the place de-
2 scribed in the petition shall be admissible for the purpose of proving
3 the existence of such nuisance. If the plaintiff is successful in the
4 action, an attorney's fee of twenty-five dollars (\$25.00) shall be taxed
5 as costs in his favor.

[C. C. 967.]

Sec. 25. Investigation by County Attorney and Grand Jury.

1 Such action, when brought by a citizen, shall not be dismissed
2 upon the motion of either the plaintiff or defendant until the county
3 attorney shall have been notified in writing of the filing of such mo-
4 tion, and until such county attorney shall have made a personal investi-
5 gation of the place of business sought to be enjoined, and of all mat-
6 ters set forth in said motion for dismissal, and shall have filed, in
7 writing, a report of his findings in said cause, and his recommendation
8 in reference to the disposition of the same. If any such action shall
9 remain upon the docket for two (2) terms of court, without trial, it
10 shall be the duty of the judge of such court to order the plaintiff and
11 his attorney or attorneys of record, to appear in open court for exam-
12 ination as to the reasons why such cause has not been brought on
13 for trial; and it shall be the duty of the county attorney to conduct
14 such examination if the judge shall so order. Whenever the court
15 shall have reason to believe that any action commenced under this
16 section has not been brought or prosecuted in good faith said court
17 shall direct the grand jury to investigate all the facts and circum-
18 stances connected with the bringing and prosecution of the same.

[C. C. 967.]

That section nine hundred seventy-four (974) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 26. Search Warrant—Seizure.

1 If any credible resident of this state, or any special agent of the
2 state, or any assistant authorized by him, shall, before a justice of the
3 peace, or any judge of the district court of said county, or any judge
4 of a superior, municipal or police court within said county make writ-
5 ten information, supported by his oath or affirmation, that he has

6 reason to believe, and does believe, that any intoxicating liquor, de-
7 scribed as particularly as may be in said information, is in said county,
8 in any place described as particularly as may be in said information,
9 owned or kept by any person named or described in said information
10 as particularly as may be, and is intended by him to be sold, or had
11 been purchased or procured as the result of solicitation, or has been
12 transported in violation of the provisions of this chapter, said justice
13 or judge shall, upon finding probable cause for such information, issue
14 his warrant of search, directed to any peace officer in the county, de-
15 scribing as particularly as may be the liquor and the place described
16 in said information, and the person named or described in said infor-
17 mation as the owner or keeper of said liquor, and commanding the said
18 officer to search thoroughly said place, and to seize the said liquor,
19 with the vessels containing it, and to keep the same securely until final
20 action be had thereon.

[C. C. 974.]

Sec. 27. Service and Return.

1 The peace officer to whom such warrant shall be delivered shall
2 forthwith obey and execute, as effectually as possible, the commands
3 of said warrant, and make return of his doings to said justice or judge,
4 and shall securely keep all liquors so seized by him and the vessels
5 containing them until final action be had thereon.

[C. C. 974.]

Sec. 28. Search of Dwelling House—Requirements.

1 If the place to be searched be a dwelling house in which any
2 family resides, and in which no tavern, eating house, grocery or other
3 place of public resort is kept, such warrant shall not be issued unless

4 said complainant shall, on oath or affirmation, declare before said
5 justice or judge that he has reason to believe and does believe that
6 within one (1) month next before the making of said information
7 intoxicating liquor has been, in violation of this chapter, sold in said
8 house, or in some dependency thereof, by the person accused in said
9 information, or by his consent or permission; nor unless, from the
10 facts and circumstances disclosed by such complaint, the said justice
11 or judge shall be of the opinion that said complainant has adequate rea-
12 son for such belief. In all such prosecutions the action shall be in the
13 name of the state.

[C. C. 974.]

That sections nine hundred seventy-six (976) and nine hundred sev-
enty-seven (977) of the compiled code of Iowa are amended, revised and
codified to read as follows:

Sec. 29. Notice—Trial.

1 In the event of a seizure under said warrant, the officer shall
2 forthwith make a return of his acts thereunder, and within forty-eight
3 (48) hours thereafter the justice or judge who issued the warrant
4 shall cause to be left at the place where said liquor was seized, if said
5 place be a dwelling house, store or shop, posted in some conspicuous
6 place on or about said buildings, and also to be left with, or at the last
7 known and usual place of residence of, the person named or described
8 in said information as the owner or keeper of said liquor, if he be a
9 resident of this state, a notice, summoning such person, and all others
10 whom it may concern, to appear before said justice or judge within
11 the county at a place and time named in said notice, which time shall
12 not be less than five (5) nor more than fifteen (15) days after the
13 posting and leaving of said notices, and show cause, if any they have,

14 why said liquor, together with the vessels in which the same is con-
15 tained, should not be forfeited; and said notice shall, with reasonable
16 certainty, describe said liquor and vessels, and shall state where, when
17 and why the same were seized.

[C. C. 976.]

Sec. 30. Appearance—Trial.

1 At the time and place prescribed in said notice, the person named
2 in said information, or any other person claiming an interest in said
3 liquor and vessels, or any part thereof, may appear and show cause
4 why the same should not be forfeited. If any person shall so appear,
5 he shall become a party in said case, and said justice or judge shall
6 make a record thereof. Whether any person shall so appear or not,
7 said justice or judge shall, at the prescribed time, proceed to the trial
8 of said case, and said complainants or either of them may, and upon
9 their default the officer having such liquor in custody shall, appear
10 before said justice or judge and prosecute said information, and show
11 cause why such liquor should be adjudged forfeited.

[C. C. 976.]

Sec. 31. Manner of Trial.

1 The proceeding in the trial of such case may be the same, sub-
2 stantially, as in cases of misdemeanor triable before justices of the
3 peace, and if any person shall appear and be made a party defendant
4 as herein provided, and shall make written plea that said liquor, or a
5 part thereof claimed by him, was not owned or kept with intent to be
6 sold in violation of this chapter and was not purchased or produced as
7 the result of solicitation, nor illegally transported, such party defend-
8 ant may, at his option, demand a jury to try the issue, and if, upon the
9 evidence presented, the said justice or judge or jury, as the case may

10 be, shall, by verdict, find that said liquor was, when seized, owned or
11 kept by any person, whether said party defendant or not, for the pur-
12 pose of being sold in violation of this chapter, or was purchased or pro-
13 cured as the result of solicitation, or has been unlawfully transported,
14 the said justice or judge shall render judgment that said liquor, or
15 said part thereof, with the vessels in which it is contained, is forfeited.

[C. C. 976.]

Sec. 32. Judgment—Costs.

1 If no person be made defendant in manner aforesaid or if judg-
2 ment be in favor of all the defendants who appear and are made such,
3 then the costs of the proceeding shall be paid as in ordinary criminal
4 prosecutions where the prosecution fails. If the judgment shall be
5 against only one (1) party defendant appearing as aforesaid, he shall
6 be adjudged to pay all the costs of proceedings in the seizure and
7 detention of the liquor claimed by him, and trial, up to the time of
8 judgment. But if such judgment shall be against more than one
9 (1) party defendant claiming distinct interests in said liquor, then
10 the costs of said proceedings and trial shall be, according to the discre-
11 tion of said justice or judge, equitably apportioned among said de-
12 fendants, and execution shall be issued on said judgments against
13 said defendants for the amount of the costs so adjudged against them.

[C. C. 976.]

Sec. 33. Appeals—Appeal by State Stays Proceedings.

1 Any person appearing and becoming party defendant as afore-
2 said, may, in cases arising before a justice of the peace, appeal from
3 said judgment of forfeiture, as to the whole or any part of said
4 liquor and vessels claimed by him and so adjudged forfeited, to the

5 district court, as in ordinary cases of misdemeanor. In any such pro-
6 ceeding where the judgment is against the state, it shall have the
7 same right of appeal to the district court, except that no bond shall be
8 required, and if an appeal be taken by the state, the same shall operate
9 as a stay of proceedings and the liquors seized under the warrant shall
10 not be returned to any claimant thereof until, upon the final deter-
11 mination of said appeal, he is found entitled thereto.

[C. C. 976.]

Sec. 34. Judgment for Destruction of Liquors.

1 When it shall be finally decided by any other than the district
2 court that liquor seized as aforesaid is forfeited, the court rendering
3 final judgment of forfeiture shall forthwith file in the office of the clerk
4 of the district court in the county a certified transcript of such judg-
5 ment and the officer having said liquor in custody shall forthwith de-
6 liver the same to the sheriff, taking itemized receipts therefor and
7 shall file one (1) of said receipts with the clerk of the district court
8 and the other with the court rendering said judgment. The clerk of
9 the district court shall file the transcript as soon as received and enter
10 a memorandum thereof and the date of filing in the judgment docket,
11 and from such entry it shall be treated in all respects and in its en-
12 forcement as a judgment in the district court.

[C. C. 977.]

Sec. 35. Liquors not Forfeited Restored.

1 When it shall be finally decided that any liquor so seized is not
2 liable to forfeiture, the court by whom such final decision shall be ren-
3 dered shall issue a written order to the officer having the same in cus-
4 tody, or to some other peace officer, to restore said liquor, with the

5 vessels containing the same, to the place where it was seized, as nearly
6 as may be, or to the person entitled to receive it, which order the officer
7 shall obey, and make return thereon to the court of his acts there-
8 under, and the costs of the proceeding in such case attending the
9 restoration, as also the costs attending the destruction of such liquor
10 in case of forfeiture, shall be taxed and paid in the same manner as is
11 provided in case of ordinary criminal prosecutions where the prose-
12 cution fails.

[C. C. 977.]

Sec. 36. Destruction of Liquors—Delivery to Hospitals.

1 When a transcript has been filed or a judgment has been entered
2 in the district court decreeing a forfeiture of any intoxicating liquors,
3 the court or a judge thereof in vacation, may direct the destruction
4 thereof and the vessels containing the same, or may order any portion
5 thereof consisting of alcohol, brandies, wine or whiskey delivered for
6 medicinal or scientific purposes to any state or reputable hospital in the
7 county or adjoining counties, and shall order any balance remaining,
8 and the vessels containing the same, turned over to the state board of
9 control to be dispensed to any state institution or reputable hospital in
10 the state of Iowa to be used for medicinal or scientific purposes. The
11 state board of control shall issue to the court under whose order the
12 said liquor was delivered to it, a receipt stating the kind and quantity
13 of liquor delivered to it, and shall keep a strict account of all liquors
14 received and dispensed, and shall make a full and complete report of all
15 such transactions each year to the governor of the state.

[C. C. 977.]

Sec. 37. Duty of Clerk and Sheriff.

1 The clerk of the district court shall call to the attention of the
2 court on the first day of each term, all judgments for the forfeiture
3 of intoxicating liquor, for the disposition of which no order has been
4 theretofore made, and the court shall thereupon enter an order for the
5 disposition of such liquors. Upon the entry of any order for the dis-
6 position of any intoxicating liquors which have been adjudged for-
7 feited, the clerk shall forthwith transmit a certified copy thereof to
8 the sheriff who shall immediately take possession of such liquors and
9 the vessels containing the same, and make disposition thereof in ac-
10 cordance with such order, and make return of his doings to the court.

[C. C. 977.]

Sec. 38. Shipping Regulations.

1 When any such liquor is ordered delivered or shipped, the sheriff
2 shall securely attach to the box or package containing the same a
3 certified copy of the order of the court and thereupon any railway
4 company, express company or other common carrier may receive,
5 transport, and deliver such liquor to the consignee. The cost of pack-
6 ing and transportation shall be paid by the consignee receiving such
7 liquor. The sheriff shall take receipts for any liquor disposed of under
8 the provisions of this section showing in detail the kind and quantity
9 of liquor delivered, the character of the vessels containing the same,
10 the date and manner of delivery and, if delivery is made by common
11 carrier, the name of such carrier. Such receipt shall be attached by
12 the sheriff to, and filed with, the return of his doings as herein pro-
13 vided for.

[C. C. 977.]

Sec. 39. Statutes—How Construed.

1 Any statute of this state providing for the destruction of intoxi-
 2 cating liquors shall be construed so that the disposition of such liquors
 3 under the provisions of the three (3) preceding sections shall consti-
 4 tute a destruction thereof within the meaning of such statute.

[C. C. 977.]

That section nine hundred eighty-four (984) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 40. Carrier Must Keep Record of Liquor Shipments.

1 It shall be the duty of any railroad company, express company,
 2 or other common carrier, or corporation, steamboat or steamboat line,
 3 or person, who shall for hire carry any intoxicating liquor into the
 4 state, or from one point to another within the state, for the purpose
 5 of delivery, and who shall deliver such intoxicating liquor to any per-
 6 son, company or corporation, to keep, at each station or office where it
 7 employs an agent or other person to make delivery of freight and keep
 8 records relative thereto, a record book wherein such carrier shall
 9 promptly upon receipt, and prior to delivery, enter in ink, in legible
 10 writing, in full, the name of the consignor of each shipment of intoxi-
 11 cating liquor to be delivered from or through such station, from where
 12 shipped, the date of arrival, the quantity, and kind of liquor, so far as
 13 disclosed by lettering on the package, or by the carrier's records, and
 14 to whom and where consigned, and the date to be delivered.

[C. C. 984.]

Sec. 41. Delivery to Consignee Only—Requirements.

1 No shipment billed in whole or in part as intoxicating liquor shall
 2 be delivered to the consignee until such consignee upon such record

3 book enters in ink, in legible writing, his full name and residence or
4 place of business, giving the name of the town or city, and the street
5 name and number where there is such, and certifies that such liquor
6 is for his own lawful purposes.

[C. C. 984, modified.]

That section nine hundred eighty-eight (988) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 42. Lien of Judgments.

1 For all fines and costs assessed or judgments of any kind rendered
2 against any person for a violation of any provision of this chapter, or
3 costs paid by the county on account of such violation, the personal and
4 real property, whether exempt or not, except the homestead, as well
5 as the premises and property, personal and real, occupied and used for
6 the purpose, with the knowledge of the owner or his agent, by the per-
7 son manufacturing, selling, giving, contrary to the provisions of this
8 chapter, or keeping with intent to sell intoxicating liquors contrary to
9 law, shall be liable, and the same shall be a lien on such real estate.

[C. C. 988.]

Sec. 43. Liability of Sureties.

1 When anyone is required under the provisions of this chapter to
2 give a bond, the principals and sureties shall be jointly and severally
3 liable for all civil damages and costs which may be adjudged against
4 the principal for any violation of any of the provisions of this chapter.
5 Costs paid by the county for the prosecution of actions or proceedings,
6 civil or criminal, under this chapter, as well as the fines imposed or
7 judgments recovered, may be enforced against the property upon
8 which the lien attaches, by execution or by action against the owner

9 of the property to subject it to the payment thereof.

[C. C. 988.]

Sec. 44. Knowledge of Owner—How Shown.

1 In actions under this chapter, evidence of the general reputation
2 of the place kept shall be admissible on the question of knowledge of
3 the owner, and written notice given him or his agent by any citizen of
4 the county shall be sufficient to charge him with the same.

[C. C. 988.]

That section nine hundred ninety-nine (999) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 45. Duty of Peace Officers.

1 Peace officers shall see that all provisions of this chapter are
2 faithfully executed within their respective jurisdictions, and when
3 informed, or they have reason to believe, that the law has been vio-
4 lated, and that proof thereof can be had, they shall file an information
5 to that effect against the offending party before a magistrate, who
6 shall thereupon proceed according to law.

[C. C. 999.]

Sec. 46. Special Investigations—Evidence—Penalty.

1 Any peace officer shall, whenever directed in writing so to do by
2 the county attorney, make special investigation of any alleged or sup-
3 posed infraction of the law within his county, and report in writing
4 with reference thereto within a reasonable time to such county attor-
5 ney. Every peace officer shall give evidence, when called upon, of any
6 facts within his knowledge tending to prove the violation of the pro-
7 visions of this chapter, but his evidence shall in no case be used against
8 him in any criminal prosecution. Any peace officer failing to comply

9 with the provisions of this section shall pay a fine of not less than ten
10 dollars (\$10.00) nor more than fifty dollars (\$50.00), and a conviction
11 shall work a forfeiture of his office.

[C. C. 999.]

Sec. 47. County Attorney to Appear—Other Attorneys Selected.

1 Upon trials of such causes the county attorney shall appear for
2 the state unless some other attorney selected by the peace officer who
3 filed information shall have previously appeared. The attorney se-
4 lected by a peace officer in accordance with the provisions of this sec-
5 tion shall receive for prosecuting such charge before a justice of the
6 peace, five dollars (\$5.00), to be taxed as costs in the case.

[C. C. 999.]

Sec. 48. Report—Compensation—Expenses.

1 When such investigation is made the peace officer shall file with
2 the county auditor a true, verified and itemized statement of the serv-
3 ices rendered and of his actual expenses incurred in connection there-
4 with, accompanied by the written order of the county attorney. If
5 the officer be one who is receiving a definite salary, the board of super-
6 visors shall audit and allow only so much of the expense account as it
7 shall find reasonable and necessary. If the officer be one not receiving
8 a definite salary the board shall allow such additional sum for services
9 as it may deem reasonable, and such allowance shall be final.

[C. C. 999.]

That section ten hundred four (1004) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 49. Return by Assessor.

1 In the months of December, March, June and September of each

2 year, and before the twentieth day of each of said months, the assessor
3 of each township, town or city, or assessment district thereof, shall
4 return to the county auditor a list of persons who are, or since the last
5 quarterly return have been, engaged in carrying on within said town-
6 ship, town, city or assessment district the business of selling or keep-
7 ing for sale intoxicating liquors, or maintaining any place where such
8 liquors are sold or kept for sale, and also a description of the real
9 property wherein or whereon such business is carried on or such place
10 is maintained, with the name of the occupant or tenant and owner or
11 agent.

[C. C. 1004.]

Sec. 50. Notice of Listing—How Served.

1 At least five (5) days before the assessor makes the return above
2 contemplated to the county auditor he shall give to the person found
3 in possession of each place which he intends to list, or is required to
4 list, and to the tenant, occupant and owner of such place a notice in
5 writing that he intends to return such list to the county auditor, charg-
6 ing the property itself and the owner of the property therein described
7 and the person who owns or conducts the business, with the mulct tax.

[C. C. 1004.]

Sec. 51. Notice to Nonresident.

1 If any one (1) of the persons to whom the assessor is herein re-
2 quired to give notice does not reside within the assessor's assessment
3 district, it shall be sufficient for the assessor to mail, at least five (5)
4 days before he makes such return to the auditor, a copy of such notice
5 to such person at his last known postoffice address; and if there is
6 anyone whose postoffice address cannot be ascertained by the assessor

7 it shall be sufficient as to such person for the assessor to post a copy
8 of such notice in some conspicuous place on the front of the property
9 about to be listed as liable to the tax.

[C. C. 1004.]

Sec. 52. Substituted Service.

1 Service of notice on any agent having general charge of the prop-
2 erty or on any agent renting or collecting rent on the property so used
3 or having authority to rent or collect rent on such property, or on any
4 member of the owner's family over fourteen (14) years of age, shall
5 be equivalent to notice to the owner of such property. The assessor
6 shall give notice in each case in such one (1) of the ways above pro-
7 vided as the circumstances of the case require, and he shall show in
8 his return to the auditor that he has served notice and the manner of
9 the service. The return signed by the assessor shall in all cases be
10 admissible in evidence, without further proof, and such return shall
11 have the same force and effect as the oath of the assessor. The burden
12 of proof shall in all cases be upon the party claiming that notice was
13 not given. Any assessor wilfully failing to comply with the provisions
14 of this or the three (3) preceding sections shall pay a fine of fifty
15 dollars (\$50.00) and costs for each offense.

[C. C. 1004.]

That section ten hundred five (1005) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 53. Auditor to Furnish Assessor Blanks.

1 The auditor shall furnish to each assessor the necessary blanks
2 on which shall be returned the list of places where intoxicating liquors
3 are sold, with the names of the occupants, tenants and owners, and

4 also the name of the agent, if any, of the property, together with
 5 printed blanks upon which to give the notice of listing contemplated
 6 in the preceding section.

[C. C. 1004, 1005.]

That section ten hundred seven (1007) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 54. Quarterly Installments—Lien.

1 On the first day of January, of April, of July, and of October of
 2 each year there shall be due and payable from each person listed with
 3 the county auditor by the assessor or by three citizens as aforesaid,
 4 as a person carrying on the business of selling or keeping for sale
 5 intoxicating liquors, or maintaining a place where such liquors are
 6 sold or kept for sale, a quarterly installment of the mulct tax herein
 7 provided for, and the tax due from any person so listed by the assess-
 8 ors, or by three (3) reputable citizens, shall be a lien upon the real
 9 property wherein or whereon such business is listed as being carried
 10 on or such place maintained, whether the person carrying on such
 11 business or maintaining such place is correctly described or not.

[C. C. 1007.]

Sec. 55. Redemption—Title—County.

1 If the installments of tax due and payable as aforesaid are not
 2 paid within one (1) month after the same become due and payable,
 3 then a penalty of twenty per cent (20%) shall be added thereto, to-
 4 gether with one per cent (1%) per month thereafter until paid. Who-
 5 ever is assessed under the provisions of this chapter shall be liable at
 6 least for one (1) quarterly installment of the tax herein provided for,
 7 notwithstanding any such person may discontinue the business when

8 so assessed, and notwithstanding the fact he may have been in the
9 business for a less period than three (3) months; and if he shall con-
10 tinue therein for a longer period than three (3) months, he shall be
11 liable for an additional quarterly installment.

[C. C. 1007, modified.]

That section ten hundred ten (1010) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 56. When Delinquent—Sales for.

1 After the expiration of one (1) month from the date when such
2 tax becomes due and payable, if not paid, it shall be delinquent, and
3 collected by the treasurer in the same manner as other delinquent
4 taxes are collected and all the provisions as to the collection of other
5 delinquent taxes shall apply. Tax sales for such delinquent taxes shall
6 also be made on the first Monday of June of each year, in the same
7 manner and to the same effect as on the first Monday in December,
8 and all the provisions of law as to tax sales in December shall apply
9 to such sales in June. When real estate offered at tax sale under this
10 section shall be passed for want of bid covering amount of tax due
11 thereon, it shall be advertised and sold by the treasurer at next semi-
12 annual tax sale.

[C. C. 1010.]

Sec. 57. Redemption—Title in County.

1 The treasurer shall appoint, prior to such sale, three (3) ap-
2 praisers who shall appraise the value of any and all property to be
3 offered at such sale, taking into account any superior, valid lien
4 thereon, and file a separate appraisalment for each parcel; and the
5 cost thereof shall be added to the penalty. If at the sale an amount

6 less than the tax and penalty and less than the appraisement is of-
 7 fered, the property shall be sold to the county at the appraised value,
 8 if it is less than the tax and penalty; or at the tax and penalty, if they
 9 are less than the appraised value.

[C. C. 1010.]

Sec. 58. Laws Applicable.

1 The provisions of sections forty-six hundred eighty-eight (4688)
 2 to forty-six hundred ninety (4690), inclusive, shall apply to the re-
 3 demption; but the supervisors may allow redemption for any amount
 4 deemed advantageous to the county; and in default thereof after
 5 notice to redeem as provided by section forty-six hundred ninety-three
 6 (4693), the treasurer shall execute a deed to the county, without fee,
 7 and such deed shall have, so far as applicable, all the effect as pro-
 8 vided by section forty-six hundred ninety-six (4696) as to vesting in
 9 the county all the right, title, interest and estate of the former owner
 10 in and to the land conveyed. On redemption or on final sale of the
 11 property the proceeds shall be applied as provided by section ten hun-
 12 dred sixteen (1016). While thus acquiring title the county, to pro-
 13 tect its interest, may bid in the property at ordinary tax sale and ac-
 14 quire title under the same terms and conditions as other tax sale pur-
 15 chasers.

[C. C. 1010.]

That section ten hundred thirteen (1013) of the compiled code of Iowa
 is amended, revised and codified to read as follows:

Sec. 59. Hearing—Evidence.

1 On the application to remit the tax, the owner of the property
 2 may be heard in support of the same, and evidence of the general

3 reputation of the place shall be admissible, and if upon the hearing of
4 the case it shall be shown that the petitioner, his agent or tenant has
5 paid a retail liquor dealer's internal revenue tax to the United States,
6 covering any portion of the time and premises as set forth in the list-
7 ing of said real estate, it shall be prima facie evidence that the person
8 and property are subject to the tax. If upon said hearing it be found
9 by a majority vote of the board of supervisors that the tax is proper,
10 it shall stand, otherwise it shall be remitted, and the board shall enter
11 its order on its record.

[C. C. 1013.]

Sec. 60. **Appeals—Cost Bond—Service.**

1 Either the petitioner or the county attorney may appeal to the
2 district court, and if the petitioner appeals he shall be required to give
3 bond for the costs which have accrued, or may accrue in the further
4 progress of the case. Notice of the appeal shall be served upon the
5 appellee or his attorney, and upon the county auditor, within ten (10)
6 days after the decision by the board of supervisors; whereupon the
7 auditor shall file a full and complete transcript of the record of the
8 proceedings in said cause, together with the original papers, in the
9 office of the clerk of the district court in said county. In case the
10 finding of the board of supervisors shall be against the tax, and the
11 county attorney shall fail to take an appeal to the district court within
12 ten (10) days from such finding as above provided, any three (3)
13 citizens of the county may take such appeal within ten (10) days
14 thereafter, upon giving a good and sufficient bond for costs, and the
15 same proceeding shall be had as if the appeal had been taken by the
16 county attorney. The auditor shall charge and tax as fees for the

17 transcript and writing up of the record ten cents (10c) per hundred
18 (100) words.

[C. C. 1013.]

That section ten hundred sixteen (1016) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 61. **Tax Divided and Apportioned.**

1 The revenue derived from the tax provided for in this chapter
2 shall be paid into the county treasury, one-half ($\frac{1}{2}$) to go to the gen-
3 eral county fund, and the remainder to be paid over to the municipal-
4 ity in which the business taxed is conducted. If such business is con-
5 ducted outside the limits of a city or town then the tax shall be ap-
6 portioned as follows: One-half ($\frac{1}{2}$) to the general county fund and
7 the other one-half ($\frac{1}{2}$) to the clerk of the township in which such
8 business is conducted, who shall credit it to the township road fund.

[C. C. 1016, modified.]

Code Commissioners' Bill No. 52

Subject: HOUSES OF PROSTITUTION

Senate File No..... Referred to Committee on
House File No.....
By Date.....

A BILL FOR

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.

1 Whoever shall erect, establish, continue, maintain, use, own or
2 lease any building, erection or place used for the purpose of lewdness,
3 assignation or prostitution is guilty of a nuisance, and the building,
4 erection or place, or the ground itself, in or upon which such lewd-
5 ness, assignation or prostitution is conducted, permitted or carried
6 on, continued or exists, and the furniture, fixtures, musical instru-
7 ments and movable property used in conducting or maintaining such
8 nuisance, are also declared a nuisance and shall be enjoined and
9 abated as hereinafter provided.

[C. C. 1028.]

Sec. 2. Injunction—Procedure.

1 When a nuisance is kept, maintained or exists, as defined in this
2 chapter, the county attorney or any citizen of the county or any so-
3 ciety, association or body, incorporated under the laws of this state,
4 may maintain an action in equity in the name of the state of Iowa,
5 upon the relation of such county attorney, citizen, or corporation to
6 perpetually enjoin said nuisance, the person or persons conducting
7 or maintaining the same from further conducting or maintaining the
8 same and the owner or agent of the building or ground upon which
9 said nuisance exists from further permitting such building or ground
10 or both to be so used.

[C. C. 1029.]

Sec. 3. Notice—Temporary Writ—Without Bond.

1 The defendants shall be served with notice as in other actions
2 and in such action the court, or judge in vacation, shall upon the pre-
3 sentation of a petition therefor alleging that the nuisance complained
4 of exists, allow a temporary writ of injunction without bond, if the
5 existence of such nuisance shall be made to appear to the satisfaction
6 of the court or judge by evidence in the form of affidavits, deposi-
7 tions, oral testimony or otherwise as the complainant may elect, unless
8 the court or judge by previous order, shall have directed the form
9 and manner in which such evidence shall be presented.

[C. C. 1029.]

Sec. 4. Owners Defined—Unknown Owners—Publication of Notice.

1 The person in whose name the real estate affected by the action
2 stands on the books of the county auditor, for the purposes of taxation
3 shall be presumed to be the owner thereof, and in case of unknown

4 persons having or claiming any ownership, right, title, or interest in
5 property affected by the action, such may be made parties to the
6 action by designating them in the notice and petition as "all other
7 persons unknown claiming any ownership, right, title, or interest in
8 the property affected by the action" and service thereon may be had
9 by publishing such notice in the manner prescribed in section seventy-
10 one hundred eighty-five (7185). Any person having or claiming such
11 ownership, right, title or interest, and any owner or agent in behalf
12 of himself and such owner may make, serve and file his answer therein
13 within twenty (20) days after such service, and have trial of his rights
14 in the premises by the court; and if said cause has already proceeded
15 to trial or to findings and judgment, the court shall by order fix the
16 time and place of such trial and shall modify, add to or confirm such
17 findings and judgment as the case may require. Other parties to said
18 action shall not be affected thereby.

[C. C. 1036.]

Sec. 5. Temporary Restraining Order.

1 Where a temporary injunction is prayed for, the court or judge
2 in vacation, on the application of plaintiff, may issue an ex parte re-
3 straining order, restraining the defendants and all other persons from
4 removing or in any manner interfering with the furniture, fixtures,
5 musical instruments and movable property used in conducting the
6 alleged nuisance, until the decision of the court or judge granting or
7 refusing such temporary injunction and until the further order of
8 the court thereon.

[C. C. 1029.]

Sec. 6. Writ—How Served.

1 The restraining order may be served by handing to and leaving
2 a copy of said order with any person in charge of said property or
3 residing in the premises or apartment wherein the same is situated,
4 or by posting a copy thereof in a conspicuous place at or upon one or
5 more of the principal doors or entrances to such premises or apart-
6 ment where such nuisance is alleged to be maintained, or by both such
7 delivery and posting. The officer serving such restraining order shall
8 forthwith make and return into court an inventory of the personal
9 property situated in and used in conducting or maintaining such nui-
10 sance. Where such order is so posted, mutilation or removal thereof,
11 while the same remains in force, shall be a contempt of court, pro-
12 vided, such posted order contains thereon or therein a notice to that
13 effect.

[C. C. 1029.]

Sec. 7. Notice of Hearing—Answer.

1 Three (3) days' notice in writing shall be given the defendants
2 of the hearing of the application for temporary injunction, and if
3 then continued at the instance of defendant, the temporary writ, as
4 prayed shall be granted as a matter of course. Each defendant so
5 notified shall serve upon the complainant or his attorney a verified
6 answer on or before the date fixed in said notice for said hearing, and
7 such answer shall be filed with the clerk of the district court of the
8 county wherein such cause is triable, but the court may allow addi-
9 tional time for so answering, providing such extension of time shall
10 not prevent the issuing of said temporary writ as prayed for. The
11 allegations of the answer shall be deemed to be traversed without fur-

12 ther pleading. When an injunction has been granted, it shall be bind-
13 ing on the defendant throughout the judicial district in which it was
14 issued, and any violation of the provisions of the injunction or tem-
15 porary restraining order herein provided, shall be a contempt and
16 punished as hereinafter provided.

[C. C. 1029.]

Sec. 8. Action—When Tried—Reputation—Evidence.

1 The action when brought shall be triable at the first term of the
2 court. In such action evidence of the general reputation of the place
3 shall be competent for the purpose of proving the existence of said
4 nuisance and shall be prima facie evidence of such nuisance and of
5 knowledge thereof and of acquiescence and participation therein on the
6 part of the owners, lessors, lessees, users and all those in possession
7 of or having charge of, as agent or otherwise or having any interest
8 in any form of property used in conducting or maintaining said
9 nuisance.

[C. C. 1030.]

Sec. 9. Dismissal—Delay in Trial—Costs.

1 If the complaint is filed by a citizen or a corporation, it shall not
2 be dismissed except upon a sworn statement made by the complainant
3 and his attorney, setting forth the reasons why the action should be
4 dismissed, and the dismissal approved by the county attorney in writ-
5 ing or in open court. If the court is of the opinion that the action
6 ought not to be dismissed, he may direct the county attorney to prose-
7 cute said action to judgment at the expense of the county, and if the
8 action is continued more than one (1) term of court, any citizen of
9 the county or the county attorney may be substituted for the com-

10 plaining party and prosecute said action to judgment. If the action
11 is brought by a citizen or a corporation and the court finds there were
12 no reasonable grounds or cause for said action, the costs may be taxed
13 to such citizen or corporation.

[C. C. 1030.]

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.

1 If the existence of the nuisance be admitted or established in an
2 action as provided in this chapter, or in a criminal proceeding in the
3 district court, an order of abatement shall be entered as a part of the
4 judgment in the case, which order shall direct the removal from the
5 building or place of all fixtures, furniture, musical instruments or
6 movable property used in conducting the nuisance, and shall direct
7 the sale of such in the manner provided for the sale of chattels under
8 execution, and shall direct the effectual closing of the building or place
9 against its use for any purpose, and so keeping it closed for a period
10 of one (1) year, unless sooner released as hereinafter provided. For
11 removing and selling the movable property, the officer shall be entitled
12 to charge and receive the same fees as he would for levying upon and
13 selling like property, on execution, and for closing the premises and
14 keeping them closed a reasonable sum shall be allowed by the court.

[C. C. 1032.]

Sec. 11. Breaking Closed Building Punished.

1 If any person shall break and enter or use a building, erection or
2 place so directed to be closed, he shall be punished as for contempt

3 as provided in this chapter.

[C. C. 1032.]

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.

1 When a permanent injunction issues against any person for main-
2 taining a nuisance as herein defined, or against any owner or agent
3 of the building kept or used for the purpose prohibited by this chapter,
4 there shall be imposed upon said building and the ground upon which
5 the same is located and against the person or persons maintaining
6 said nuisance, and the owner or agent of said premises, a tax of three
7 hundred dollars (\$300.00). The imposing of said tax shall be made
8 by the court as a part of the proceeding, and the clerk of said court
9 shall make and certify a return of the imposition of said tax forth-
10 with to the county auditor, who shall enter the same as a tax upon
11 the property and against the persons upon which or whom the lien
12 was imposed as and when the other taxes are entered, and the same
13 shall be and remain a lien on the land upon which such lien was imposed
14 until fully paid. Any such lien imposed while the tax books are in
15 the hands of the auditor shall be immediately entered therein. The
16 payment of said tax shall relieve the persons or property from any
17 other penalties provided by law.

[C. C. 1035.]

Sec. 13. Collection of Tax—Disposition of Proceeds.

1 The provisions of the law relating to the collection of taxes in
2 this state, the delinquency thereof and sale of property for taxes shall
3 govern in the collection of the tax herein prescribed in so far as the

4 same are applicable, and the said tax collected shall be applied in
5 payment of any deficiency in the costs of the action and abatement
6 on behalf of the state to the extent of such deficiency after the appli-
7 cation thereto of the proceeds of the sale of personal property as
8 hereinbefore provided, and the remainder of said tax together with
9 the unexpended portion of the proceeds of the sale of personal prop-
10 erty shall be distributed in the same manner as fines collected for the
11 keeping of houses of ill fame, except that twenty per cent (20%) of
12 the amount of the whole tax collected and of the whole proceeds of
13 the sale of said personal property as provided in this chapter shall
14 be paid by the treasurer to the attorney representing the state in the
15 injunction action, at the time of final judgment.

[C. C. 1035.]

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.

1 When such nuisance has been found to exist under any proceed-
2 ing in the district court or as in this chapter provided, and the owner
3 or agent of such building or ground whereon the same has been found
4 to exist was not a party to such proceeding, nor appeared therein, the
5 said tax of three hundred dollars (\$300.00) shall, nevertheless, be
6 imposed against the persons served or appearing and against the prop-
7 erty as in this chapter set forth.

[C. C. 1033.]

Code Commissioners' Bill No. 53

Subject: STATE FIRE MARSHAL

Senate File No. _____ Referred to Committee on _____
 House File No. _____
 By _____ Date _____

A BILL FOR

An act to amend, revise and codify chapter ten (10) of title five (5) of the compiled code of Iowa, relating to the state fire marshal and the prevention and investigation of fires.

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 is amended, revised and codified to read as follows:

CHAPTER 10

STATE FIRE MARSHAL

Section 1. Office Created—Appointment—Term.

1 The governor, with the approval of the senate, shall, prior to the
 2 final adjournment of the regular session of the general assembly in
 3 nineteen hundred nineteen (1919) and every four (4) years there-
 4 after, appoint a state fire marshal, who shall be a citizen of the state
 5 versed in the causes and best methods of preventing fires. The term
 6 of office shall be four (4) years and begin on the first day of July
 7 after the appointment. He shall devote his entire time to the duties
 8 of his office. An appointment may be made to fill a vacancy when the
 9 senate is not in session, but shall be acted upon at the next session
 10 thereof.

[C. C. 1038, 1050, modified.]

Sec. 2. Removal—Vacancies.

1 The governor may remove the fire marshal at any time for cause,
2 and appoint another for the unexpired term.

[C. C. 1038.]

Sec. 3. Appointment of Deputies—Inspectors.

1 The fire marshal may appoint, with the approval of the executive
2 council, one (1) deputy and two (2) assistant deputies who shall have
3 the same qualifications as the marshal and such other office help as the
4 business thereof may require from time to time.

[C. C. 1039, 1041.]

Sec. 4. Duties of Deputy.

1 During the absence or inability of the fire marshal or a vacancy
2 in that office, the deputy shall perform the duties of fire marshal.

[C. C. 1040.]

Sec. 5. Expenses.

1 The fire marshal and all employees under him shall receive their
2 actual, necessary traveling and other expenses incurred in the per-
3 formance of their duties.

[C. C. 1049.]

Sec. 6. Investigation of Causes of Fires—Duties of City and Other Officers.

1 The state fire marshal, his deputies or inspectors, either by them-
2 selves or other persons as in this chapter provided, shall immediately
3 investigate the cause, origin and circumstances of every fire occurring
4 within the state. The chief of the fire department of every city, town
5 or village in which a fire department is established, the mayor of every
6 town or city in which no fire department exists, and the township

7 clerk of every township, outside the limits of any city, town or village,
8 shall investigate the cause, origin and circumstances of every fire oc-
9 ccurring in such city, town, village or township by which property has
10 been destroyed or damaged, and whether such fire was the result of
11 carelessness or design.

[C. C. 1042.]

Sec. 7. Time for Investigation—Report.

1 The state fire marshal shall have the right to supervise and direct
2 such investigation whenever he deems it expedient or necessary. The
3 officer making investigation of fires occurring in cities, villages, towns
4 or townships, shall forthwith notify said fire marshal, and shall within
5 one (1) week of the occurrence of the fire furnish to the said fire mar-
6 shal a written statement of all facts relating to the cause and origin of
7 the fire and such other information as may be called for by the blanks
8 provided by said fire marshal.

[C. C. 1042.]

Sec. 8. Refusal of Officer to Investigate—Penalty.

1 Any chief of a fire department, mayor or township clerk who
2 fails or refuses to make the investigation and report required of him,
3 shall be fined in a sum not less than five dollars (\$5.00) nor more
4 than one hundred dollars (\$100.00).

[C. C. 1042.]

Sec. 9. Record of Fires.

1 The fire marshal shall keep in his office a record of all fires occur-
2 ring in the state, showing the name of the owners, name or names of
3 occupants of the property at the time of the fire, the sound value of the
4 property, the amount of insurance thereon, the total amount of in-

5 surance collected, the total amount of loss to the property owner,
 6 together with all the facts, statistics, and circumstances, including the
 7 origin of the fire, which may be determined by the investigation. Such
 8 record shall at all times be open to public inspection.

[C. C. 1043.]

Sec. 10. Testimony Under Oath.

1 The fire marshal or his deputies or inspectors shall, when in their
 2 opinion further investigation is necessary, take or cause to be taken
 3 the testimony under oath of all persons supposed to have knowledge
 4 of any facts, or to have means of knowledge in relation to the matter
 5 in which an examination is herein required to be made, and shall cause
 6 the same to be reduced to writing.

[C. C. 1044.]

**Sec. 11. Power to Administer Oaths and Require Attendance of Witnesses
 —Evidence—Perjury.**

1 The fire marshal and his deputies or inspectors shall each have
 2 power in any county in the state to administer an oath and compel
 3 the attendance of witnesses before them, or either of them, to testify
 4 in relation to any matter which is by the provisions of this chapter a
 5 subject of inquiry and investigation, and may require the production
 6 of any books, papers, or documents necessary for such investigation.

[C. C. 1045.]

Sec. 12. Refusal to Testify or Produce Books or Papers—Misdemeanor.

1 Any witness who refuses to be sworn, or refuses to testify or
 2 who disobeys any lawful order of said fire marshal, his deputies or
 3 inspectors, or who fails to produce any books, papers or documents
 4 touching any matter under examination, shall be guilty of a misde-

5 meanor, and shall be fined not exceeding one hundred dollars (\$100.00)
6 or imprisoned in the county jail not exceeding thirty (30) days.

[C. C. 1045.]

Sec. 13. Procedure to Compel Witness to Testify or Obey Summons.

1 If any witness refuses to obey any summons to testify, or refuses
2 to testify or produce books, papers or documents as required, the fire
3 marshal or his deputies or inspectors shall file information against
4 said party charging him with the offense and cause his arrest and
5 prosecution therefor. If such refusal is in any investigation or hear-
6 ing before a justice of the peace, mayor, police or other court, such
7 witness may also be punished as for contempt of court.

[C. C. 1045, modified.]

Sec. 14. Crimes in Connection With Fires—Arrest.

1 If the fire marshal or his deputies shall be of the opinion that
2 there is evidence sufficient to charge any person with the crime of
3 arson, or with attempt to commit the crime of arson, or of conspiracy
4 to defraud, or criminal conduct in connection with such fire, he or
5 they shall cause such person to be arrested and charged with the
6 offense, or either of them, and shall furnish to the proper county
7 attorney all such evidence, together with the names of witnesses and
8 all of the information obtained, including a copy of all matter and
9 testimony taken in the case.

[C. C. 1044.]

Sec. 15. Authority to Enter and Inspect Buildings.

1 The state fire marshal and his deputies or inspectors and all offi-
2 cers upon whom the duty of inspection is enjoined by this chapter, or
3 either of them, shall have authority at all times, day or night, in the

4 performance of the duties imposed by the provisions of this chapter,
5 to enter upon, or examine any buildings, or premises adjoining or
6 near the same, for the purpose of inspecting the same and the con-
7 tents thereof.

[C. C. 1046.]

Sec. 16. Removal or Repair.

1 When the fire marshal or his deputies shall find any building or
2 structure, which for want of proper repair or by reason of age and
3 dilapidated condition, or for any cause, is especially liable to fire, and
4 is so situated as to endanger other buildings or property therein, or
5 when any such official shall find in any building or upon any premises
6 combustible or explosive matter or inflammable conditions dangerous
7 to the safety of any buildings or premises, they shall in writing order
8 the same to be removed or remedied and such order shall be complied
9 with by the owner or occupant of said building or premises, within
10 such time as the fire marshal shall specify.

[C. C. 1047.]

Sec. 17. Review of Order by Fire Marshal.

1 Any owner, lessee or occupant of a building may within forty-
2 eight (48) hours after an order is issued for the removal, destruction
3 or repair thereof, or the removal of the contents thereof or the change
4 of any other conditions, file with the fire marshal a petition for a
5 review of such order. Thereupon the marshal shall fix a place which
6 shall be within the county where the property is situated, and a time,
7 for such review, which shall be not less than three (3) nor more than
8 ten (10) days after the filing of such petition, and notify the peti-

9 tioner thereof.

[New.]

Sec. 18. Hearing on Review.

1 The marshal shall hear the evidence both for and against said
2 order and may affirm, modify or revoke such order according to the
3 facts presented at such hearing, and make record of his findings and
4 final order.

[New.]

Sec. 19. Appeal to District Court.

1 Any owner, lessee or occupant of a building may appeal to the
2 district court of the county where such building is located from a
3 final order of the fire marshal requiring the removal, destruction or
4 repair of such building or the removal of any of its contents or chang-
5 ing of its condition in any other respect, within twenty (20) days
6 from the delivery to such person of a copy of such final order.

[New.]

Sec. 20. How Appeal Taken.

1 Such appeal shall be taken by filing in the office of the fire mar-
2 shal notice of such appeal, specifying the order appealed from and
3 the court and term thereof to which the appeal is taken, accompanied
4 by a bond in the penal sum of one hundred dollars (\$100.00) with
5 sureties approved by the clerk of said court, conditioned to pay all
6 costs that shall be adjudged against appellant and abide the decree,
7 judgment and order of the court.

[New.]

Sec. 21. How Tried—Trial Term.

1 Said appeal shall be tried in equity and the first term shall be

2 the trial term, and if filed in term time shall be triable at any time
 3 after the filing of the transcript. The court may affirm, modify or
 4 revoke the order from which the appeal is taken.

[New.]

Sec. 22. Transcript—How Appeal Entitled.

1 Forthwith after notice of appeal is filed in the office of the fire
 2 marshal, he shall make or cause to be made a certified transcript of
 3 the proceedings on review before him, including the order appealed
 4 from, notice of appeal, bond and all documentary evidence filed in
 5 the proceeding and transmit the same to the clerk of said court who
 6 shall docket said appeal and entitle it in the name of the appellant
 7 against the state of Iowa.

[New.]

Sec. 23. County Attorney to Represent State.

1 The county attorney shall represent the state and the fire mar-
 2 shal, but not to the exclusion of any other attorney who may be en-
 3 gaged in said cause.

[New.]

Sec. 24. Costs.

1 If the appellant fails in the appeal the costs shall be taxed against
 2 him, but if the order is revoked or annulled the costs shall be taxed
 3 to the state. If the order shall be modified, the court may in its
 4 discretion apportion the costs.

[New.]

Sec. 25. Enforcing Decree and Judgment.

1 The court shall issue such mandatory and other writs as shall
 2 be necessary to enforce its decree, judgment or any final order in any

3 such case and may punish as for contempt of court any refusal to
4 obey the same.

[New.]

Sec. 26. Appeal Exclusive Remedy.

1 Unless appealed from as in this chapter provided, any order made
2 by the fire marshal or his deputies shall be final, and the right of ap-
3 peal as herein provided shall be the exclusive remedy against the en-
4 forcement of such orders.

[New.]

Sec. 27. Time for Compliance With Order—Penalty.

1 When no petition of review has been filed or when the fire mar-
2 shal on review or the court on appeal has affirmed or modified an
3 order for the removal, destruction, or repair of a building, or the re-
4 moval of any of its contents, or the change of any of its conditions,
5 the owner, lessee, or occupant shall comply with such order within
6 thirty (30) days after the delivery of the same or a copy thereof to
7 him, either personally or by registered letter to his last known ad-
8 dress. If such owner, lessee, or occupant shall fail to comply with
9 such order he shall be subject to a penalty of ten dollars (\$10.00) for
10 each day of failure or neglect after the expiration of said period, which
11 shall be recovered in the name of the state and paid into the treasury
12 of the county where collected.

[C. C. 1047, modified.]

Sec. 28. Refusal to Obey Orders—Duty of Marshal—Expense.

1 If any person fails to comply with a final order of the marshal
2 or his deputies or of a court on appeal and within the time fixed, then
3 such officers are empowered and authorized to cause such building or

4 premises to be repaired, torn down, demolished, materials and all dan-
5 gerous conditions removed, as the case may be, and at the expense
6 of such person, and if such person within thirty (30) days thereafter
7 fails, neglects or refuses to repay said officers the expense thereby
8 incurred by him, such officers shall certify said expenses, together
9 with twenty-five per cent (25%) penalty thereon, to the auditor of
10 the county in which said property is situate and said auditor shall
11 enter said expense on the tax records of said county as a special charge
12 against the real estate on which said building is or was situate if in
13 the name of such person, otherwise as a personal tax against such
14 person, and the same shall be collected as other taxes and, when col-
15 lected, shall, together with the penalty thereon, be refunded to the
16 fire marshal, and by him paid into the state treasury where it shall
17 be credited to the appropriation for expenses of the fire marshal's
18 office.

[New.]

Sec. 29. Investigations May Be Private.

1 Investigation by or under the direction of the state fire marshal
2 or his deputies or inspectors may in their discretion be private. They
3 may exclude from the place where such investigation is held all per-
4 sons other than those required to be present, and witnesses may be
5 kept separate from each other and not allowed to communicate with
6 each other until they have been examined.

[New.]

Sec. 30. Fire Drills in Public Schools—Exits Unlocked.

1 It shall be the duty of the state fire marshal and his deputies to
2 require teachers of public and private schools, in all buildings of more

3 than one (1) story, to have at least one (1) fire drill each month, and
4 to require all teachers of such schools, whether occupying buildings
5 of one (1) or more stories, to keep all doors and exits of their respec-
6 tive rooms and buildings unlocked during school hours.

[C. C. 1048.]

Sec. 31. Bulletin—Teachers to Instruct—Penalty.

1 The state fire marshal shall prepare a bulletin upon the causes
2 and dangers of fires, arranged in not less than four (4) divisions or
3 chapters, and under the direction of the executive council shall pub-
4 lish and deliver the same to the public schools throughout the state,
5 and the teachers thereof shall be required to instruct their pupils in
6 at least one (1) lesson each quarter of the school year with reference
7 to the causes and dangers of fires. Any teacher failing to comply
8 with the provisions of this section shall be guilty of a misdemeanor
9 and shall be punishable by a fine of not to exceed ten dollars (\$10.00)
10 for each offense.

[C. C. 1048.]

Sec. 32. Annual Report—Publication—Distribution.

1 The state fire marshal shall file with the governor annually, as
2 early as consistent with full and accurate preparation and not later
3 than the first day of February each year, a detailed report of his
4 official acts and of the affairs of his office which report shall be pub-
5 lished and distributed as the reports of other state officers.

[C. C. 1051.]

Sec. 33. Fee for Fires Reported—Payment.

1 There shall be paid to the chief of the fire department, and to
2 mayors of incorporated towns, and to the township clerk of every

3 township, who are by this chapter required to report fires to the state
4 fire marshal, the sum of fifty cents (50c) for each fire so reported to
5 the satisfaction of the state fire marshal and in addition thereto there
6 shall be paid to township clerks mileage at the rate of ten cents (10c)
7 per mile for each mile traveled to the place of fire. Said allowances
8 shall be paid by the state fire marshal out of any funds **appropriated**
9 for the use of the office of said state fire marshal.

[C. C. 1052.]

Sec. 34. **Annual Appropriation.**

1 There is hereby appropriated out of any money in the state treas-
2 ury not otherwise appropriated the sum of fourteen thousand five
3 hundred dollars (\$14,500.00) annually, or so much thereof as may
4 be necessary for the purpose of maintaining the department of the
5 state fire marshal and paying all expenses thereof. The said fire
6 marshal shall keep on file in the office an itemized **statement** of all
7 expenses incurred by his department.

[C. C. 1053.]

Code Commissioners' Bill No. 54

Subject: FISH AND GAME

Senate File No. _____ Referred to Committee on _____

House File No. _____

By _____ Date _____

A BILL FOR

An act to amend, revise and codify chapters fifteen (15) and sixteen (16) of title five (5) of the compiled code of Iowa, 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 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.

1 The title and ownership of all fish, mussels or clams, in any of
 2 the public waters of the state, and in all ponds, sloughs, bayous or
 3 other waters adjacent to any public waters stocked with fish by over-
 4 flow of public waters, and of all wild game, animals and birds includ-
 5 ing their nests and eggs, found in the state, whether game or non-
 6 game, native or migratory, except deer in parks and in public and
 7 private preserves, the ownership of which was acquired prior to April
 8 nineteenth, nineteen hundred eleven (1911), are hereby declared to
 9 be in the state, except as otherwise in this chapter provided.

[C. C. 1137, 1138, 1165, modified.]

Sec. 2. Conclusive Presumption of Consent to Title.

1 Any person catching, taking, killing or having in possession any
2 of such fish, mussels, game, animals or birds, their nests or eggs, in
3 violation of the provisions of this chapter, shall be held to consent
4 that the title to the same shall be and remain in the state for the pur-
5 pose of regulating and controlling the catching, taking or having in
6 possession the same, and disposing thereof after such catching, taking
7 or killing.

[C. C. 1137, 1138, 1165, modified.]

Sec. 3. Private Preserves for Certain Game Birds.

1 Any person desiring to engage in the business of raising and sell-
2 ing game birds in a wholly inclosed preserve or inclosure, of which
3 he is the owner or lessee, may make application in writing to the state
4 game warden for a license so to do. The game warden, when it shall
5 appear that such application is made in good faith, shall upon the
6 payment of an annual fee of two dollars (\$2.00) issue to such appli-
7 cant a breeder's license permitting him to breed and raise any of
8 such game birds on such preserve or inclosure, and to sell the same
9 for breeding or stocking purposes on or within such preserve or in-
10 closure and kill, use or sell the same for food. Such license must be
11 renewed annually upon the payment of the fee as above provided, and
12 the possession of such license shall exempt the licensee from the
13 penalties of this chapter for killing, having in possession, or selling
14 such game birds, or any of them; provided such licensee shall raise or
15 breed such birds upon or within such preserve or inclosure, or secure
16 the same by purchase from without the state.

[C. C. 1137.]

Sec. 4. Private Fishing Preserve.

1 Persons who raise or propagate fish upon their own premises, or
2 who own premises on which there are waters having no natural inlet
3 or outlet through which such waters may become stocked or replen-
4 ished with fish, are the owners of the fish therein and may take them
5 therefrom or permit the same to be done. Any person taking said
6 fish without the consent of such owner shall be liable to such owner
7 for three times the value thereof.

[C. C. 1113.]

Sec. 5. State Game Warden—Appointment.

1 Within three (3) months prior to July first, nineteen hundred
2 twenty-three (1923) and each four (4) years thereafter, the governor
3 shall appoint a state game warden who shall hold office for a period
4 of four (4) years from July first of the year of the appointment.
5 Said game warden shall enforce the provisions of this chapter and
6 shall have his office at the seat of government and devote his entire
7 time to the discharge of his duties.

[C. C. 1106, modified.]

Sec. 6. Deputy Wardens—Assistants—Compensation—Expenses.

1 The game warden may appoint three (3) deputy game wardens,
2 and such number of assistant deputies as he may deem necessary. The
3 assistant deputies shall receive a compensation of not to exceed four
4 dollars (\$4.00) per diem for the time actually employed by them in
5 the enforcement of the provisions of this chapter. Such deputy
6 wardens and assistants shall act under the advice and direction of the
7 game warden, and perform such duties in relation to their offices as

8 may be required of them.

[C. C. 1136.]

Sec. 7. Arrests—Assistance of Peace Officers.

1 Deputy game wardens may arrest without warrant any person
2 violating the provisions of this chapter. They may serve and execute
3 all warrants and process issued by any court in enforcing said pro-
4 visions, in the same manner as any peace officer might serve and exe-
5 cute the same, and they shall receive the same fee therefor. They
6 may call to their aid any peace officer or other person, whose duty
7 shall then be to enforce or aid in enforcing the provisions of this
8 chapter.

[C. C. 1136.]

Sec. 8. Expenses.

1 The game warden and his deputies and assistants shall receive
2 their necessary office, traveling and other expenses incurred in the
3 discharge of their duties.

[C. C. 1106, 1136.]

Sec. 9. Fish Hatcheries—Distribution of Fish.

1 The game warden shall have control of the state fish hatcheries,
2 which shall be used for the purpose of stocking the waters of the state
3 with fish native to the country, to the extent of the means provided
4 for that purpose; and impartially and equitably distribute all fry
5 raised by or furnished to the state, or for it through other sources, in
6 the streams and lakes of the state.

[C. C. 1106.]

Sec. 10. Biennial Reports.

1 On or before August first of each even-numbered year the game

2 warden shall make a report to the governor of his doings for the
3 preceding biennial period, including therein a detailed statement of
4 receipts and disbursements; also such information upon the subject
5 of the culture of fish and protection of game as may be of value.

[C. C. 1106.]

Sec. 11. State Fish and Game Protection Fund.

1 The deputy and assistant wardens shall pay to the game warden,
2 on or before the fifteenth day of each month, all license fees, and other
3 moneys collected by them in the discharge of their duties. All such
4 sums and all license fees, penalties and forfeitures from other
5 sources, including all funds realized from any fish, game, animals or
6 other property confiscated and sold under the provisions of this chap-
7 ter, shall constitute the state fish and game protection fund, which
8 shall be kept separate by the state treasurer, and out of which shall
9 be paid the compensation, traveling, contingent and office expenses
10 of the game warden, his deputies and their assistants, including the
11 expenses of the propagation of fish and game, gathering and distrib-
12 uting fish in the waters of the state, the care and preservation of the
13 lakes of the state, and all expenditures necessary for the enforcement
14 of the provisions of this chapter; and all which expenses shall not
15 exceed in any one year the amount collected and placed to the credit
16 of said fund.

[C. C. 1145, modified.]

Sec. 12. Game—Unlawfully Taken—Seized Without Warrant.

1 It shall be the duty of the game warden, his deputies and assist-
2 ants, and police officers of the state, to seize with or without warrant
3 and take possession of any fish, mussels, birds or animals which have

4 been caught, taken or killed at a time, in a manner, or for a purpose, or
5 had in possession or under control, or offered for shipment, contrary
6 to the provisions of this chapter.

[C. C. 1106, 1157, modified.]

Sec. 13. Fish or Game Unlawfully Taken Sold—Disposition of Proceeds.

1 Any court having jurisdiction of the offense, upon receiving proof
2 of probable cause for believing that any fish, mussels, birds or animals
3 caught, taken, killed, had in possession, under control, or shipped,
4 contrary to any of the provisions of this chapter, or hidden or con-
5 cealed in any place, shall issue a search warrant and cause a search
6 to be made in any place therefor. Any fish, mussels, birds, or animals
7 so found shall be sold for the purpose of paying the costs in the case,
8 and the amount, if any in excess of the costs, shall be turned into the
9 state treasury and placed to the credit of the game protection fund.

[C. C. 1106, modified.]

Sec. 14. Fishing License.

1 It shall be unlawful for any male over sixteen (16) years of age,
2 whether resident or nonresident of the state, to fish in any manner in
3 the waters of the state without first procuring from a county auditor
4 in the state a license for fishing.

[C. C. 1161, modified.]

Sec. 15. License Fees.

1 License fees for fishing with hook and line or trot line shall be
2 as follows:

- 3 1. For resident of the state, for hook and line, one dollar (\$1.00).
- 4 2. For nonresident, for hook and line, two dollars (\$2.00).
- 5 3. For trot line for resident, two dollars (\$2.00).

- 6 4. For trot line for nonresident, three dollars (\$3.00).
7 5. Any such licenses shall be issued by any county auditor in the
8 state when applied for, and shall be valid until the end of the calendar
9 year in which the same is issued.

[C. C. 1162, modified.]

Sec. 16. Fishing—Closed Season—Limit of Catch.

1 It shall be unlawful for any person, between October first and
2 April fifteenth, to take from the waters of the state any salmon or
3 trout, or between December first and May fifteenth, any bass, pike,
4 crappie, pickerel, catfish, or other game fish; or at any time to take
5 from the waters of the state in any one (1) day more than forty (40)
6 of said kinds of fish in the aggregate, of which total number not more
7 than twenty (20) shall be bass, pike or pickerel.

[C. C. 1107.]

Sec. 17. Stocked Streams—Prohibition.

1 No person shall fish for or by any means catch any fish in any
2 stream which has been stocked with breeding trout one (1) or two
3 (2) years old, within one (1) year from the date of the stocking
4 thereof, if notice of such fact is by the authority of the warden posted
5 where public roads cross such stream.

[C. C. 1107.]

Sec. 18. Regulations—Restrictions—Prohibitions.

1 No person shall at any time take from the waters of the state any
2 fish, except as in this chapter otherwise provided, except with hook
3 and line. Any person may, between May fifteenth and December
4 first, use not more than one (1) trot line in streams only, and extend-
5 ing not more than halfway across; nor shall anyone place, erect or

6 cause to be placed or erected, any trot line, seine, net, trap, dam or
7 other device or contrivance in such a manner as to hinder or obstruct
8 the free passage of fish, up, down or through such waters, except as
9 otherwise provided by law; nor have, erect or use, while fishing on
10 or through the ice, any house, shed or other protection against the
11 weather, or have or use any stove or other means for creating arti-
12 ficial heat.

[C. C. 1107.]

Sec. 19. Minnows for Bait.

1 In taking minnows for bait three-eighths ($\frac{3}{8}$) inch mesh seine
2 not exceeding five (5) yards in length may be used, except in inland
3 lakes and boundary waters of the state, such length, not exceeding
4 thirty (30) feet as may be approved in writing by the game warden.
5 If any game fish shall be taken, they shall at once be restored un-
6 harmed to the water whence taken. "Minnows" as used in this sec-
7 tion shall not include young bass, pike, crappie, trout, salmon, or fry
8 of any game fish, native or otherwise.

[C. C. 1109, modified.]

Sec. 20. Tackle Restrictions.

1 No person shall use more than two (2) lines, with one (1) hook
2 upon each line, in still fishing or otherwise, except when using a trot
3 line in the manner provided in this chapter, or in trolling or casting
4 a spoon-hook composed of three (3) hooks fastened together.

[C. C. 1110.]

Sec. 21. Size of Fish—Limitation.

1 No person shall at any time kill, destroy, have in possession or
2 under control, for any purpose whatever, any bass, catfish or trout

3 less than ten (10) inches in length, or any wall-eyed pike or pickerel
4 less than twelve (12) inches in length, or any crappie less than eight
5 (8) inches in length. Any such fish taken shall be immediately re-
6 turned to the water with as little injury to the fish as possible.

[C. C. 1107.]

Sec. 22. Taking by Warden for Stocking and Exchanging.

1 The warden may take from any of the public waters of the state,
2 at any time and in any manner, any fish for the purpose of propa-
3 gating or restocking other waters, or exchanging with fish commis-
4 sioners or wardens of other states or the federal government.

[C. C. 1114.]

Sec. 23. Contracts by Warden for Catching and Sale of Certain Fish.

1 The warden may from time to time enter into written contracts
2 with parties, without expense to the state, for the catching by seine,
3 between June fifteenth and December first, and sale from the public
4 waters of the state, buffalo, carp, quill backs, red horse, suckers and
5 gar. Such contracts shall be in writing, and designate the particular
6 waters to which they apply, and the terms upon which such fish are
7 disposed of. The parties with whom such contracts are made shall
8 not exercise any rights thereunder except in the presence and under
9 the personal supervision of the game warden or one (1) of his regular
10 deputies. The funds derived from the sale of fish under such con-
11 tracts shall constitute a part of the game protection fund, and the
12 biennial report of the warden shall show the amount of fish disposed
13 of in this manner, and the amount of money derived therefrom.

[C. C. 1114, modified.]

Sec. 24. Dams—Fishways.

1 Dams for manufacturing or other lawful purposes may be erected
2 across the waters of the state. No dam or obstruction across such
3 waters shall be erected or maintained which is not provided with a
4 fishway, nor shall any pumping station or plant except sand pumping
5 and dredging machines, in or connected with such waters be con-
6 structed or operated which is not provided with screens to prevent
7 fish from entering the pumping station or plant. Such fishways and
8 screens shall be constructed and used according to plans and speci-
9 fications prepared and furnished by the game warden. Any dam, ob-
10 struction, or pumping plant which is not so constructed is a public
11 nuisance and may be abated accordingly.

[C. C. 1115, 1121.]

Sec. 25. Fish Dams—Condemning Property For.

1 Any city or town, bounded in whole or in part by any meandered
2 lake or chain of lakes, or the board of supervisors of the county in
3 which such waters are situated, may construct and maintain across
4 the outlet or inlet thereof a dam to obstruct the passage of fish, the
5 same to be of earth, masonry or other material to the natural and
6 ordinary level of the lake, above and across the entire width to be
7 an open network of bars or wire with the necessary supports, so ar-
8 ranged as to prevent as far as may be the escape of fish. For this
9 purpose, upon the petition of a majority of the resident taxpayers of
10 any city or town, so much land as is situated within the corporate
11 limits as may be necessary may be purchased or condemned in the
12 same manner provided for the appropriation of private property for

13 streets and other municipal uses, and paid for out of the general fund.

[C. C. 1122.]

Sec. 26. Fishing in Certain Boundary Waters.

1 No person shall take from the waters of that part of the Des
2 Moines river forming a part of the boundary between this state and
3 Missouri, or from the waters of the Big Sioux river, within the juris-
4 diction of this state, any fish except by rod, line, hook and bait, or
5 trot line, used as in interior waters.

[C. C. 1116.]

Sec. 27. License for Certain Streams—Bond.

1 It shall be unlawful for any person to take from the Mississippi
2 or Missouri rivers within the jurisdiction of this state any fish with
3 nets or seines without first procuring from the state game warden
4 an annual license for the use of such nets and seines. Before any
5 such license shall be issued to a nonresident of the state, the applicant
6 shall execute and deliver to the game warden a bond running to the
7 state of Iowa in the penal sum of two hundred dollars (\$200.00), with
8 two (2) sureties, to be approved by the warden, conditioned that the
9 licensee shall faithfully comply with all the laws of this state regu-
10 lating the use of nets and seines for fishing.

[C. C. 1116.]

Sec. 28. License Fee for Nets, Seines, and Wholesale Markets.

1 No license shall be issued for the use of any seine or net having
2 less than two and one-half ($2\frac{1}{2}$) inch mesh, stretch measure. Fee for
3 such license shall be as follows:

4 1. For each five hundred (500) lineal feet or fraction thereof,
5 fifteen dollars (\$15.00).

6 2. For each pound net having one hundred (100) feet or more
7 lead on each side, six dollars (\$6.00).

8 3. For each pound net having less than one hundred (100) feet
9 lead on each side, three dollars (\$3.00).

10 4. For each bait net, dip net, hoop net and fyke net, one dollar
11 (\$1.00).

12 5. For each three hundred (300) lineal feet or fraction thereof
13 of trammel net used for floating fishing only, ten dollars (\$10.00).

14 6. All seine or net licenses shall expire on the first day of March
15 following their issuance.

16 7. It shall be unlawful for any person, firm or corporation to
17 operate a wholesale fish market, jobbing house, or other place for
18 wholesaling, marketing or distributing fish, without first procuring a
19 license for such purpose from the auditor of the county in which such
20 market, jobbing house or place is located. The license fee shall be ten
21 dollars (\$10.00) per year, and the license shall expire on the thirty-
22 first day of December following its issue.

[C. C. 1116, modified.]

Sec. 29. License Tags for Nets and Seines.

1 The state game warden shall furnish to each such licensee, at an
2 expense not to exceed ten cents (10c) each, a metal tag, numbered
3 and stamped so as to show year of issuance and for what issued, for
4 each net, and each five hundred (500) feet of seine; and it shall be
5 unlawful to use any seine or net without having a tag thus procured
6 attached thereto.

[C. C. 1116.]

Sec. 30. Unlawful Size.

1 It shall be unlawful for any person to take with seine or net when
2 permitted to be used, any of the following fish in lengths less than
3 as follows, to wit: Carp, fifteen (15) inches; buffalo, fifteen (15)
4 inches; black bass, eleven (11) inches; striped or white bass, eight
5 (8) inches; pike, fifteen (15) inches; crappie, eight (8) inches; pick-
6 erel, eighteen (18) inches; catfish, thirteen (13) inches; and the fol-
7 lowing fish weighing less than as follows, to wit: Sand sturgeon, one
8 (1) pound; rock sturgeon, three (3) pounds; and no pike, bass or
9 crappie from April first to June first, both inclusive.

[C. C. 1118.]

Sec. 31. Unlawful Waste of Food Fishes.

1 It shall be unlawful for any person to take from such waters, by
2 net or seine, any food fishes and cause or permit same to perish or
3 be destroyed, or to remove such fish within such water so as to cause
4 same to be destroyed or to perish, and any person taking any food
5 fishes from such waters, who does not make use of same, shall im-
6 mediately return same to such waters without injury.

[C. C. 1119.]

Sec. 32. Nets—Nuisance—Seizure and Destruction Without Warrant.

1 Any nets, seines, traps, contrivances, materials and substances
2 whatever, while in use or in possession or kept or maintained for the
3 purpose of catching, taking, killing, trapping or deceiving any fish,
4 birds or animals contrary to any of the provisions of this chapter, are
5 hereby declared to be a public nuisance; and it shall be the duty of
6 the game warden, sheriffs, constables and police officers of the state,
7 without warrant or process, to take or seize any and all of the same,

8 and confiscate and sell or destroy any and all of the same without
9 warrant or process, and no liability shall be incurred to the owner
10 or any other person for such seizure and destruction, and said warden
11 or his deputies or other peace officers shall be released from all liabil-
12 ity to any person for any act done or committed or property seized
13 or destroyed under or by virtue of this section.

[C. C. 1106.]

Sec. 33. Possession of Spear, Trap, Net or Seine Unlawful.

1 The possession of a spear, trap, net or seine, for fishing, or the
2 taking or killing or attempting to take or kill any fish by any means
3 other than by rod, line, hook and bait, within three hundred (300)
4 feet of a fishway or dam, shall be unlawful; but the provisions of this
5 section shall not prevent the taking of carp, sucker, red horse or
6 buffalo, by use of a spear, from the lakes, sloughs, bayous and waters
7 on the bottom lands and islands of the Mississippi river.

[C. C. 1107.]

Sec. 34. Explosives—Drugs.

1 It shall be unlawful for anyone to place in the waters of the state
2 any lime, ashes, or drug of any kind or other substance, explode dyna-
3 mite, gun cotton, giant powder or other compound or preparation or
4 use electricity in any way with the intent to kill or so to affect any
5 fish that it may be taken.

[C. C. 1108.]

Sec. 35. Killing of Mussels Licensed.

1 It shall be unlawful to take, catch or kill mussels for commercial
2 purposes without a license issued by the state game warden.

[C. C. 1150.]

Sec. 36. License—Resident—Nonresident.

1 The state game warden shall upon application issue a license to
2 take, catch or kill mussels. On making application for such license,
3 residents of this state shall pay to the game warden a fee of two
4 dollars (\$2.00), and nonresidents a fee of twenty-five dollars (\$25.00) ;
5 and for authority to use a dredge, an additional fee of twenty dollars
6 (\$20.00) in either case. All such licenses shall expire on December
7 thirty-first following their issuance and shall be numbered consecu-
8 tively as issued and a record thereof kept in the office of the state
9 game warden. Each license shall show the name and address of the
10 licensee and the amount paid for such license, whether or not the use
11 of a dredge is authorized, whether the licensee is a resident or non-
12 resident, and what waters of the state are closed against the taking
13 of mussels under such license.

[C. C. 1151.]

Sec. 37. Reports Required of Licensees.

1 On or before December thirty-first of the year in which any
2 license is issued, the holder thereof shall make a written report to
3 the state game warden on blanks furnished by him, stating the total
4 weight of mussels taken, caught or killed under such license, the names
5 and locations of waters from which the mussels were taken and the
6 amount received for shell sold. Upon failure to make such a report,
7 the state game warden shall not issue another license until such report
8 shall be made.

[C. C. 1155.]

Sec. 38. Manner of taking Regulated.

1 Any person, firm or corporation to whom a license under the

2 provisions of the preceding section has been issued:

3 1. May operate not more than one (1) boat for each license, or
 4 one (1) rig in taking, catching or killing mussels for commercial pur-
 5 poses. Any such person, firm or corporation may use one (1) addi-
 6 tional boat for purposes of towing only when no apparatus for taking,
 7 catching or killing is used or kept thereon.

8 2. It shall be unlawful to have in possession in the waters while
 9 engaged in taking, catching or killing mussels for commercial pur-
 10 poses, more than four (4) crowfoot bars, or for more than two (2)
 11 of such bars to be in the water at the same time, or for any crowfoot
 12 bar to be of greater length than twenty (20) feet, or more than one
 13 (1) dredging equipment, or a dredge with openings of greater length
 14 than three (3) feet or with prongs or forks of greater length than
 15 four (4) inches, or any dredge without a license therefor. A pitch-
 16 fork may be used for gathering mussel shells, without the payment of
 17 a license fee for dredging equipment.

[C. C. 1152.]

Sec. 39. **Unlawful to Take Small Mussels.**

1 It shall be unlawful to take, catch, or kill, offer for sale or have
 2 in possession for commercial purposes, any mussel of a size less than
 3 one and three-fourths ($1\frac{3}{4}$) inches in greatest dimensions. Under-
 4 sized mussels shall be immediately culled and returned to the water
 5 whence taken, without avoidable injury, excepting that the so-called
 6 pigtoes may be retained.

[C. C. 1153.]

Sec. 40. **Restricted Areas Prescribed.**

1 The state game warden may from time to time, as may be re-

2 quired for the conservation of the mussel resources of the state, pre-
3 scribe by written or printed order areas in any part of the state from
4 which mussels shall not be taken for such a period as may be specified
5 by the warden, but no such period shall exceed five (5) years, nor
6 shall more than one-half (1/2) of the mussel producing waters of the
7 state be closed at the same time.

[C. C. 1154.]

Sec. 41. Publication of Orders.

1 The game warden shall cause the orders by the preceding section
2 to be published once in the newspapers of general circulation pub-
3 lished within each county containing or having on its boundary,
4 waters affected by such orders. Such orders shall take effect at the
5 time fixed therein which shall not be less than thirty (30) days after
6 the publication thereof in the first newspaper in which it is inserted
7 in such county. The game warden may extend the time at which such
8 order shall take effect.

[C. C. 1154.]

Sec. 42. Territorial Jurisdiction—Reciprocity of States.

1 Any person licensed by the authorities of Illinois or Wisconsin
2 to take mussels from or in the waters forming the boundary between
3 such states and Iowa may take them from that portion of said waters
4 lying within the territorial jurisdiction of this state without having
5 procured a license therefor from the game warden of this state, in the
6 same manner that persons holding Iowa licenses may do so, if the laws
7 of Illinois or Wisconsin, respectively, extend a similar privilege to
8 persons so licensed under the laws of Iowa.

[C. C. 1159.]

Sec. 43. Terms Defined.

1 As used in this chapter the words:

2 1. "Mussels" shall mean and embrace the pearly, fresh water
3 mussels, or clams, or naiad, and the shell thereof.

4 2. "Crowfoot bar" shall mean a bar of any material bearing a
5 series of hooks designed to catch or adapted for catching mussels by
6 the insertion of such hooks between the shells of the mussels.

7 3. "Dredge" shall mean any mechanism of capture which is
8 adapted for dragging the bottom of waters and is operated with or
9 without the aid of mechanical power, except the crowfoot bar.

10 4. "Commercial purposes" shall mean and be presumed to be
11 the taking, catching, killing, or having in possession mussels, unless
12 the contrary is proven.

13 5. "Rig" shall mean one (1) boat equipped with not more than
14 four (4) crowfoot bars, one (1) boat equipped with power and one
15 (1) barge.

[C. C. 1158.]

Sec. 44. Protection of Certain Animals.

1 It shall be unlawful for any person other than the owner, or per-
2 son authorized by the owner, to kill, maim, trap, or in any way injure
3 or capture any deer, elk, or goat, except when distrained as provided
4 by law.

[C. C. 1125.]

Sec. 45. Deer—Killing or Capture.

1 When it shall become necessary in the opinion of the state game
2 warden or his deputies to kill or capture any deer now running at
3 large within this state, it shall be done under the authority and direc-

4 tion of the state game warden, who shall distribute such deer so killed
5 or captured within this state and the expense of said killing or capture
6 and distribution shall be paid by the person receiving such deer.

[C. C. 1139.]

Sec. 46. Fur-bearing Animals—Trapping—Regulations.

1 It shall be unlawful for any person to kill, trap, or ensnare any
2 beaver, mink, otter or muskrat, between March fifteenth and Novem-
3 ber fifteenth following, except where such killing, trapping or en-
4 snaring may be for the protection of public or private property; or
5 to molest, injure or destroy any muskrat house; or to have in posses-
6 sion during the closed season provided for in this section, except
7 during the first five (5) days thereof, any of the animals or carcasses
8 or parts thereof described in this section, whether lawfully or unlaw-
9 fully taken within or without this state; but nothing herein contained
10 shall be deemed to apply to green hides in process of manufacture.

[C. C. 1128.]

Sec. 47. License to Hunt.

1 No person shall hunt, pursue, kill or take any wild animal, bird
2 or game in this state, with a gun, or trap fur-bearing animals or game
3 without first procuring a license. Owners of farm lands, their chil-
4 dren and tenants shall have the right, without procuring a license, to
5 hunt and kill wild animals, birds or game upon the lands owned or
6 occupied by them.

[C. C. 1140, 1147.]

Sec. 48. Age Limit—Consent of Parent or Guardian.

1 No license shall be granted any person under eighteen (18) year
2 of age unless the written consent of parents or guardian is attached

3 to the application.

[C. C. 1141.]

Sec. 49. Application Blanks—Inclosed or Cultivated Lands.

1 The state game warden shall furnish county auditors with appli-
2 cation blanks for a license and license blanks. These blanks shall
3 provide for the insertion of the name, age, sex, and place of residence
4 of the applicant and of the licensee. The license shall authorize its
5 holder to hunt in accordance with the provisions of this chapter in
6 any county of the state, but not on inclosed or cultivated lands without
7 permission of the owner or the tenant, or upon any public highway;
8 and shall bear a facsimile signature of the state game warden and
9 the seal and signature of the auditor of the county in which it is issued.

[C. C. 1142.]

Sec. 50. License Fees—Resident—Nonresident—Alien Resident.

1 An applicant for a license shall fill out an authorized application
2 blank and subscribe and swear to it before the county auditor or a
3 notary or a justice of the peace. Before the license is issued, the
4 applicant, if a resident of the state and not a resident alien, shall pay
5 the county auditor the sum of one dollar (\$1.00) as a license fee, and
6 if a nonresident of the state or a resident alien, shall pay him the
7 sum of ten dollars (\$10.00) as a license fee. These fees the county
8 auditor shall pay at the end of each month to the state treasurer, who
9 shall place them to the credit of the fish and game protection fund.

[C. C. 1143.]

Sec. 51. License Record.

1 The county auditor shall keep a record of the licenses he issues
2 which shall show the date of issue, the name and address of the person

3 to whom issued, and the date of revocation, if revoked.

[C. C. 1146.]

Sec. 52. Terms of License.

1 The license shall be signed by the licensee in ink, and shall entitle
 2 the person to whom issued to hunt, pursue and kill wild animals, birds
 3 or game within the state at any time when it shall be lawful to hunt,
 4 pursue and kill such wild animals, birds or game; but it shall not
 5 entitle the person to whom issued to hunt, pursue or kill wild animals,
 6 birds or game in this state without having such license upon his person
 7 at the time of so doing, and exhibiting it for inspection and permitting
 8 it, on demand, to be examined by any person. All licenses shall be
 9 void after the first day of July next succeeding issuance.

[C. C. 1147.]

Sec. 53. Nonresidents—Restrictions.

1 A nonresident holding a valid license may take from the state
 2 not to exceed twenty-five (25) game birds or animals, provided they
 3 are so carried as to be readily inspected and his license is shown on
 4 request.

[C. C. 1144.]

Sec. 54. Revocation.

1 A license in the possession of any person other than to whom
 2 first issued, and, on complaint, the license of any person hunting on
 3 inclosed or cultivated lands without permission of the owner or ten-
 4 ant, may be revoked by the county auditor.

[C. C. 1148.]

Sec. 55. Buying or Selling Prohibited.

1 It shall be unlawful for any person, firm or corporation to buy

2 or sell, dead or alive, any birds, game or animals named in this
3 chapter. It shall be unlawful to have the same in possession during
4 the periods when the killing thereof is prohibited, except during the
5 first three (3) days of the closed season for them, respectively.

[C. C. 1129.]

Sec. 56. **Closed Season for Game Birds and Animals.**

1 Every person is prohibited from trapping, shooting, killing or
2 taking any of the following named birds or animals between the follow-
3 ing fixed dates, respectively:

4 1. Pinnated grouse or prairie chicken, between December first
5 and the following October first; and at no time prior to October first,
6 nineteen hundred twenty-two (1922).

7 2. Ruffed grouse or pheasant or wild turkey, between December
8 first and November first following; nor at any time prior to November
9 first, nineteen hundred thirty-two (1932).

10 3. Quail, between December first and November fifteenth follow-
11 ing; nor at any time prior to November first, nineteen hundred twenty-
12 two (1922).

13 4. Wood duck at all times.

14 5. Woodcock, between November thirtieth and October first next
15 following.

16 6. Wild duck, goose or brant, rail, plover, sandpiper, marsh or
17 beech birds, Wilson or jacksnipe, between December thirty-first and
18 September fifteenth following.

19 7. Gray, fox, or timber squirrel, between January first and
20 September first following.

[C. C. 1124, modified.]

Sec. 57. Limit One Day Shooting or Killing.

1 No person shall shoot or kill to exceed the following numbers
2 of game birds or animals in any one (1) day, respectively:

3 Five (5) prairie chickens, ten (10) quails, twenty-five (25) ducks,
4 and fifteen (15) of the other game birds or animals. Nor shall any
5 one (1) person, firm or corporation have in his or its possession at
6 any one (1) time to exceed ten (10) prairie chickens, twenty-five
7 (25) ducks and fifteen (15) of either of the other kinds of game birds
8 or animals named in this chapter, unless by a common carrier for the
9 purpose of lawfully shipping as provided in this chapter. No person
10 shall capture or take or attempt to capture or take, with any trap,
11 snare or net, any of the birds or animals mentioned in the preceding
12 section.

[C. C. 1127.]

Sec. 58. Certificate of Permission for Scientific Purposes—Fees.

1 Certificates may be granted by the state game warden to any
2 properly accredited persons of the age of fifteen (15) years or over,
3 permitting the holder thereof to collect fish, game, wild animals and
4 birds, their nests or eggs, for scientific purposes only. The applicant
5 for the same must present to said officer written testimonials from
6 two (2) well known zoologists who must be residents of Iowa, certi-
7 fying to the good character and fitness of said applicant to be intrusted
8 with such privilege, and must pay said officer one dollar (\$1.00) to de-
9 fray the necessary expenses attending the granting of such certificate.
10 On proof that the holder of such certificate has taken or killed any fish,
11 game, animal or bird, whether game or nongame, or taken the nest
12 eggs of any such bird for other than strictly scientific purposes, his

13 certificate shall become void.

[C. C. 1170.]

Sec. 59. Expiration of Certificates.

1 The certificates authorized by the preceding section shall expire
2 on December thirty-first of the year issued and shall not be trans-
3 ferable.

[C. C. 1171.]

Sec. 60. Certain Means of Killing Game Birds Prohibited.

1 No person shall kill or attempt to kill any bird provided in this
2 chapter from any artificial ambush of any kind, or with the aid or
3 use of any sneak boat or sink box, or from any sailboat, gasoline or
4 electric launch or steamboat, or any other water conveyance except
5 as propelled by oar or paddle, or any other device used for conceal-
6 ment in the open water; nor pursue, for the purpose of killing or
7 capture, any such bird by motor vehicle or aircraft; nor use any arti-
8 ficial light, battery, or deception, contrivance or device, with intent
9 to attract or deceive such bird, except that decoys may be used in
10 hunting wild geese and ducks. No person shall at any time hunt or
11 shoot from any boat, canoe, contrivance or device whatever on any
12 of the waters of the state between sunset and sunrise.

[C. C. 1124, modified.]

Sec. 61. Use of Swivel Gun and Poison Prohibited.

1 It shall be unlawful for any person to use a swivel gun or any
2 other firearm, except such as is commonly shot from the shoulder, or
3 any poison or medicated or poisoned food, for the purpose of capturing
4 or killing any of the birds or animals protected by this chapter.

[C. C. 1133, modified.]

Sec. 62. Sale of Wild Birds and Plumage Prohibited—Game and Nongame Birds.

1 No person shall, within the state, kill or catch or have in his or
2 her possession, living or dead, any wild bird other than a game bird,
3 or purchase, offer or expose for sale, transport or ship within or
4 without the state, any such wild bird after it has been killed or caught,
5 except as permitted by this chapter. No part of the plumage, skin
6 or body of any bird protected by this section shall be sold or had in
7 possession for sale, irrespective of whether said bird was captured or
8 killed within or without the state. All species of wild birds, either
9 resident or migratory, except as specified in this section shall be con-
10 sidered nongame birds. The following are declared to be game birds:

11 1. The Anatidae, commonly known as swans, geese, brant and
12 river and sea ducks.

13 2. The Rallidae, commonly known as rails, coots, mud-hens and
14 gallinules.

15 3. The Limicolae, commonly known as shore birds, plovers, surf
16 birds, snipe, woodcock, sandpipers, tattlers and curlews.

17 4. The Gallinae, commonly known as wild turkeys, grouse, prairie
18 chickens, pheasants, partridges and quail.

[C. C. 1166.]

Sec. 63. Protection of Birds—Penalty.

1 No person shall destroy the nests or eggs of, or catch, take, kill
2 or have in possession or under control, for any purpose whatever,
3 except specimens for scientific use as provided in this chapter, at any
4 time, any whip-poor-will, nighthawk, bluebird, finch, thrush, linnet,
5 lark, wren, martin, swallow, bobolink, robin, turtledove, catbird, snow-

6 bird, humming bird, nuthatch, woodpecker, flicker, grosbeak, wild
7 canary, brown thrasher, mocking bird, blue jay, blackbird, or any
8 other harmless bird, but nothing herein shall be construed to prevent
9 the removal of nests from buildings, and the keeping of song birds
10 in cages as domestic pets.

[C. C. 1135, 1167, modified.]

Sec. 64. **Certain Birds and Fowls Not Protected.** •

1 It shall not be a violation of the provisions of this chapter to take,
2 shoot, or kill the following birds or fowls:

3 1. The English starling, the English or European house sparrow,
4 and any species of owl, hawk or crow.

5 2. Grebe, loon, gull or tern, merganser, bittern, known as shite-
6 poke, stake driver or thunder pump, great blue heron, known as blue
7 crane, poorjoe or cranky, little blue heron and black-crowned night
8 heron, on the grounds and waters of any public or private fish hatchery
9 within the state by the owner, superintendent or employee thereof.

10 Every such bird or fowl killed, trapped or taken, and every part
11 thereof, including plumage and feathers, shall be promptly and totally
12 destroyed, and shall not be possessed, transported, or shipped in any
13 manner outside of the grounds and waters of the hatchery where killed,
14 trapped or taken, except for the purpose of destruction, except they
15 may be taken and transported as gifts or donations to public museums
16 and public scientific and educational institutions. In all such cases
17 the package containing such bird or fowl or parts thereof, so shipped
18 or transported, shall be plainly marked so that the name and address
19 of the shipper and of the consignee and the contents of such package

20 may readily be ascertained by inspection of the outside thereof.

[C. C. 1172, modified.]

Sec. 65. Domestic Pets—Parrots and Canaries.

1 Nothing in this chapter shall prevent a citizen of this state from
2 taking or keeping any wild nongame bird in a cage as a domestic pet,
3 but such bird shall not be sold, or exchanged, or offered for sale or
4 exchange, or transported out of the state. This chapter shall not be
5 construed to forbid the selling or shipping of parrots, canaries or any
6 other cage birds which are imported from other countries or not native
7 to any part of the United States.

[C. C. 1173.]

Sec. 66. Trapping, Shooting or Killing of Pheasants Prohibited.

1 No person shall trap, shoot, kill or take in any manner, any Mon-
2 golian, ring-neck, English or Chinese pheasants, Hungarian partridge
3 or other imported game birds in this state, prior to the first day of
4 October, nineteen hundred twenty-two (1922).

[C. C. 1175.]

Sec. 67. Using Birds as Targets.

1 No person shall keep or use any live pigeon or other bird as a
2 target, to be shot at for amusement or as a test of skill in marks-
3 manship, or shoot at a bird kept or used for such purpose, or be a
4 party to such shooting, or lease any building, room, field or premises,
5 or knowingly permit the use thereof, for the purpose of such shooting.

[C. C. 1164.]

Sec. 68. Transportation of Fish, Game and Birds—Exception.

1 No person or persons, or any corporation acting as a common
2 carrier, its officers, agents or servants, shall ship, carry, take or trans-

3 port, either within or beyond the confines of the state, any fish, game,
4 wild animals or birds, native or migratory, except as permitted in
5 this chapter; but such provision shall not apply against any person
6 holding a certificate giving the right to take and use such fish, game,
7 animals, birds, and birds' nests or eggs, for scientific purposes, wholly
8 within the state.

[C. C. 1168, 1170.]

Sec. 69. Transportation for Sale Prohibited.

1 It shall be unlawful for any person, firm or corporation to offer
2 for transportation or to transport to any place within or without the
3 state for purposes of sale, any of the fish, game, animals or birds
4 taken, caught or killed within the state, or to take, ship or carry out
5 of the state for any purpose any such fish, game, animals or birds,
6 unless lawfully caught, taken or killed by a nonresident licensee under
7 the provisions of this chapter, who may take, carry or ship to his
8 place of residence as indicated by such license, such fish, game, ani-
9 mals or birds as are lawfully caught, taken or killed thereunder.

[C. C. 1107, 1130.]

Sec. 70. Transportation Regulations and Restrictions.

1 Any person, firm or corporation desiring the shipment or trans-
2 portation of any game, fish, animals or birds, shall deliver to the
3 common carrier to which the shipment is offered, a statement under
4 oath, in duplicate, showing the name and address of the shipper, the
5 date and number of his license, where and by what officer issued, the
6 name and residence of the consignee to whom the shipment is made,
7 the kind and number of fish, animals or birds in the shipment, that
8 the same have not been unlawfully killed, bought, sold or had in pos-

9 session, and are not being shipped for the purpose of market or sale,
10 and that such shipment does not contain a greater number of fish,
11 animals or birds than may be lawfully shipped in one (1) day. One
12 (1) copy of such affidavit shall be retained by the common carrier
13 receiving such shipment, for the period of twelve (12) months there-
14 after, and the other copy shall be attached in a secure manner to the
15 package or container of such fish, animals or birds.

[C. C. 1107, 1130.]

Sec. 71. Authority to Administer Oath.

1 In addition to all officers authorized by law to administer oaths,
2 the agent of any common carrier receiving for transportation any
3 fish, animals or birds, as in this chapter provided, is hereby author-
4 ized to administer such oaths.

[C. C. 1107, 1130.]

Sec. 72. Limit of Shipment for One Day.

1 No person except as otherwise provided shall ship, carry or trans-
2 port in any one (1) day, game, fish, animals or birds in excess of the
3 following numbers, respectively: Twelve (12) prairie chickens or
4 quails, twenty-five (25) ducks, and twenty-five (25) in the aggregate
5 of the other game, birds or animals, and fifty (50) fish including all
6 varieties shipped, except as otherwise provided under license to fish
7 with seine or under permit from game warden.

[C. C. 1130, modified.]

Sec. 73. Shipping Restrictions.

1 It shall be unlawful for any common carrier to receive for trans-
2 portation any game, fish, animals or birds in greater numbers or in

3 any other way or manner than in this chapter provided.

[C. C. 1107, 1130, modified.]

Sec. 74. Transportation Regulations not Applicable.

1 The foregoing provisions regarding the possession and trans-
2 portation of fish shall not apply to such fishing as is done under
3 written permits from the state game warden or to such fishing as is
4 permitted with nets or seines in certain boundary waters of the state
5 or fishing done on private fishing preserves.

[C. C. 1113, 1114, 1115, 1116.]

Sec. 75. Game Brought Into State.

1 It shall be lawful for any person, firm or corporation to have in
2 possession any fish or game lawfully taken outside the state and law-
3 fully brought into the state, but the burden of proof shall be upon
4 the person in such possession to show that such fish or game was
5 lawfully killed and lawfully brought into the state.

[C. C. 1130.]

Sec. 76. Violations—Penalty.

1 Whoever shall take, catch, kill, injure, destroy, have in posses-
2 sion, buy, sell, ship or transport any fish, mussels, birds, their nests,
3 eggs or plumage, fowls, game or animals in violation of the provisions
4 of this chapter, or whoever shall use any device, equipment, seine,
5 trap, net, tackle, firearm, drug, poison, explosive or other substance
6 or means, the use of which is prohibited by this chapter, or use the
7 same at a time, place or in a manner or for a purpose prohibited, or
8 do any other act in violation of such provisions for which no other
9 punishment is provided, shall be fined not less than ten dollars
10 (\$10.00) nor more than one hundred dollars (\$100.00) or be impris-

11 oned in the county jail not less than thirty (30) days. And each
12 fish, fowl, bird, bird's nest, eggs or plumage, and animal unlawfully
13 caught, taken, killed, injured, destroyed, possessed, bought, sold or
14 shipped shall be a separate offense.

[C. C. 1108, 1111, 1112, 1120, 1121, 1124, 1126, 1127, 1129,
1130, 1131, 1153, 1154, 1163, 1164, 1174, 1176, modified.]

Sec. 77. Violations Relating to Dams—Penalty.

1 Whoever shall erect any dam or other obstruction prohibited by
2 this chapter or at a place or in a manner prohibited, or shall injure
3 or destroy any dam lawfully erected, shall be fined not less than one
4 hundred dollars (\$100.00) nor more than five hundred dollars
5 (\$500.00), or be imprisoned in the county jail not more than one hun-
6 dred (100) days.

[C. C. 1121, 1123, modified.]

Sec. 78. Violations by Common Carrier—Penalty.

1 Any common carrier which shall violate any of the provisions
2 of this chapter relating to receiving, having in possession, shipping
3 or delivering any fish, fowls, birds, birds' nests, eggs or plumage, game
4 or animals, in violation of the provisions of this chapter or contrary
5 to the regulations and restrictions therein provided, and any agent,
6 employee or servant of such corporation violating such provisions,
7 shall be fined not less than one hundred dollars (\$100.00) nor more
8 than three hundred dollars (\$300.00), and any such agent, employee
9 or servant may be imprisoned not exceeding thirty (30) days.

[C. C. 1107, 1130, 1132, modified.]

Sec. 79. Duty of Attorney General and County Attorneys.

1 It shall be the duty of the attorney general when requested by

2 the game warden or any deputy, to give his opinion in writing upon
3 any question of law arising under this chapter; and it shall be the
4 duty of all county attorneys in this state when requested by the game
5 warden or any deputy or assistant, to prosecute all criminal actions
6 brought in their respective counties for violations of the provisions of
7 this chapter. Nothing in this chapter shall be construed as prohibit-
8 ing any person from instituting legal proceedings for the enforce-
9 ment of any of the provisions thereof.

[C. C. 1134, modified.]

Sec. 80. Informations—Jurisdictions.

1 In all prosecutions under this chapter, any number of violations
2 may be charged in one (1) information, but each charge shall be set
3 out in a separate count if more than one (1) charge is included in
4 one (1) information. Prosecutions for violations may be brought in
5 the county in which any fish, fowl, bird, bird's nest, eggs or plumage,
6 or animals protected by this chapter were unlawfully caught, taken,
7 killed, trapped, ensnared, bought, sold or shipped unlawfully, or in
8 any county into or through which they were received, transported or
9 found in possession of any person.

[C. C. 1134.]

Sec. 81. Presumptive Evidence of Violations.

1 It shall be presumptive evidence of a violation of the provisions
2 of this chapter for any person:

3 1. At any time to have in his possession a gun in any field, forest,
4 or on any waters of the state, without a license.

5 2. To fail to have a license upon his person at any time required

6 by law, or to then refuse to exhibit the same on request of any person
7 desiring to examine it.

8 3. To have in his possession any fish, game, birds, birds' nests,
9 eggs, or plumage, or animals, which have been unlawfully caught
10 taken, or killed.

11 4. To be in possession of such fish, game, birds, or animals at
12 time when or place where it shall be unlawful to take, catch, or kil
13 the same, except during the first five (5) days of the closed season.

14 5. To be in possession of any trap, net, seine, or other means of
15 killing or taking fish, within three hundred (300) feet of any fish-
16 way, except where otherwise provided.

17 6. To have in his possession any implements, devices, equipment,
18 or means whatever of taking fish, birds, or animals protected by this
19 chapter at any place where the possession or use thereof is prohibited.

[C. C. 1107, 1129, 1149, modified.]

Sec. 82. Term of Office Extended.

1 The term of office of the present game warden is hereby extended
2 to July first, nineteen hundred twenty-three (1923).

[New.]

Code Commissioners' Bill No. 55

Subject: PUBLIC PARKS

Senate File No. Referred to Committee on

House File No.

By Date

A BILL FOR

An act to amend, revise and codify sections eleven hundred seventy-seven (1177) and eleven hundred eighty-four (1184) of the compiled code of Iowa, relating to public parks.

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

That section eleven hundred seventy-seven (1177) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Board of Conservation—Appointment—Duties.

1 The executive council shall designate three (3) persons, who shall,
 2 with the curator of the historical department, constitute a board of
 3 conservation, the members of which shall serve without pay. The
 4 board shall investigate places in Iowa rich in the objects of natural
 5 history, forest reserves, archaeological specimens, and geological de-
 6 posits; and the means of promoting forestry, and maintaining and pre-
 7 serving animal and bird life, and the conservation of the natural re-
 8 sources of the state. The board shall report the information gath-
 9 ered by it to the executive council on or before August first of each
 10 even-numbered year, together with its recommendations, which shall
 11 be printed in such numbers as the council may authorize, and a copy
 12 furnished to each member of the succeeding general assembly.

[C. C. 1184, modified.]

That section eleven hundred eighty-four (1184) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 2. Public State Parks—Improvement.

1 The board of conservation, with the written consent and under
2 the supervision of the executive council, is authorized to establish,
3 improve and beautify public parks upon the shores of lakes, streams
4 or other waters, or at any other places within the state which have
5 become historic, or which are of scientific interest, or which by reason
6 of their natural scenic beauty or location are adapted therefor. When
7 so established, such parks shall be made accessible from the public
8 highways, and in order to establish such parks, the executive council
9 may purchase or condemn lands for such purposes, and for highways
10 thereto.

[C. C. 1177.]

Code Commissioners' Bill No. 56

Subject: FENCES

Senate File No..... Referred to Committee on
 House File No.....
 By Date.....

A BILL FOR

An act to amend, revise and codify section eleven hundred ninety-nine (1199) of the compiled code of Iowa, relating to fences.

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

That section eleven hundred ninety-nine (1199) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. **Lawful Fence Defined.**

A lawful fence shall consist of:

- 2 1. Three (3) rails of good substantial material fastened in or to
 3 good substantial posts not more than ten (10) feet apart.
- 4 2. Three (3) boards not less than six (6) inches wide and three-
 5 quarters ($\frac{3}{4}$) of an inch thick, fastened in or to good substantial posts,
 6 not more than eight (8) feet apart.
- 7 3. Three (3) wires, barbed with not less than thirty-six (36)
 8 iron barbs of two (2) points each, or twenty-six (26) iron barbs of four
 9 (4) points each, on each rod of wire, or of four (4) wires, two (2) thus
 10 barbed and two (2) smooth, the wires to be firmly fastened to posts not
 11 more than two (2) rods apart, with not less than two (2) stays be-
 12 tween posts or with posts not more than one (1) rod apart without
 13 such stays, the top wire to be not more than fifty-four (54) nor less
 14 than forty-eight (48) inches in height.

15 4. Wire either wholly or in part, substantially built and kept in
 16 good repair, the lowest or bottom rail, wire or board not more than
 17 twenty (20) nor less than sixteen (16) inches from the ground, the top
 18 rail, wire or board, to be between forty-eight (48) and fifty-four (54)
 19 inches in height and the middle rail, wire or board not less than
 20 twelve (12) nor more than eighteen (18) inches above the bottom
 21 rail, wire or board.

22 5. Any other kind of fence, which, in the opinion of the fence
 23 viewers, shall be equivalent thereto.

[C. C. 1199.]

Sec. 2. Sheep and Swine Tight Fences.

1 All partition fences may be made tight by the party desiring it,
 2 and when his portion is so completed, and securely fastened to good
 3 substantial posts, set firmly in the ground, not more than twenty (20)
 4 feet apart, the adjoining property owner shall construct his portion of
 5 the adjoining fence, in a like tight manner, same to be securely fas-
 6 tened to good substantial posts, set firmly in the ground not more than
 7 twenty (20) feet apart.

[C. C. 1199.]

Sec. 3. Tight Partition Fences—Defined.

1 All tight partition fences shall consist of:

2 1. Not less than twenty-four (24) inches of substantial woven
 3 wire on the bottom, with three (3) strands of barbed wire with not
 4 less than thirty-six (36) barbs of at least two (2) points to the rod,
 5 on top, the top wire to be not less than forty-eight (48) inches, nor
 6 more than fifty-four (54) inches high.

7 2. Not less than eighteen (18) inch substantial woven wire on the

8 bottom with four (4) strands of barbed wire of not less than thirty-
9 six (36) barbs of two (2) points to the rod, the top wire to be not less
10 than forty-eight (48) inches nor more than fifty-four (54) inches high.

11 3. Good substantial woven wire not less than forty-eight (48)
12 inches nor more than fifty-four (54) inches high.

[C. C. 1199.]

Sec. 4. Each Owner to Keep Sheep and Swine Fence Tight.

1 In case adjoining owners or occupants of land shall use the same
2 for pasturing sheep or swine, each shall keep his share of the partition
3 fence in such condition as shall restrain such sheep or swine.

[C. C. 1199.]

Sec. 5. Fence Viewers to Settle Controversies.

1 Upon the application of either owner, after notice is given as pre-
2 scribed in this chapter, the fence viewers shall determine all contro-
3 versies arising under the four (4) preceding sections, including the
4 partition fences made sheep and swine tight.

[C. C. 1199.]

Code Commissioners' Bill No. 57

Subject: LOST PROPERTY

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

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.

1 In all cases where the appraisalment of any such property shall not
 2 exceed the sum of twenty dollars (\$20 00), the finder shall advertise
 3 the same on the door of the courthouse, and in three (3) other of the
 4 most public places in the county, within five (5) days after the ap-
 5 praisalment, and if no person shall appear to claim and prove such
 6 property within six (6) months of the time of taking up, it shall vest
 7 in the finder.

[C. C. 1204.]

Sec. 2. Held for Owner by County if Over Twenty Dollars.

1 If the value thereof shall exceed the sum of twenty dollars
 2 (\$20.00), the county auditor, within five (5) days from the time of

3 the reception of the justice's certificate at his office, shall cause an ad-
4 vertisement to be posted on the door of the courthouse, and at three
5 (3) other of the most public places in the county, and also a notice to
6 be published once each week for three (3) weeks successively, in some
7 newspaper printed in this state; and if such property be not claimed
8 or proved within ninety (90) days after the advertisement of the same,
9 as aforesaid, the finder shall deliver the same to the sheriff of the
10 county wherein it was taken up, who shall thereupon proceed to sell
11 it at public auction to the highest bidder for cash, having first given
12 ten (10) days' notice of the time and place of sale, and the proceeds
13 of all such sales, after deducting the costs and other necessary ex-
14 penses, shall be paid into the county treasury.

[C. C. 1204.]

Sec. 3. Lost Goods—Money Restored to Owner if Known.

1 If any person shall find any lost goods, money, bank notes or
2 other things of any description whatever, of the value of five dollars
3 (\$5.00) and over, such person shall inform the owner thereof, if
4 known, and make restitution thereof without compensation, except the
5 same be voluntarily given.

[C. C. 1205.]

Sec. 4. If Unknown—Entered in Estray Book.

1 If the owner be unknown, such person shall, within five (5) days
2 after such finding, take such goods, money, bank notes or other things
3 before some justice of the peace of the county where the property was
4 found, and make affidavit of the description thereof, the time when
5 and place where the same was found, and that no alteration has been
6 made in the appearance thereof since the finding; whereupon the jus-

7 tice shall enter a description of the property and the value thereof, as
8 nearly as he can determine it, in his estray book, together with the
9 affidavit of the finder, and shall also within five (5) days transmit to
10 the county auditor a certified copy thereof, to be by him recorded in
11 his estray book.

[C. C. 1205.]

Sec. 5. Unclaimed Property Vests in Finder.

1 In all cases where such lost goods, money, bank notes or other
2 things shall not exceed the sum of ten dollars (\$10.00) in value, the
3 finder shall forthwith advertise the same on the door of the courthouse
4 and in three (3) other of the most public places in the county where
5 the same was found; and if no person shall appear to claim and prove
6 such money, goods, bank notes or other things within twelve (12)
7 months from the time of such advertisement, the right to such prop-
8 erty, when the same shall consist in goods, money or bank notes, shall
9 be vested in the finder.

[C. C. 1206.]

Sec. 6. Over Ten Dollars Held by County for Owner.

1 If the value thereof shall exceed the sum of ten dollars (\$10.00),
2 the county auditor, within five (5) days from the receipt of the jus-
3 tice's certificate, shall cause to be posted upon the courthouse door,
4 and in three (3) of the most public places in the county, a notice
5 thereof, which shall also be published, once each week, for three (3)
6 weeks successively in some newspaper printed at the county seat; and
7 if the said goods, money, bank notes or other things be not reclaimed
8 within six (6) months after the finding, the finder, if the same shall
9 consist in money or bank notes, shall deliver the same to the county

10 treasurer, after deducting the necessary expenses hereinafter provided
11 for; if in bills, notes of hand, patents, deeds, mortgages, or other
12 instruments of value, the same shall be delivered to the county auditor
13 to be preserved in his office for the benefit of the owner when an appli-
14 cant shall prove his title thereto; if in goods or merchandise, the same
15 shall be delivered to the sheriff of the county, who shall thereupon pro-
16 ceed to sell the same at public auction to the highest bidder for cash,
17 having first given ten (10) days' notice of the time and place of such
18 sale; and the proceeds of such sale, after deducting the costs and other
19 expenses, shall be paid into the county treasury.

[C. C. 1206.]

Sec. 7. Advertisement—Title Vests—If Under Five Dollars.

1 In all cases where any vessel, water craft, logs or lumber shall be
2 taken up as aforesaid, which shall be of a value less than five dollars
3 (\$5.00), the finder shall advertise the same by posting a notice of such
4 finding in three (3) of the most public places in the neighborhood; but
5 in such cases he shall keep and preserve the same in his possession, and
6 shall make restitution thereof to the owner, without fee or reward,
7 except the same be given voluntarily when the owner claims the same,
8 provided it shall be done in three (3) months from such taking up or
9 finding; but, if no owner shall claim such property within the time
10 aforesaid, the exclusive right to it shall be vested in the finder.

[C. C. 1207.]

That section twelve hundred nine (1209) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 8. Compensation.

1 As a reward for the taking up of boats and other vessels, and for

2 finding lost goods, money, bank notes and other things, before resti-
3 tution of the property or proceeds thereof shall be made, the finder
4 shall be entitled to ten per cent (10%) upon the value thereof, and for
5 taking up any logs or lumber, as hereinbefore described, twenty-five
6 cents (25c) for each log not exceeding ten (10), twenty cents (20c)
7 for each exceeding ten (10) and not exceeding fifty (50), fifteen cents
8 (15c) for each exceeding fifty (50), and fifty cents (50c) per thousand
9 feet for sawed lumber.

[C. C. 1209.]

Sec. 9. Owner Also to Pay Costs, Charges and for Care.

1 The owner shall also be required to pay the finder all such costs
2 and charges as may have been paid by him for services rendered as
3 aforesaid, including the cost of publication, together with reasonable
4 charges for keeping and taking care of such property, which last men-
5 tioned charge, in case the finder and the owner cannot agree, shall be
6 assessed by two (2) disinterested householders of the neighborhood,
7 to be appointed by some justice of the peace of the proper county,
8 whose decision, when made, shall be binding and conclusive on all
9 parties.

[C. C. 1209.]

Code Commissioners' Bill No. 58

Subject: CIVIL ENGINEERS

Senate File No. Referred to Committee on
House File No.....
By Date.....

A BILL FOR

An act to amend, revise and codify sections twelve hundred fourteen (1214), twelve hundred seventeen (1217), twelve hundred eighteen (1218), twelve hundred nineteen (1219), twelve hundred twenty-two (1222) and twelve hundred twenty-six (1226) of the compiled code of Iowa 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.

1 No person shall after April twenty-fifth, nineteen hundred
2 twenty (1920), practice professional engineering or land surveying
3 in the state unless he be a registered professional engineer or a regis-
4 tered land surveyor as provided in this chapter, except as permitted
5 by the last section thereof.

[C. C. 1214.]

That sections twelve hundred seventeen (1217) to twelve hundred nineteen (1219), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

Sec. 2. Board of Engineering Examiners—Qualifications.

1 There is hereby created a state board of engineering examiners

2 consisting of five (5) members who shall be appointed by the gover-
3 nor. Each member of the board shall be a professional engineer at
4 least thirty-five (35) years of age, and shall have been a resident of
5 this state for at least three (3) years immediately preceding his ap-
6 pointment and shall have had at least ten (10) years' active practice
7 preceding his appointment and during such time shall have had charge
8 of engineering work as principal or assistant for at least two (2)
9 years and shall be a member in good standing of a recognized state
10 or national engineering society. No two (2) members of said board
11 shall be from the same branch of the profession of engineering.

[C. C. 1217.]

Sec. 3. Terms of Office.

1 Two (2) members of the board first appointed shall serve for a
2 term of two (2) years, and three (3) for a term of four (4) years
3 from the first day of July, nineteen hundred nineteen (1919), and
4 shall hold office until their successors have been duly appointed and
5 qualified. Upon the expiration of such terms, the term of each mem-
6 ber thereafter appointed shall be for four (4) years and shall terminate
7 on the first day of July.

[C. C. 1217.]

Sec. 4. Removal—Vacancies How Filled.

1 The governor may remove any member of the board for miscon-
2 duct, incapacity or neglect of duty. Vacancies in the membership of
3 the board caused by death, resignation or removal from office shall
4 be filled by an appointment from the governor for the unexpired por-
5 tion of the term.

[C. C. 1217.]

Sec. 5. Certificate of Appointment—Oath—Registration.

1 Each member of the board shall receive a certificate of appoint-
2 ment from the governor. Each member of the board first created
3 shall be registered as a professional engineer under this chapter, and
4 shall receive a certificate of registration from said board.

[C. C. 1217, 1218.]

Sec. 6. Official Seal—By-laws—Attorney General to Assist.

1 The board shall adopt and have an official seal which shall be
2 affixed to all certificates of registration granted and may make all
3 by-laws and rules, not inconsistent with law, necessary for the proper
4 performance of its duty. Such board, or any committee thereof, shall
5 be entitled to the counsel and to the services of the attorney general,
6 and shall have power to compel the attendance of witnesses, and may
7 take testimony and proofs and may administer oaths concerning any
8 matter within its jurisdiction.

[C. C. 1218.]

Sec. 7. Compensation and Expenses.

1 Each member of the board shall receive as compensation the
2 sum of ten dollars (\$10.00) per day for the time actually spent in
3 traveling to and from, and in attending sessions of the board and its
4 committees, and shall receive all necessary traveling and incidental
5 expenses incurred in the discharge of his duties.

[C. C. 1217.]

Sec. 8. Organization of the Board—Meetings—Quorum.

1 The board shall elect annually from its members a chairman, a
2 vice chairman, and a secretary. The board shall hold at least one
3 • (1) stated meeting on the first Tuesday of December of each year,

4 and special meetings shall be called at other times by the secretary
5 at the request of the chairman or of three (3) members of the board.
6 At any meeting of the board, three (3) members shall constitute a
7 quorum.

[C. C. 1219.]

Sec. 9. Annual Report to Governor.

1 On or before the first day of August of each year, the board
2 shall submit to the governor a written report of its transactions for
3 the preceding year, and shall file with the secretary of state a copy
4 thereof together with a complete statement of the receipts and ex-
5 penditures of the board, attested by the affidavits of the chairman
6 and the secretary and a complete list of those registered under this
7 chapter with their addresses and the dates of their certificates of
8 registration. Said report shall be printed by the state and a copy
9 mailed to, and placed on file in the office of the clerk of each incor-
10 porated city or town in the state and in the office of the auditor of
11 each county therein.

[C. C. 1219.]

Sec. 10. Secretary—Duties of.

1 The secretary shall give a surety bond satisfactory to the board
2 conditioned for the faithful performance of his duties, and for the
3 accounting and paying over of all moneys received by him, the pre-
4 mium on such bond to be paid from the fund of the board hereinafter
5 provided. The secretary shall keep on file a record of all certificates
6 of registration granted and shall make annually such revisions of said
7 record as may be necessary. In revising said record the secretary
8 shall communicate annually by mail with every professional engineer

9 and surveyor registered hereunder. In every case in which a reply
10 is not received within thirty (30) days after the date of the first
11 letter, the secretary shall send a second letter by registered mail and
12 the failure on the part of any engineer or surveyor to reply within
13 sixty (60) days from the date of said second letter shall operate to
14 revoke his certificate of registration, but he may be reinstated at any
15 time upon due application therefor and upon the payment of a regis-
16 tration fee of ten dollars (\$10.00) as hereinafter provided.

[C. C. 1219.]

Sec. 11. Engineering Examiners Fund.

1 The secretary shall collect and account for all fees provided for
2 by this chapter and pay the same to the state treasurer who shall keep
3 such moneys in a separate fund to be known as the fund of the board
4 of engineering examiners, which shall be continued from year to year
5 and shall be drawn only for the expenses and compensation of said
6 board of examiners as provided in this chapter.

[C. C. 1219.]

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.

1 Each registrant shall provide himself with a suitable seal with
2 a uniform inscription thereon formulated by the board, with which
3 he shall stamp all plans, specifications, surveys, and reports made or
4 issued by him. A certificate of registration provided for in this chap-
5 ter shall be presumptive evidence that the person named therein is

6 legally registered.

[C. C. 1222, 1226.]

Sec. 13. Professional Engineers' Certificate.

1 To any applicant who shall have passed the examination as a
2 professional engineer and who shall have paid an additional fee of
3 ten dollars (\$10.00), the board shall issue a certificate of registration
4 as a professional engineer signed by the chairman and secretary of
5 the board under the seal of such board, which certificate shall author-
6 ize the applicant to practice professional engineering as defined in this
7 chapter. Such certificate shall not carry with it the right to practice
8 land surveying, unless specifically so stated in said certificate, which
9 permission shall be granted by the board without additional fee in
10 cases where the applicant duly qualifies as a land surveyor as pre-
11 scribed by the rules of said board.

[C. C. 1222.]

Sec. 14. Land Surveyors' Certificate.

1 To any applicant who shall have passed the examination as a land
2 surveyor and who shall have paid an additional fee of ten dollars
3 (\$10.00), the board shall issue a certificate of registration signed by
4 its chairman and secretary under the seal of the board, which cer-
5 tificate shall authorize the applicant to practice land surveying as de-
6 fined in this chapter and to administer oaths to his assistants and to
7 witnesses produced for examination, with reference to facts connected
8 with land surveys, being made by such land surveyor.

[C. C. 1222.]

Code Commissioners' Bill No. 59

Subject: CERTIFIED SHORTHAND REPORTERS

Senate File No. Referred to Committee on
 House File No.
 By Date.....

A BILL FOR

An act to amend, revise and codify chapter twenty-one (21) of title five (5) of the compiled code of Iowa, relating to certified shorthand reporters.

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

That chapter twenty-one (21) of title five (5) of the compiled code of Iowa is amended, revised and codified to read as follows:

CHAPTER 21**CERTIFIED SHORTHAND REPORTERS****Section 1. Board of Examiners—Who Eligible.**

1 The board of examiners for court reporters herein provided for
 2 shall consist of three (3) members, two (2) of whom shall be official
 3 shorthand reporters of the district court of Iowa and one (1) of whom
 4 shall be a practicing attorney of the state of Iowa.

[C. C. 1231.]

Sec. 2. Chief Justice to Appoint—Rules.

1 The said board of examiners shall be appointed by the chief jus-
 2 tice of the supreme court of Iowa for a term of three (3) years, and the
 3 said board of examiners shall, subject to the approval of the chief jus-
 4 tice of the supreme court of Iowa, make such rules and regulations as
 5 may be necessary for the proper performance of its duties.

[C. C. 1231.]

Sec. 3. Examination Dates—Compensation of Examiners.

1 The board of examiners shall fix stated times for the examination
2 of candidates and shall receive as compensation for their services the
3 sum of ten dollars (\$10.00) per day each, and their necessary travel-
4 ing expenses. The board of examiners shall receive no compensation
5 except from such funds as may accrue hereunder.

[C. C. 1232.]

Sec. 4. Who Eligible.

1 No person shall be appointed to the position of shorthand reporter
2 of any district, superior or municipal court in this state, unless he be
3 a certified shorthand reporter who has been found competent to report
4 court proceedings, references, or proceedings of like character, by the
5 board of examiners provided for in this chapter.

[C. C. 1229.]

Sec. 5. Temporary Substitutes Appointed.

1 If the regularly appointed shorthand reporter should be disabled
2 from performing his duty, the judge of such court may appoint a sub-
3 stitute whom he deems competent to act during the disability of the
4 regular reporter, or until his successor is appointed.

[C. C. 1229.]

Sec. 6. Unlawful Use of Title.

1 Any citizen of the state of Iowa who shall have received from the
2 board of examiners a certificate of his qualifications as a shorthand
3 reporter, as herein provided, shall be styled and known as a certified
4 shorthand reporter, and no other person shall assume such title or use
5 the abbreviation C. S. R., or any words, letters or figures to indicate

6 that the person using the same is a certified shorthand reporter.

[C. C. 1230.]

Sec. 7. Examination Fee—Fund to Pay Examiners.

1 Each applicant for examination shall pay to the clerk of the su-
2 preme court as an examination fee the sum of five dollars (\$5.00),
3 payable before the examination is commenced. The fees thus paid to
4 said clerk shall be by him paid into the state treasury upon receipt
5 thereof, to be kept as a special fund to be used as provided for in the
6 preceding section for paying the fees and expenses of the examiners
7 and their other expenses incident to the examinations provided for
8 herein.

[C. C. 1232.]

Sec. 8. Revocation of Certificates.

1 The board of examiners may revoke any such certificate for suf-
2 ficient cause, after written notice to the holder thereof and hearing
3 thereon. Any member of the board of examiners may, upon being duly
4 designated by said board or a majority thereof, administer oaths or
5 take testimony concerning any matter within the jurisdiction of said
6 board.

[C. C. 1233.]

Sec. 9. Violations Punished.

1 Any violation of the provisions of this chapter shall be punished
2 by a fine not exceeding one hundred dollars (\$100.00).

[C. C. 1234.]

Code Commissioners' Bill No. 60

Subject: CERTIFIED PUBLIC ACCOUNTANTS

Senate File No. Referred to Committee on
 House File No.
 By Date

A BILL FOR

An act to amend, revise and codify chapter twenty-two (22) of title five (5) of the compiled code of Iowa, relating to certified public accountants.

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

That chapter twenty-two (22) of title five (5) of the compiled code of Iowa is amended, revised and codified to read as follows:

CHAPTER 22

CERTIFIED PUBLIC ACCOUNTANTS

Section 1. Board of Accountancy—Appointment—Tenure of Office.

1 The governor shall appoint three (3) persons to constitute and be
 2 known as a board of accountancy. The board thus appointed shall
 3 be selected by the governor from a list of names of public accountants
 4 who have practiced in the state of Iowa on their own account, for a
 5 period of at least three (3) years, one (1) of whom shall be appointed
 6 for a term ending January first, nineteen hundred sixteen (1916),
 7 one (1) for a term ending January first, nineteen hundred seventeen
 8 (1917) and one (1) for a term ending January first, nineteen hun-
 9 dred eighteen (1918), and upon expiration of each of said terms and
 10 of each succeeding term a member, who is a certified public account-

11 ant, shall be appointed for a term of three (3) years.

[C. C. 1236.]

Sec. 2. Vacancies—How Filled.

1 Any vacancies that may occur from any cause, shall be filled by
2 the governor for the unexpired term under the same conditions that
3 govern regular appointments.

[C. C. 1236.]

Sec. 3. Organization—Meetings Open to Public—Quorum.

1 The board shall meet and organize by the selection of one (1) of
2 its members as chairman, and one (1) as secretary, and shall meet
3 at least twice each year and oftener, if deemed necessary, at such
4 times and places within the state as it may select, and a majority shall
5 constitute a quorum. Such meetings shall at all reasonable times be
6 open to the public.

[C. C. 1237.]

Sec. 4. Rules—Regulations.

1 The board at its first meeting shall formulate rules and regula-
2 tions for its guidance, not inconsistent with the provisions of this
3 chapter, which may be changed or altered at any regular meeting by
4 a majority vote.

[C. C. 1237.]

Sec. 5. Certified Public Accountants.

1 Any citizen of the United States residing in this state, or having
2 a place for the regular transaction of business in the state, as a prac-
3 ticing public accountant, and being over the age of twenty-five (25)
4 years, of good moral character, and who shall have received from the
5 board of accountancy of the state, a certificate as provided in this

6 chapter shall be styled and known as a certified public accountant,
7 and be entitled to use the abbreviations C. P. A. in connection with
8 his name.

[C. C. 1235.]

Sec. 6. Examination Dates Established—Notice.

1 The board shall at its regular meetings establish the time and
2 place for holding examinations under the provisions of this chapter,
3 and shall cause to be published a notice thereof, for not less than three
4 (3) consecutive days in two (2) daily newspapers published in this
5 state, not less than twenty (20) days prior to the date of such exam-
6 ination, and notice of the same shall be mailed to all holders of cer-
7 tificates under this chapter, as well as applicants, not less than fifteen
8 (15) days prior to such examination.

[C. C. 1238.]

Sec. 7. Qualifications of Applicants.

1 Each applicant for a certificate before taking the examination
2 must produce evidence satisfactory to the board that he is over twenty-
3 five (25) years of age, of good moral character, a graduate of a high
4 school with a four (4) years' course, or has an equivalent educa-
5 tion, or pass a preliminary examination to be set by the board, and
6 that he has had at least three (3) years' practical accounting ex-
7 perience, at least one (1) year of which shall have been as an account-
8 ant in the employ of a public accountant of recognized standing in
9 the profession, or in public practice on his own account. In the absence
10 of such evidence of educational qualifications, the board may prescribe
11 a preliminary examination.

[C. C. 1238, modified.]

Sec. 8. Examination.

1 The examination shall consist of a written examination covering
2 questions on the following subjects: Theory of accounts, practical
3 accounting, auditing and commercial law as pertaining to accountancy.

[C. C. 1238.]

Sec. 9. Examination Fee.

1 The fees for such examination shall be twenty-five dollars
2 (\$25.00), for each applicant, payable to the board at the time of filing
3 application and at least ten (10) days prior to the examination.

[C. C. 1238.]

Sec. 10. Certificate—Register—Waiver of Examination.

1 After the examination provided by this chapter, the board shall,
2 if in its judgment the applicants are entitled thereto, issue certificates
3 as provided in this chapter. The board shall maintain a register of
4 the names and addresses of all persons receiving certificates under
5 this chapter, and shall keep a record of all persons whose certificates
6 have been revoked.

[C. C. 1238.]

Sec. 11. Nonresident Accountant.

1 The board may in its discretion in lieu of an examination register
2 the certificate of any person not a resident of this state, who is the
3 lawful holder of a certified public accountant's certificate issued under
4 the laws of another state which extends similar privileges to certified
5 public accountants of this state, and issue a permit allowing such
6 person to practice accounting in this state, provided the requirements
7 of said title in the state issuing the same, are in the opinion of the

8 state board of accountancy equivalent to those in this chapter pro-
9 vided, or to holders of the title of certified public accountant, chartered
10 accountant or the equivalent thereof, issued by any reciprocating for-
11 eign government, provided the requirements of such title are in the
12 opinion of the state board of accountancy equivalent to the require-
13 ments of this chapter.

[C. C. 1239.]

Sec. 12. Certificate Holder to Give Bond.

1 Every person having been granted a certificate under the pro-
2 visions of this chapter shall give a bond in the sum of five thousand
3 dollars (\$5,000.00) to the auditor of state before entering upon the
4 discharge of his duties for the faithful performance of the same.

[C. C. 1244.]

Sec. 13. Revocation of Registration—Notice—Hearing.

1 The board of accountancy may revoke or cancel the registration
2 of any certificate issued under this chapter, for unprofessional con-
3 duct of the holder or other sufficient cause, provided, that written
4 notice shall have been mailed to the holder of such certificate at least
5 twenty (20) days before any hearing thereon, stating the cause of
6 such contemplated action, and appointing a day for full hearing there-
7 on by the board. No certificate issued under this chapter shall be re-
8 voked until such hearing shall have been held or the opportunity for
9 such hearing afforded the person charged.

[C. C. 1240.]

Sec. 14. Compensation of Members.

1 The members of the board shall receive as compensation ten dol-
2 lars (\$10.00) per day for the time actually employed, and necessary

3 expenses incurred in the discharge of their duties; but all compen-
4 sation for services and expenses shall not exceed the amounts received
5 as fees from applicants. All bills for expenses and per diem shall be
6 audited by the state board of audit and paid from the fees received
7 under the provisions of this chapter.

[C. C. 1241.]

Sec. 15. Disposition of Funds.

1 All funds received by the board shall be paid into the state treas-
2 ury on or before August first of each year, and there credited to the
3 appropriation for payment of compensation and expenses of the board.

[C. C. 1241.]

Sec. 16. Report.

1 The board shall make a report biennially, on or before August
2 first of each even-numbered year, to the governor, of its proceedings,
3 with an account of all moneys received and disbursed, a list of names
4 of all persons who have complied with the provisions of this chapter,
5 and all persons whose certificates have been revoked, and such other
6 matters as the board may deem proper.

[C. C. 1241.]

Sec. 17. Practice Without Certificate—Penalty.

1 If any person shall hold himself out to the public as having re-
2 ceived a certificate as provided in this chapter, or shall assume to
3 practice as certified public accountant or chartered accountant, or
4 use the abbreviation thereof or any other letters, words or figures to
5 indicate that the person using the same is such certified public ac-
6 countant, without having received such certificate, or after the same
7 shall have been revoked, he or it shall be fined not less than one hun-

8 dred dollars (\$100.00) nor more than five hundred dollars (\$500.00)
9 for each offense or be imprisoned in the county jail for a period not
10 exceeding six (6) months.

[C. C. 1242.]

Sec. 18. Negligence and Wilful Falsification—Punished.

1 If any person engaged in the practice of public accountancy as
2 a certified public accountant or otherwise, shall be found guilty of
3 gross negligence or carelessness or shall wilfully falsify any report
4 or statement bearing on any examination, investigation, or audit made
5 by him or under his direction, he shall be punished by a fine of not
6 less than one hundred dollars (\$100.00), nor more than one thousand
7 dollars (\$1,000.00), or by imprisonment in the county jail for a period
8 of not less than three (3) months nor more than one (1) year, or both
9 fine and imprisonment for each time he may be convicted of such
10 offense.

[C. C. 1243.]

Code Commissioners' Bill No. 61

Subject: GOLD AND SILVER ALLOY

Senate File No..... Referred to Committee on
House File No.....
By Date.....

A BILL FOR

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.**

1 Any person making for sale, selling or offering to sell or dispose of,
2 or having in possession with intent to sell or dispose of, any article of
3 merchandise made, in whole or in part, of gold or any alloy of gold, and
4 having stamped, branded, engraved or imprinted thereon, or upon any
5 tag, card or label attached thereto, or upon any container in which said
6 article is inclosed, any mark indicating or designed to indicate, that the
7 gold or alloy in such article is of a greater degree of fineness than the
8 actual fineness or quality thereof, unless the actual fineness thereof, in
9 the case of flatware or watchcases, be not less by more than three one
10 thousandths (.003) parts, and in case of all other articles be not less
11 by more than one-half (1/2) karat than the fineness indicated by the

12 marks stamped, branded, engraved or imprinted upon any part of such
13 article, or upon any tag, card or label attached thereto, or upon any
14 container in which such article is inclosed according to the standards
15 and subject to the qualifications hereinafter set forth, is guilty of a
16 misdemeanor.

[C. C. 1245.]

Sec. 2. Tests for Fineness.

1 In any test for the ascertainment of the fineness of the gold or alloy
2 in any such article, according to the foregoing standards, the part of
3 the gold or alloy taken for the test, shall be such portion as does not
4 contain or have attached thereto any solder or alloy of inferior fineness
5 used for brazing or uniting the parts of said article; and in addition to
6 the foregoing tests and standards, the actual fineness of the entire
7 quantity of gold and its alloys contained in any article mentioned in
8 this and the preceding section, except watchcases and flatware, includ-
9 ing all solder or alloy of inferior metal used for brazing or uniting the
10 parts of the article, all such gold, alloys and solder being assayed as
11 one (1) piece, shall not be less than the fineness indicated by the mark
12 stamped, branded, engraved or imprinted upon such article, or upon
13 any tag, card or label attached thereto, or upon any container in which
14 said article is inclosed.

[C. C. 1245.]

Sec. 3. Articles Made of Silver Marked "Sterling Silver".

1 Any person making for sale, selling or offering to sell or dispose
2 of, or having in possession with intent to sell or dispose of, any article
3 of merchandise made in whole or in part of silver or of any alloy of
4 silver and having marked, stamped, branded, engraved or imprinted

5 thereon, or upon any tag, card or label attached thereto or upon any
6 container in which said article is inclosed, the words "sterling silver"
7 or "sterling" or any colorable imitation thereof, unless nine hundred
8 twenty-five one-thousandths (.925) of the component parts of the
9 metal purporting to be silver, of which such article is manufactured
10 are pure silver, subject to the qualifications hereinafter set forth, is
11 guilty of a misdemeanor, but in the case of all such articles there shall
12 be allowed a divergence in fineness of four one-thousandths (.004)
13 parts from the foregoing standard.

[C. C. 1246.]

Sec. 4. Articles Made of Silver Marked "Coin Silver".

1 Any person making for sale, selling or offering to sell or dispose
2 of, or having in possession with intent to sell or dispose of, any article
3 of merchandise made in whole or in part of silver or of any alloy of
4 silver and having marked, stamped, branded, engraved or imprinted
5 thereon, or upon any tag, card or label attached thereto, or upon any
6 box, package, cover or wrapper in which such article is inclosed, the
7 words "coin" or "coin silver", or any colorable imitation thereof, unless
8 nine hundred one-thousandths (.900) of the component parts of the
9 metal appearing or purporting to be silver, of which such article is
10 manufactured are pure silver, subject to the qualifications hereinafter
11 set forth, is guilty of a misdemeanor; but in case of all such articles
12 there shall be allowed a divergence in fineness of four one-thousandths
13 (.004) parts from the foregoing standards.

[C. C. 1246.]

Sec. 5. Articles of Silver Marked Other Than "Sterling" or "Coin".

1 Any person making for sale, selling or offering to sell or dispose
2 of, or having in possession with intent to sell or dispose of, any article
3 of merchandise made in whole or in part of silver or of any alloy of
4 silver and having stamped, branded, engraved or imprinted thereon, or
5 upon any tag, card, or label attached thereto, or upon any container in
6 which said article is encased or inclosed, any mark or word, other than
7 the word "sterling" or the word "coin", indicating, or designed to indi-
8 cate that the silver or alloy of silver in said article is of a greater de-
9 gree of fineness than the actual fineness or quality, unless the actual
10 fineness of the silver or alloy of silver of which said article is composed
11 be not less by more than four one-thousandths (.004) parts than the
12 actual fineness indicated by the said mark or word, other than the
13 word "sterling" or "coin", stamped, branded, engraved or imprinted
14 upon any part of said article, or upon any tag, card or label attached
15 thereto, or upon any container in which said article is inclosed, sub-
16 ject to the qualifications hereinafter set forth, is guilty of a misde-
17 meanor.

[C. C. 1246.]

Sec. 6. Tests for Articles in Three Preceding Sections.

1 In any test for the ascertainment of the fineness of any such
2 article mentioned in this and the three preceding sections, accord-
3 ing to the foregoing standards, the part of the article taken for the
4 test, shall be such portion as does not contain or have attached thereto
5 any solder or alloy of inferior metal used for brazing or uniting the
6 parts of such article, and provided further and in addition to the fore-

7 going test and standards, that the actual fineness of the entire quan-
8 tity of metal purporting to be silver contained in any article men-
9 tioned in the three (3) preceding sections, including all solder or alloy
10 of inferior fineness used for brazing or uniting the parts of any such
11 article, all such silver, alloy or solder being assayed as one piece, shall
12 not be less by more than ten one-thousandths (.010) parts than the
13 fineness indicated according to the foregoing standards, by the mark
14 stamped, branded, engraved or imprinted upon such article, or upon
15 any tag, card or label attached thereto, or upon any container in which
16 said article is inclosed.

[C. C. 1246.]

Sec. 7. Marking of Gold-plated or Gold-filled Articles.

1 Any person making for sale, selling or offering to sell or dispose
2 of, or having in possession with intent to sell or dispose of, any article
3 of merchandise made in whole or in part of inferior metal having de-
4 posited or plated thereon or brazed or otherwise affixed thereto a plate,
5 plating, covering or sheet of gold or of any alloy of gold and which
6 article is known in the market as "rolled gold plate", "gold plate",
7 "gold filled" or "gold electroplate", or by any similar designation, and
8 having stamped, branded, engraved or imprinted thereon, or upon any
9 tag, card or label attached thereto, or upon any container in which said
10 article is inclosed, any word or mark usually employed to indicate the
11 fineness of gold, unless said word be accompanied by other words
12 plainly indicating that such article or part thereof is made of rolled
13 gold plate, or gold plate, or gold electroplate, or is gold filled, as the
14 case may be, is guilty of a misdemeanor

[C. C. 1247.]

Sec. 8. Marking of Silver-plated Articles.

1 Any person making for sale, selling or offering to sell or dispose
2 of, or having in possession with intent to sell or dispose of, any article
3 of merchandise made in whole or in part of inferior metal having de-
4 posited or plated thereon or brazed or otherwise affixed thereto, a plate,
5 plating, covering or sheet of silver or of any alloy of silver, and which
6 article is known in the market as "silver plate" or "silver electroplate"
7 or by any similar designation, and having stamped, branded, engraved
8 or imprinted thereon, or upon any tag, card, or label attached thereto,
9 or upon any container in which said article is encased or inclosed, the
10 word "sterling" or the word "coin" either alone or in conjunction with
11 any other words or marks, is guilty of a misdemeanor.

[C. C. 1248.]

Sec. 9. Violation—Penalty.

1 Every person guilty of a violation of the provisions of this chap-
2 ter, and every officer, manager, director or agent of any such person
3 directly participating in such violation or consenting thereto, shall be
4 punished by a fine of not more than five hundred dollars (\$500.00) or
5 imprisonment for not more than three (3) months, or both, at the dis-
6 cretion of the court; but nothing in this chapter shall apply to articles
7 manufactured prior to the thirteenth day of June, nineteen hundred
8 seven (1907).

[C. C. 1249.]

Sec. 10. Person Defined.

1 The term "person" as used in this chapter shall embrace persons,
2 firms, partnerships, companies, corporations and associations.

[New]

Code Commissioners' Bill No. 62

Subject: BRANDING MATTRESSES

Senate File No..... Referred to Committee on
 House File No.....
 By Date.....

A BILL FOR

An act to amend, revise and codify chapter twenty-four (24) of title five (5) of the compiled code of Iowa, relating to the manufacture, branding, and labeling of mattresses and comforts.

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

That chapter twenty-four (24) of title five (5) of the compiled code of Iowa is amended, revised and codified to read as follows:

CHAPTER 24**BRANDING MATTRESSES****Section 1. Terms Defined.**

1 Any quilted, stitched or otherwise finished bed or pad, whether
 2 tufted or not, stuffed with excelsior, cotton, hair, husks, sea moss,
 3 bamboo, wool, fibre, floss, kapock, felted cotton, African fibre, Louisi-
 4 ana tree moss, or other material used for stuffing, shall be deemed to
 5 be a mattress or comfort within the meaning of this chapter. Felt
 6 or felted cotton shall be held to mean cotton or other material which
 7 has been carded in layers or sheets by a Garnett or cotton felting
 8 machine.

[C. C. 1258, 1259.]

Sec. 2. Manufacture—Use of Shoddy and Old Materials—Prohibited.

1 No person shall within this state manufacture any mattress or
2 comfort, either in whole or in part, from material known as “shoddy”,
3 or any material from which shoddy is made, or from old or worn cloth,
4 carpets, or other fabrics, or material previously used, except sterilized
5 feathers.

[C. C. 1256-1258.]

Sec. 3. Branding Required.

1 No person shall sell, offer for sale, or have in his possession with
2 intent to sell, any mattress or comfort stuffed with any material other
3 than sterilized feathers, unless such mattress or comfort shall have
4 sewed or otherwise securely attached to it in a conspicuous place a
5 label or cloth lined tag which shall contain, printed in plain type in
6 the English language, a true statement of the quality and character
7 of the material with which such mattress or comfort is filled, and
8 that it consists wholly of new and heretofore unused material.

[C. C. 1250-1255.]

Sec. 4. Penalty.

1 Any person selling, offering for sale, having in possession with
2 intent to sell, manufacturing or causing to be manufactured with
3 intent to sell any mattress or comfort not branded or labeled as re-
4 quired by this chapter, or who falsely brands or labels any mattress
5 or comfort, or who knowingly fails or neglects to state the true and
6 actual quality of the material used in any such mattress or comfort
7 shall upon conviction thereof be fined not less than twenty-five dollars
8 (\$25.00), nor more than five hundred dollars (\$500.00), or impris-

9 oned in the county jail not more than six (6) months or both.

[C. C. 1260.]

Sec. 5. **County Attorney to Enforce.**

1 When any peace or health officer has reason to believe that any
2 provision of this chapter is being violated, he shall fully advise the
3 county attorney of the county, who shall without delay proceed to
4 enforce this chapter.

[C. C. 1261.]

Code Commissioners' Bill No. 63

Subject: PUBLIC HEALTH

Senate File No. Referred to Committee on
 House File No.
 By Date

A BILL FOR

An act to amend, revise and codify chapters seven (7) and thirteen (13) of title five (5); chapters one (1) to thirteen (13), inclusive, of title six (6); sections fourteen hundred twelve (1412) to fourteen hundred twenty-six (1426) inclusive; and sections 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, relating to the public health and safety.

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

That chapters seven (7) and thirteen (13) of title five (5); chapters one (1) to thirteen (13), inclusive, of title six (6); sections fourteen hundred twelve (1412) to fourteen hundred twenty-six (1426), inclusive; and sections 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 are amended, revised and codified to read as follows:

TITLE VI

PUBLIC HEALTH.

CHAPTER 1.

STATE BOARD OF HEALTH.

Section 1. Definitions.

1 For the purposes of this title, unless otherwise defined:

2 1. "Health officer" shall mean the physician who is the health
3 officer of the local board of health.

4 2. "Local board" shall mean the local board of health.

5 3. "Physician" shall mean a person licensed to practice medicine
6 under the laws of this state.

7 4. "Rules" shall include regulations and orders.

8 5. "Sanitation officer" shall mean the policeman who is the per-
9 manent sanitation and quarantine officer subject to the direction of
10 the local board of health in the execution of health and quarantine
11 regulations.

12 6. "Secretary" shall mean the secretary of the state board of
13 health.

14 7. "State board" shall mean the state board of health.

[New.]

Sec. 2. **Composition of Board.**

1 The state board shall consist of three (3) electors of the state,
2 not more than two (2) of whom shall belong to the same political
3 party. One (1) of the members of said board shall be a physician, one
4 (1) a well-qualified civil and sanitary engineer, and one (1) a person
5 of broad business experience and recognized executive ability.

[C. C. 1262, modified—part new.]

Sec. 3. **Ineligibility of Members to Other Offices.**

1 No member of the state board shall be an officer or member of
2 the instructional staff of any medical college or hold any other lucra-
3 tive office of the state, elective or appointive, during his term, but he
4 shall devote his entire time to the duties of his office.

[C. C. 1262, modified.]

Sec. 4. Term of Office.

1 The term of office of each member of the state board shall be six
2 (6) years, commencing on July first of the year of appointment; and
3 the terms of the members shall be rotated so that one (1) member
4 shall retire in each odd-numbered year.

[C. C. 1262, modified—part new.]

Sec. 5. Appointment.

1 The governor shall, during the session of the general assembly
2 immediately preceding the expiration of the term of office of any mem-
3 ber and within sixty (60) days after the convening of said assembly,
4 appoint with the approval of two-thirds ($\frac{2}{3}$) of the members of the
5 senate a successor to such retiring member. The senate shall not
6 approve an appointment on the same legislative day on which it is
7 submitted for approval.

[New.]

Sec. 6. Vacancies.

1 All vacancies on the state board that may occur while the general
2 assembly is not in session shall be filled by appointment by the gov-
3 ernor, which appointment shall expire at the end of thirty (30) days
4 from the date on which the general assembly next convenes. Prior
5 to the expiration of said thirty (30) days the governor shall transmit
6 to the senate for its approval an appointment for the unexpired por-
7 tion of the regular term. Vacancies occurring during a session of
8 the general assembly shall be filled as regular appointments before
9 the end of said session and for the unexpired portion of the regular
10 term.

[New.]

Sec. 7. Officers and Assistants.

1 The chairman of the state board for each biennial period shall
2 be the member whose term first expires. The state board shall em-
3 ploy a competent secretary, who shall be a physician, and such other
4 assistants and employees as may be necessary to perform the duties
5 imposed upon it by law. In the absence or disability of the secretary
6 the state board may, by order entered of record, appoint a member of
7 said board as acting secretary who shall have the powers and dis-
8 charge the duties of the secretary during such absence or disability.
9 No additional compensation shall be paid any member for services as
10 acting secretary.

[C..C. 1262, part new.]

Sec. 8. Official Seal.

1 The state board shall have an official seal and every commission,
2 license, order, or other paper executed by the board may, under its
3 direction, be attested with its seal.

[New.]

Sec. 9. Expenses.

1 The members of the state board, its secretary, field and office
2 assistants and employees shall, in addition to salary, receive their
3 necessary traveling expenses by the nearest traveled and practicable
4 route and their necessary and incidental expenses when engaged in
5 the performance of official business.

[New.]

Sec. 10. Appropriation for Expenses.

1 There is hereby annually appropriated from any funds in the
2 state treasury not otherwise appropriated a sufficient amount to pay

3 the expenditures authorized by the preceding section.

[New.]

Sec. 11. **Office.**

1 The office of the state board shall be located at the seat of gov-
2 ernment.

[C. C. 1262.]

Sec. 12. **Powers and Duties.**

1 The duties of the state board shall be:

2 1. To exercise general supervision over the public health and,
3 unless otherwise provided, to enforce the laws relating to the same.

[C. C. 1264.]

4 2. To make investigations and surveys in respect to the causes
5 of disease and epidemics, and the effect of locality, employment, and
6 living conditions upon the public health.

[C. C. 1264, 1266.]

7 3. To make inspections of the sanitary conditions in the educa-
8 tional, charitable, correctional, and penal institutions in the state.

[C. C. 1264, 1266.]

9 4. To make inspections of the sanitary conditions in any local-
10 ity of the state upon written petition of five (5) or more citizens from
11 said locality, and to issue directions for the improvement of the same,
12 which shall be executed by the local board.

[C. C. 1265.]

13 5. To make inspections of the public water supplies, sewer sys-
14 tems, sewage treatment plants, and garbage and refuse disposal plants
15 throughout the state, and to direct the method of installation and

16 operation of the same.

[C. C. 1264, rule state board of health.]

17 6. To establish, publish, and enforce a code of rules governing
18 the installation of plumbing in cities and towns and to amend the same
19 when deemed necessary. Said rules and amendments shall be pub-
20 lished in the same manner as other rules of the state board.

[C. C. 3648, modified.]

21 7. To exercise general supervision over the administration of the
22 housing law and give aid to the local authorities in the enforcement
23 of the same, and for these purposes it may maintain a housing de-
24 partment, and said board shall institute in the name of the state such
25 legal proceedings as may be necessary in the enforcement of said law.

[C. C. 4114, 4210, modified.]

26 8. To hear and determine all appeals from the order of any local
27 board made in connection with the enforcement of the housing law,
28 and to enforce its orders therein.

[C. C. 4213.]

29 9. To maintain an antitoxin and vaccine department and to es-
30 tablish stations throughout the state for the distribution of antitoxins
31 and vaccines to physicians, druggists and other persons at cost and
32 the same shall be labeled "Iowa State Board of Health".

[C. C. 1307-1309, modified.]

33 10. To exercise general supervision over the administration and
34 enforcement of the venereal disease law, chapter four (4), of this
35 title, and for that purpose it may maintain a department of venereal
36 diseases.

[No specific section; implied from existing law.]

37 11. To enforce the hotel law, chapter ten (10), of this title, and
38 for that purpose maintain a department of hotel inspection.

[C. C. 1086, 1088, modified.]

39 12. To enforce the law relative to petroleum products, chapter
40 eleven (11), of this title, and for that purpose maintain a department
41 for the inspection of petroleum products.

[C. C. 899, 900, 901, 905, modified.]

42 13. To exercise general supervision over the administration and
43 enforcement of the vital statistics law, chapter nine (9), of this title,
44 and for that purpose maintain a department of vital statistics.

[C. C. 1364, modified.]

45 14. To exercise sole jurisdiction over the disposal and transporta-
46 tion of the dead bodies of human beings and of all methods prepara-
47 tory to the same.

[C. C. 1338.]

48 15. To establish, publish, and enforce rules not inconsistent with
49 law, for the preservation and improvement of the public health, and
50 for the enforcement of the various laws, the administration and super-
51 vision of which is imposed upon the state board.

[C. C. 1264.]

Sec. 13. Housing Law Applicable to Mining Camps.

1 When the health conditions in any mining camp become a menace
2 to the health of the inhabitants thereof, the state board shall require
3 compliance with the provisions of the housing law in so far as the
4 same may be reasonably applicable in such camp.

[C. C. 4211.]

Sec. 14. Permits for Construction of New Mining Camps.

1 No new mining camp shall be constructed of more than five (5)
2 houses until a written permit is secured from the state board. Ap-
3 plication for said permit shall be made in writing, accompanied by
4 a plat of the proposed camp showing in detail the location, topography,
5 character of the houses to be built, and the provisions to be made
6 for drainage, sewage, outside toilets, and water supply. Within three
7 (3) weeks from the receipt of such application said board shall in-
8 spect the proposed camp and, if satisfied that the same will comply
9 with the general provisions of the housing law as far as reasonably
10 applicable, shall issue the permit requested.

[C. C. 4211.]

Sec. 15. Notice of Adoption of Rules.

1 Immediately after the adoption of any rule the state board shall
2 forward a certified copy of such rule to the county auditor of each
3 county and to each local board of health. When such rule shall be
4 amended, notice of said amendment shall be given in the same manner.

[C. C. 1270, modified.]

Sec. 16. Time Rules Take Effect.

1 The rules of the state board shall take effect and be enforced in
2 the respective counties from and after the date stated in the certified
3 copies of said rules which are forwarded to the county auditors.

[New.]

Sec. 17. Publication and Distribution of Rules.

1 The state board shall publish from time to time a sufficient num-
2 ber of its rules to supply the needs of the several counties. The county
3 auditor shall annually forward to the state board a certified list of

4 the names and addresses of the clerks of all the local boards of health
5 in his county. Upon receipt of said list the state board shall forward
6 to each local board sufficient copies for distribution in the county;
7 and the clerk of the local board shall upon request furnish a copy of
8 said rules to any resident, physician, or citizen.

[C. C. 1270, modified.]

Sec. 18. Refusal of Local Board to Enforce Rules.

1 If any local board shall fail to enforce the rules of the state board
2 or carry out its lawful directions, the state board may enforce the
3 same within the territorial jurisdiction of such local board, and for
4 that purpose it may exercise all of the powers given by statute to the
5 local board; and may employ the necessary assistants to carry out
6 its lawful directions.

[C. C. 1271, modified.]

Sec. 19. Expenses for Enforcing Rules of State Board.

1 All expenses incurred by the state board in determining whether
2 its rules are enforced by a local board, and in enforcing the same
3 when a local board has failed to do so, shall be paid in the same man-
4 ner as the expenses of enforcing such rules when enforced by the
5 local board.

[C. C. 1271.]

Sec. 20. Duty of Peace Officers to Enforce Rules.

1 All peace officers of the state when called upon by the state board
2 shall enforce its rules and execute the lawful orders of said board
3 within their respective jurisdictions.

[C. C. 1271.]

Sec. 21. Interference With Health Officers.

1 No person shall interfere with the state board, or its officers or
2 authorized agents, in the discharge of any duty imposed by law.

[C. C. 1305.]

Sec. 22. Biennial Report.

1 The state board shall make a report to the governor in each even-
2 numbered year, at the time provided by law, which shall include so
3 much of its proceedings, such information concerning the public health
4 and enforcement of the several laws administered by it, and such in-
5 struction upon the subject of hygiene and sanitation as may be thought
6 useful for dissemination among the people, with such suggestions as
7 to legislation as may be deemed advisable.

[C. C. 296, 1264.]

Sec. 23. Appropriations.

1 The following sums, or so much thereof as may be necessary, are
2 hereby annually appropriated to the state board from any funds in
3 the state treasury not otherwise appropriated:

4 1. Thirty-eight thousand dollars (\$38,000.00) for the purpose of
5 carrying out the provisions of chapter eleven (11) of this title, rela-
6 tive to petroleum products, including the employment of the neces-
7 sary inspectors, deputies, and assistants.

[C. C. 903.]

8 2. Ten thousand dollars (\$10,000.00) for the purpose of enabling
9 the state board to make the various inspections, investigations and
10 surveys authorized by paragraphs two (2) to five (5), inclusive, of
11 section twelve (12), including the employment of the necessary as-
12 sistants.

[C. C. 1266.]

13 3. Five thousand dollars (\$5,000.00) for the purpose of adminis-
14 tering the housing law and carrying out the provisions of sections
15 thirteen (13) and fourteen (14), including the employment of the
16 necessary assistants.

[C. C. 1267.]

17 4. Three thousand dollars (\$3,000.00) for the registration of
18 vital statistics including clerk hire and such other expenses as may
19 be required in maintaining a department of vital statistics.

[C. C. 1375.]

20 5. Two thousand dollars (\$2,000.00) for the distribution of anti-
21 toxin by the state board.

[C. C. 1310.]

Sec. 24. Penalty.

1 Any person who knowingly violates any provision of this chapter,
2 or of the rules of the state board, or any lawful order, written or
3 oral, of said board, or of its officers or authorized agents shall be
4 guilty of a misdemeanor.

[C. C. 1282, 1285, modified.]

CHAPTER 2.

LOCAL BOARD OF HEALTH.

Sec. 25. Organization of Local Board of Health.

1 The local board of health shall consist:

2 1. In cities and towns, of the mayor, health physician, and mem-
3 bers of the city or town council.

4 2. In townships, of the members of the board of township trus-
5 tees.

[C. C. 1269, 3440.]

Sec. 26. Chairman of Local Board—Duties.

1 In cities and towns the mayor shall be chairman of the local
2 board, and when said board is not in session he shall as mayor and
3 as chairman of said board enforce the statutes of the state relative
4 to public health and the rules of the state board and local board. In
5 townships the trustees shall elect one (1) of their number as chair-
6 man who shall have the same duties as the chairman of the local board
7 in cities and towns.

[New.]

Sec. 27. Clerk of Local Board—Duties.

1 The town, city, or township clerk, as the case may be, shall be
2 clerk of the local board, keep its records, and perform such other
3 duties as may be prescribed by the local board.

[C. C. 1269, modified.]

Sec. 28. Health Officer of Local Board.

1 Each local board shall have a health officer who shall be a phy-
2 sician. In cities and towns the health physician shall be such health
3 officer. In every other case the local board shall appoint said health
4 officer who shall hold office during its pleasure.

[C. C. 1269, modified.]

Sec. 29. Appointment of Sanitation and Quarantine Officer.

1 Upon request of the local board, the marshal in every city or
2 town shall appoint a member of the police force to be a permanent
3 sanitation and quarantine officer who shall be subject to the orders and
4 directions of the local board and its health officer in the execution of
5 health and quarantine regulations.

[C. C. 1273, modified.]

Sec. 30. Meetings.

1 The local board shall meet for the transaction of business on the
2 first Monday of April and November in each year and at such other
3 times as it may deem necessary.

[C. C. 1270.]

Sec. 31. Duties of Local Board.

1 The duties of the local board shall be:

2 1. To obey and enforce the rules and lawful orders of the state
3 board.

[C. C. 1271.]

4 2. To furnish the state board at the times and in the manner
5 prescribed by said board, reports of its proceedings.

[C. C. 1270.]

6 3. To establish, maintain, and terminate quarantines in all cases
7 of quarantinable diseases as may be required by law or by the rules
8 of the state board.

[C. C. 1269.]

9 4. To make such rules, not inconsistent with law or the rules of
10 the state board, as may be necessary for the protection of the public
11 health relative to nuisances, sources of filth, causes of sickness, quar-
12 antine and rabid animals. Such rules shall apply to boats or vessels¹
13 in harbors or ports within the jurisdiction of the local board.

[C. C. 1269.]

14 5. To have, subject to the rules of the state board, charge of the
15 burial or disposal of the dead and of all cemeteries dedicated to public
16 use not legally controlled by other trustees or persons.

[C. C. 1269, 3440.]

17 6. To regulate all fees and charges of persons employed by it in
18 the execution of health laws and its own rules and those of the state
19 board.

[C. C. 1269.]

Sec. 32. Publication of Rules.

1 All rules adopted by the local board shall take effect after publi-
2 cation in some newspaper of general circulation in the city, town or
3 township in which said board has jurisdiction, or after posting a copy
4 of the same in five (5) public places therein.

[C. C. 1270.]

Sec. 33. General Duties of Health Officer.

1 The health officer shall be the advisor of the local board in all
2 matters pertaining to the public health, the control of communicable
3 diseases, the establishment, maintenance and termination of quaran-
4 tine, sources of filth, disposal of garbage, refuse, and night soil, and
5 the pollution of wells and other sources of water supply; and he shall
6 recommend to the local board the proper measures to be taken by it
7 for the abatement of unhealthful conditions and for the preservation
8 of the public health.

[Rule state board of health.]

Sec. 34. Special Duties of Health Officer.

1 At least twice each year, and oftener if necessary, the health
2 officer shall personally inspect, or cause to be inspected, the schools,
3 public buildings, and public utilities within the jurisdiction of the
4 local board, and he shall recommend to the local board the necessary
5 measures to be taken by it for the maintenance of such schools, public
6 buildings, and public utilities in a sanitary condition. In cases of

7 sickness where no physician is in attendance, the health officer shall
8 investigate the character of such sickness and report his findings to
9 the local board.

[Rule state board of health.]

Sec. 35. Additional Duties of Health Officer.

1 In addition to his statutory duties the health officer shall perform
2 such other duties as the local board may assign to him.

[Rule state board of health.]

Sec. 36. Right to Enter Premises to Abate Nuisance.

1 The local board, health officer, or sanitation officer, may enter any
2 building, vessel, or other place for the purpose of examining into,
3 preventing, or removing any nuisance, source of filth, or cause of sick-
4 ness.

[C. C. 1272, modified.]

Sec. 37. Abatement of Nuisances.

1 The local board may order the owner, occupant, or person in
2 charge of any property, building, or other place, to remove at his own
3 expense any nuisance, source of filth, or cause of sickness found
4 thereon, by serving on said person a written notice, stating some rea-
5 sonable time within which such removal shall be made, and if such
6 person fails to comply with said order, the local board may cause the
7 same to be executed at the expense of the owner or occupant.

[C. C. 1269, 1272.]

Sec. 38. Closing of Premises.

1 In such cases the local board may order the occupants of said
2 place to move therefrom and fix some reasonable time for compliance
3 therewith. If the order is not complied with, said board may forcibly

4 remove the occupants and close the premises; and said place shall not
5 be again occupied as a dwelling or place of business without the written
6 permission of the local board.

[C. C. 1269, modified.]

Sec. 39. Refusal of Admittance—Warrant.

1 In case any member of the local board, the health officer, or the
2 sanitation officer, in proceeding under the authority of the three (3)
3 preceding sections, shall be refused entry to any place, complaint may
4 be made under oath to any magistrate of the county, whether a mem-
5 ber of the local board or not, and said magistrate shall thereupon issue
6 his warrant, directed to some peace officer of the county, commanding
7 him between the hours of sunrise and sunset, accompanied by two (2)
8 or more members of said board, the health officer, or the sanitation
9 officer, to prevent, remove or destroy any nuisance, source of filth, or
10 cause of sickness, found to exist in said place, which order shall be
11 executed by said officer under the direction of the members of the local
12 board, the health officer, or the sanitation officer.

[C. C. 1272, modified.]

Sec. 40. Collection of Costs for Abating Nuisances.

1 All expenses incurred by the local board in proceeding under the
2 four (4) preceding sections may be recovered by suit in the name of
3 the local board, or said board may certify the amount of said expense,
4 together with a description of the property, to the county auditor who
5 shall enter the same upon the tax books as costs for removing a
6 nuisance and said amount shall be collected as other taxes.

[New.]

Sec. 41. Peace Officers to Enforce Rules and Orders.

- 1 Peace officers, when called upon by the local board, shall enforce
- 2 its rules and execute the lawful orders of said board.

[C. C. 1269, 1271.]

Sec. 42. Interference With Health Officers.

- 1 No person shall interfere with the local board, or its officers, or
- 2 authorized agents, in the discharge of any duty imposed by law, or
- 3 the rules of the state board, or the local board.

[C. C. 1305.]

Sec. 43. Penalty.

- 1 Any person who knowingly violates any provision of this chapter,
- 2 or of the rules of the local board, or any lawful order, written or
- 3 oral, of said board, or of its officers or authorized agents shall be guilty
- 4 of a misdemeanor.

[C. C. 1282, 1285, modified.]

CHAPTER 3.**CONTAGIOUS AND INFECTIOUS DISEASES.****Sec. 44. Definitions.**

- 1 For the purposes of this chapter:
- 2 1. "Communicable disease" shall mean any infectious or con-
- 3 tagious disease.

[New.]

- 4 2. "Placard disease" shall mean whooping cough, measles, mumps,
- 5 chickenpox, or any other disease designated as a placard disease by the
- 6 state board.

[C. C. 1276, part new.]

7 3. "Quarantinable disease" shall mean scarlet fever (including
8 scarlet rash and scarletina), smallpox, diphtheria (including membran-
9 ous croup), cholera, leprosy, cerebro-spinal meningitis, anterior polio-
10 myelitis, Spanish influenza, bubonic plague, or any other disease desig-
11 nated as quarantinable by the state board.

[C. C. 1274, rule state board of health.]

12 4. "Quarantine" shall mean the complete detention of a person
13 within his own residence or temporary place of abode and the exclu-
14 sion of the public from said place for the purpose of safeguarding the
15 public from a communicable disease.

[New.]

16 5. "Isolation" shall mean the removal of a person from his own
17 residence or temporary place of abode and detention in some special
18 place, from which the public is excluded, for the purpose of safeguard-
19 ing the public from a communicable disease.

[New.]

Sec. 45. Form of Warning Signs and Reports.

1 The form of quarantine, temporary quarantine, and warning signs
2 shall be prescribed by the rules of the state board, and the forms for
3 all reports required by this chapter shall be likewise prescribed.

[C. C. 1275, modified; rule of state board of health.]

Sec. 46. Reporting of Quarantinable and Placard Diseases.

1 The physician attending any person infected with a quarantinable
2 disease or placard disease shall immediately report the same orally to
3 the local board or to one of its officers and at once follow said report
4 with a written report. Such reports shall be made in accordance with
5 the rules of the state board and the local board. In case there is no

6 attending physician, the parents, guardian, school teacher, or the
7 householder of the premises wherein such disease exists shall report
8 the same.

[C. C. 1276, modified; rule of state board of health.]

Sec. 47. Reporting of Quarantinable and Placard Diseases to State Board.

1 All quarantinable and placard diseases shall be reported by the
2 local board to the state board as prescribed by the rules of the state
3 board.

[Rule of state board of health.]

Sec. 48. Care of Persons Infected With Communicable Diseases.

1 In case any person shall be infected with any communicable dis-
2 ease, dangerous to the public health, whether a resident or otherwise,
3 the local board shall make such orders in regard to the care of said
4 person as are necessary to protect the public health, and said orders
5 shall be executed by the mayor, township clerk, health officer or sani-
6 tation officer as the local board may direct or provide by its rules.

[C. C. 1274, modified.]

Sec. 49. Establishment of Quarantine.

1 A quarantine shall be established in every case of a quarantinable
2 disease, and in such cases the infected person may be removed and
3 isolated in a separate house or hospital for detention and treatment.
4 All quarantines and isolations ordered under the authority of this sec-
5 tion shall be executed in accordance with the rules of both the state
6 board and the local board.

[C. C. 1274.]

Sec. 50. Placard Diseases Not Quarantined.

1 A quarantine shall not be established in case of a placard disease,

2 but a warning sign shall be posted which shall serve merely as a
3 warning to the public.

[C. C. 1277, 1278.]

Sec. 51. Warning Signs Required.

1 All quarantinable and placard diseases shall, as soon as possible,
2 be definitely diagnosed and the proper warning sign placed in a con-
3 spicuous place on the house, dwelling, or place in which the quaran-
4 tinable or placard disease exists.

[C. C. 1275.]

Sec. 52. Temporary Quarantine Pending Diagnosis.

1 When the type of the disease cannot be immediately determined
2 or diagnosed, a temporary quarantine shall be established and all the
3 requirements of quarantine shall be observed, but such temporary
4 quarantine shall terminate within forty-eight (48) hours after being
5 established.

[C. C. 1275, modified.]

Sec. 53. Instructions to Persons Quarantined or Isolated.

1 Every official, when establishing a quarantine or removing an
2 infected person for the purpose of isolation, shall furnish to said per-
3 son printed instructions relative to the duties and restrictions imposed
4 upon him by law and by the rules of the state board and local board.

[C. C. 1270, modified.]

Sec. 54. Temporary Isolation Hospitals.

1 When no detention hospital has been established by the county,
2 the local board shall provide a suitable place, when necessary, for the
3 isolation of persons infected with communicable diseases dangerous to
4 the public health, and the expense incident thereto shall be paid by the

5 county in the same manner as other expenses incurred under the pro-
6 visions of this chapter.

[C. C. 1274; see 136 Ia., 419.]

Sec. 55. Forcible Removal for Isolation.

1 The forcible removal and isolation of any infected person shall be
2 accomplished by an application to any civil magistrate in the manner
3 provided in section thirty-nine (39) for the removal and abatement
4 of nuisances; and such magistrate shall issue the warrant, as directed
5 in such cases, to remove such person to the place designated by the
6 local board and to take possession of the infected house, lodging room,
7 premises, or effects until the same have been properly fumigated or
8 disinfected.

[C. C. 1274.]

Sec. 56. Fees for Removing for Isolation.

1 The officers designated by the magistrate shall be entitled to
2 receive for their services such reasonable compensation as shall be
3 determined by the local board, the amount so determined shall be
4 certified and paid in the same manner as other expenses incurred
5 under the provisions of this chapter.

[C. C. 1274.]

Sec 57. Removal to Another Jurisdiction.

1 No person known to be infected with any communicable disease
2 dangerous to the public health shall move or be removed from the
3 jurisdiction of one (1) local board to the jurisdiction of another local
4 board without the written permission of the local board from whose
5 jurisdiction the infected person is to be removed, and if the removal
6 is to another county, then the written permission of the local board

7 into whose jurisdiction the infected person is to be removed shall also
8 be secured.

[C. C. 1279, modified.]

Sec. 58. Removal to Residence.

1 When the infected person resides not more than fifteen (15) miles
2 from the place at which it is determined that he is infected with a com-
3 municable disease dangerous to the public health and, said person
4 requests that he be removed to his place of residence, the local board
5 shall grant permission for his immediate removal, unless in its judg-
6 ment such removal would involve too great danger to the infected per-
7 son or the public health.

[C. C. 1281, modified.]

Sec. 59. Method of Removal to Residence.

1 All removals of infected persons as provided in the two (2) preced-
2 ing sections shall be by private conveyance along the least frequented
3 highways, under escort of the health officer or sanitation officer, and
4 as thoroughly isolated as possible.

[C. C. 1281, modified.]

Sec. 60. Payment of Expenses in Removal to Residence.

1 All expenses of removal under the preceding section shall be paid
2 by the county in which the infected person has a legal settlement, and
3 all bills for said expenses shall be presented, allowed, and paid in the
4 same manner as bills for quarantine and isolation.

[C. C. 1280, 1281, modified.]

Sec. 61. Jurisdiction Over Detention Hospitals.

1 The local board of the city or town which is allowed to maintain
2 a detention hospital for patients infected with communicable diseases,

3 outside the limits of said municipality, shall have exclusive jurisdic-
 4 tion and control of such detention hospital and grounds for the enforce-
 5 ment of all sanitary and health regulations.

[C. C. 1283.]

Sec. 62. Controversies Concerning Location Detention Hospitals.

1 All controversies arising between local authorities respecting the
 2 location of detention hospitals and grounds for the treatment of com-
 3 municable diseases, shall be referred to the state board, which shall
 4 give two (2) days' notice to the parties interested, and after investi-
 5 gating the matter make such order as the facts warrant, which action
 6 shall be final.

[C. C. 1284, modified.]

Sec. 63. Termination of Quarantines and Isolations.

1 The quarantine or isolation authorized by this chapter may be
 2 terminated by the mayor or the township clerk, as the case may be,
 3 acting under the rules or directions of the local board.

[C. C. 1269, modified.]

Sec. 64. Report of Termination.

1 The termination of all quarantinable and placard diseases shall be
 2 reported by the local board to the state board as prescribed by the rules
 3 of the state board.

[Rule of state board of health.]

Sec. 65. Disinfection on Termination Quarantinable Disease.

1 In case of death from or the termination of any quarantinable dis-
 2 ease, the person who was infected and the place of quarantine or isola-
 3 tion with all persons, furniture, bedding, clothing, and all other articles
 4 contained therein shall be fumigated or disinfected, in accordance with

5 the rules of the state board and under the direction of the local board,
6 which shall require the attending physician to superintend or perform
7 the work. In case there be no attending physician, or in case the
8 attending physician refuses to perform this duty, then the local board
9 shall employ some other suitable person to perform such work.

[C. C. 1274.]

Sec. 66. Disinfection From Other Communicable Diseases.

1 The undertaker or person in charge of the funeral of any person
2 dying from any communicable disease which is not quarantinable shall
3 within forty-eight (48) hours after the death of such person report
4 to one (1) of the officers of the local board the name and residence of
5 the deceased person, together with the cause of death. Upon receipt
6 of said notice the officer receiving the same shall cause said premises
7 to be disinfected in accordance with the rules of the state board.

[C. C. 1274, modified.]

Sec. 67. Medical Attendance and Supplies for Quarantined Persons.

1 In case any person under quarantine or the persons liable for the
2 support of such person shall, in the opinion of the local board, be finan-
3 cially unable to secure the proper care, provisions, or medical attend-
4 ance, the local board shall furnish such supplies and services during
5 the period of quarantine and may delegate such duty by its rules to
6 one (1) of its officers or to the health officer.

[C. C. 1274, modified.]

Sec. 68. Medical Attendance and Supplies for Isolated Persons.

1 The local board shall provide the proper care, provisions and med-
2 ical attendance for every person removed and isolated in a separate
3 house or hospital for detention and treatment, and the same shall be

4 paid for by the county in which the infected person has a legal settle-
5 ment.

[C. C. 1274.]

Sec. 69. Rights of Isolated Persons.

1 Any person removed and isolated in a separate house or hospital
2 may employ, at his own expense, the physician or nurse of his choice,
3 and may provide such supplies and commodities as he may require.

[C. C. 1274.]

Sec. 70. Authorization of Supplies and Services.

1 All services and supplies furnished to individuals or families under
2 the provisions of this chapter must be authorized by the local board
3 or by one (1) of its officers acting under the rules of said board, and
4 a written order therefor designating the person or persons employed
5 to furnish such services or supplies, issued before said services or sup-
6 plies were actually furnished, shall be attached to the bill when the
7 same is presented for audit and payment.

[C. C. 1274.]

Sec. 71. Filing of Bills—Approval by Local Board.

1 All bills incurred in carrying out the provisions of this chapter
2 in establishing, maintaining, and terminating quarantine and isolation,
3 in providing a necessary house or hospital for isolation, and in making
4 fumigations or disinfections, shall be filed with the clerk of the local
5 board. Said board at its next regular meeting or special meeting called
6 for the purpose shall examine and audit the same and, if found correct,
7 approve and certify the same to the county board of supervisors for
8 payment.

[C. C. 1274.]

Sec. 72. Rules for Allowing Claims.

1 All bills for supplies furnished and services rendered for persons
2 removed and isolated in a separate house or hospital, or for persons
3 financially unable to provide their own sustenance and care during
4 quarantine, shall be allowed and paid for only on a basis of the local
5 market price for such provisions, services, and supplies in the locality
6 in which the same shall have been furnished. No bill for disinfecting
7 or fumigating premises or effects shall be allowed unless it shall be
8 found that the infected person or those liable for his support are
9 financially unable to pay the same.

[C. C. 1274.]

Sec. 73. Approval and Payment of Claims by Supervisors.

1 The board of supervisors shall not be bound by the action of the
2 local board in approving such bills but shall allow the same on the
3 poor fund for a reasonable amount and within a reasonable time.

[C. C. 1274, modified.]

Sec. 74. Reimbursement From County of Legal Settlement.

1 If any person receives services or supplies under this chapter who
2 does not have a legal settlement in the county in which such bills were
3 incurred and paid, the amount so paid shall be certified to the board of
4 supervisors of the county in which said person claims settlement or
5 owns property and the board of supervisors of such county shall reim-
6 burse the county from which such claim is certified, in the full amount
7 originally paid by it.

[C. C. 1274.]

Sec. 75. Penalty for Exposing to Contagious Disease.

1 Any person who knowingly exposes another to infection from any

2 communicable disease, or knowingly subjects another to the danger of
3 contracting such disease from a child or other irresponsible person,
4 shall be liable for all damages resulting therefrom, and be punished as
5 provided in this chapter.

[C. C. 1285.]

Sec. 76. Penalty.

1 Any person who knowingly violates any provision of this chapter,
2 or of the rules of the state board or the local board, or any lawful order,
3 written or oral, of either of said boards, or of their officers or author-
4 ized agents shall be guilty of a misdemeanor.

[C. C. 1282, 1285, modified.]

CHAPTER 4.

VENEREAL DISEASES.

Sec. 77. Venereal Disease Defined.

1 For the purposes of this chapter "venereal disease" shall mean
2 syphilis, gonorrhoea, or chancroid.

[C. C. 1286.]

Sec. 78. Physicians to Report to Local Board.

1 Immediately after the first examination or treatment of any
2 person infected with any venereal disease, the physician giving the
3 same shall mail to the local board having jurisdiction over the place
4 in which the examination or treatment was given a report stating the
5 case number, age, sex, color, marital condition and occupation of said
6 person and the nature, probable origin, and previous duration of such
7 disease.

[C. C. 1287.]

Sec. 79. Distribution of Information.

1 Every physician who examines or treats a person infected with
2 any venereal disease shall give said person at the time of the first
3 examination or treatment a circular of information concerning venereal
4 disease and a copy of the provisions of this chapter, and he shall
5 include in the report required by the preceding section a statement
6 that the requirements of this section have been complied with.

[C. C. 1288.]

Sec. 80. Notification of Former Physician.

1 When a person applies for treatment of any venereal disease, the
2 physician shall ascertain whether such person has previously consulted
3 or employed some other physician for the same purpose, and if so, to
4 immediately notify the physician last consulted or employed that the
5 infected person is now under his care and treatment.

[C. C. 1289.]

Sec. 81. Penalty for False Information.

1 Any person infected with a venereal disease who shall refuse to
2 give or who falsely gives to a physician any information concerning
3 prior treatment for the same or relative to the name and address of
4 the physician last consulted or employed shall be punished as pro-
5 vided in this chapter.

[C. C. 1289.]

Sec. 82. Conditions Under Which Name Is to Be Reported.

1 After a person infected with any venereal disease has consulted
2 or employed a physician and fails to report to said physician for treat-
3 ment during a period of ten (10) days, the physician shall report the
4 name and address of said person to the local board unless he shall

5 receive during said period of time a report from some other physician
6 that the infected person is now under his care and treatment.

[C. C. 1289.]

Sec. 83. Circulars of Information, Laws, and Forms.

1 All reports to the local board or by one (1) physician to another
2 concerning persons infected with venereal disease shall be made upon
3 forms to be prescribed by the state board; and all circulars of informa-
4 tion, copies of the venereal disease law, and forms for reports, which
5 are required to be used or distributed by this chapter, shall be sup-
6 plied by the state board to the proper persons.

[C. C. 1287, 1288, 1289.]

Sec. 84. Power of Local Board in Certain Cases.

1 When it shall appear to the local board that any person infected
2 with any venereal disease is not under the care and treatment of a
3 physician or has not reported to said physician for a period of ten (10)
4 days, or is not taking recognized precautionary measures to prevent
5 the infection of others, said board shall take such measures as it is
6 authorized to take to protect the public health in the case of other
7 communicable diseases dangerous to the public health, except as other-
8 wise provided in this chapter.

[C. C. 1290.]

Sec. 85. Isolation in Detention Hospital.

1 When in the judgment of the local board it is necessary for the
2 protection of the public health that any person infected with any
3 venereal disease be isolated, the mayor or township clerk shall isolate
4 such person in the detention hospital provided for in this chapter, and

5 shall cause to be administered to said person a proper course of
6 treatment.

[C. C. 1293, 1298, 1301, modified.]

Sec. 86. Establishment of Detention Hospitals.

1 When in the judgment of the board of supervisors of any
2 county, or when advised by the state board acting with the United
3 States public health service, that it is necessary to provide a detention
4 hospital in the county for the isolation of persons infected with
5 venereal diseases, said board of supervisors may provide such hos-
6 pital and shall have power to construct, purchase or rent a suitable
7 place for such purposes and to equip and maintain the same in accord-
8 ance with plans and specifications provided in advance by the state
9 board.

[C. C. 1298.]

Sec. 87. Tax Levy for Detention Hospital.

1 For the purposes of the preceding section, including the purchase
2 of real estate for hospital purposes, the board of supervisors shall
3 have power to levy a special tax for a period not to exceed fifty (50)
4 years, but such levy shall not exceed two (2) mills on the dollar in any
5 one (1) year.

[C. C. 1299.]

Sec. 88. Bond Issue for Detention Hospital.

1 Any county may anticipate the collection of the tax herein pro-
2 vided and may issue interest-bearing bonds at a rate of interest not
3 to exceed five per cent (5%) per annum, to be denominated hospital
4 bonds. Said bonds and the interest thereon shall be secured by said
5 tax, and shall be payable only out of the hospital fund provided for in

6 the preceding section. No bonds shall be issued in excess of taxes
7 authorized to be levied.

[C. C. 1300.]

Sec. 89. Conditions of Bonds.

1 Such bonds shall be issued and sold in accordance with the pro-
2 visions of existing statutes relating to the issuance and sale of bonds
3 by counties. In issuing such bonds the board of supervisors may cause
4 portions of the same to become due at different definite periods, but
5 no bonds so issued shall be due and payable in less than three (3) or
6 more than fifty (50) years from date of issue.

[C. C. 1300.]

Sec. 90. Physician and Attendants.

1 The board of supervisors shall appoint and fix the compensation
2 of a physician and such nurses and other attendants as may be neces-
3 sary to provide proper treatment and care for persons isolated in such
4 detention hospital. In case the board of supervisors shall fail to make
5 such provision the chairman of the local board shall name a physician
6 to render the necessary medical and surgical service and shall provide
7 such other attendants as may be required.

[C. C. 1294, 1298.]

Sec. 91. State Board to Prescribe Rules for Detention Hospitals.

1 The state board shall prescribe the rules for the maintenance
2 and operation of the detention hospitals provided for in this chapter.

[C. C. 1298.]

Sec. 92. Termination of Isolation.

1 In case of isolation the local board shall not terminate said isola-
2 tion until the case has become noninfectious or until permission has

3 been given by the state board.

[C. C. 1295.]

Sec. 93. Test for Determining Infectiousness.

1 In order to determine whether a venereal disease has become
2 noninfectious an examination shall be made. Gonorrhoea shall be
3 deemed to be infectious until at least two (2) successive smears, taken
4 not less than forty-eight (48) hours apart, fail to show gonococci upon
5 a microscopic examination of the same.

[C. C. 1295.]

Sec. 94. Examination by Physicians Other Than Health Officer.

1 Any person, subjected to examination under this chapter, may
2 demand that some other physician than the health officer or physician
3 representing the local board shall also make an examination; said
4 physician shall be appointed by the chairman of the local board. In
5 case the health officer or physician representing the local board and
6 said physician cannot agree upon the diagnosis they shall select a
7 third physician to make an examination, and the decision of two (2)
8 of said physicians shall determine the diagnosis.

[C. C. 1294.]

Sec. 95. Examination of Women.

1 In making examinations of women for the purpose of ascertaining
2 the existence of any venereal disease, women physicians shall be ap-
3 pointed for said purpose when requested by the person to be examined.

[C. C. 1294.]

Sec. 96. Fee for Making Examination.

1 The compensation of physicians, other than health officers and
2 those representing the local board, for making examinations under

3 this chapter, shall be five dollars (\$5.00) for each examination.

[C. C. 1294.]

Sec. 97. Payment of Expenses Incident to Isolation.

1 The expenses incident to isolation under this chapter, including
2 examinations, medical and surgical services, nursing and care, shall be
3 paid as in cases of isolation for other diseases.

[C. C. 1294.]

Sec. 98. Release on Bond.

1 Any person, except a prostitute, infected with any venereal dis-
2 ease may be released from isolation upon bond. Written application
3 for such release shall be made to the local board, under oath, and must
4 state that the applicant is not a prostitute; and such written applica-
5 tion shall be accompanied by a certificate to that effect signed by some
6 peace officer, magistrate, township clerk or trustee of the city, town,
7 or township wherein the case occurs.

[C. C. 1302.]

Sec. 99. Form, Amount, and Conditions of Bond.

1 If the application is approved the applicant shall file with the
2 county auditor a bond in the penal sum of one thousand dollars
3 (\$1,000.00) conditioned that the applicant will not permit or perform
4 any act which might expose to infection any other person, and will
5 continue treatment until cured, and will faithfully observe the rules,
6 and other requirements of the state board, local board, and health
7 officer. Said bond shall run to and for the benefit of the county
8 wherein the venereal disease occurs, and shall be signed by one (1)
9 or more freeholders as sureties, to be approved by the county auditor;

10 but a cash guaranty in a like amount may be accepted in lieu of such
11 bond.

[C. C. 1302.]

Sec. 100. Examination Before Release From Bond.

1 Before any person is released from any such bond as cured, an
2 examination shall be made in the manner provided in this chapter, and
3 permission secured from the state board.

[C. C. 1302.]

Sec. 101. Parents Responsible for Minors.

1 The parents of minors acquiring venereal diseases and living with
2 said parents shall be legally responsible for the compliance of such
3 minors with the provisions of this chapter.

[C. C. 1292.]

Sec. 102. Information and Reports Confidential.

1 The identity of persons infected with venereal disease shall be
2 kept secret and all information, records and reports concerning the
3 same shall be confidential and shall be inaccessible to the public, but
4 said records and reports shall be open to inspection by law-enforcing
5 officers and to persons who have contracted venereal diseases from
6 infected persons.

[C. C. 1291, 1297.]

Sec. 103. Druggists to Keep Record of Remedies Sold.

1 Every pharmacist or person who sells any drug, preparation, or
2 article of any kind used for the cure or treatment of any venereal
3 disease shall keep a record of the name, address, and sex of each pur-
4 chaser. A copy of said record shall be mailed each week to the health

5 officer of the city, town or township wherein the sale was made.

[C. C. 1304.]

Sec. 104. Suppression of Prostitution—Certificates.

1 The local board, health officer, sanitation officer, and all other
2 officers enforcing the provisions of this chapter, shall use all proper
3 means of suppressing prostitution, and no certificate or other evidence
4 of freedom from venereal disease shall be issued by said officers.

[C. C. 1296.]

Sec. 105. Penalty for Transmitting Disease.

1 Any person infected with any venereal disease who shall transmit
2 the same to another person, or expose another to infection by inter-
3 course, shall be punished as provided in this chapter, and in addition
4 thereto shall be liable to the party injured for all damages sustained
5 by reason of said injury.

[C. C. 1303.]

Sec. 106. Penalty for Failing to Report.

1 Any physician who fails to make or falsely makes any of the
2 reports required by this chapter concerning persons infected with
3 any venereal disease, or who discloses the identity of such person,
4 except as herein provided, shall be punished as provided in this
5 chapter.

[C. C. 1306.]

Sec. 107. Inspection of Suspected Cases.

1 In all suspected cases of venereal disease in the infectious stages,
2 the local board shall immediately use every available means to deter-
3 mine whether the person suspected is infected with said disease and
4 if so, to ascertain the sources of such infection.

[C. C. 1293.]

Sec. 108. Health Officer to Make Examinations.

1 The health officer in each city, town or township shall examine
2 every person reasonably suspected of having any venereal disease in
3 the infectious stages to ascertain if such person is so infected, but no
4 person shall be subjected to such examination who is under the care
5 and treatment of a physician and is taking recognized precautionary
6 measures to prevent the infection of others.

[C. C. 1293, 1294.]

Sec. 109. Temporary Isolation of Suspects.

1 Persons reasonably suspected of being infected with any venereal
2 disease may be temporarily isolated in the detention hospital provided
3 for in this chapter by the local board until an examination can be made.

[C. C. 1294.]

Sec. 110. Penalty.

1 Any person violating any of the provisions of this chapter shall
2 be punished by a fine of not more than five hundred dollars (\$500.00),
3 or by imprisonment in the county jail for a period not to exceed six
4 (6) months, or by both such fine and imprisonment.

[C. C. 1306.]

CHAPTER 5.**DISPOSAL OF DEAD BODIES.****Sec. 111. Rule of Construction.**

1 For the purposes of this chapter wherever the word "undertaker"
2 shall occur it shall be construed as if followed by the words "or other
3 person."

[New.]

Sec. 112. Death Certificate and Burial Permit Required.

1 No person shall bury or make other final disposition of the dead
2 body of any human being in this state without securing a proper death
3 certificate and a burial permit.

[C. C. 1365.]

Sec. 113. Shipments for Scientific Purposes Exempted.

1 The preceding section shall not be construed to prevent the ship-
2 ment within this state of the dead bodies of human beings intended
3 for use for scientific purposes when the same are so designated by the
4 shipper.

[C. C. 1346.]

Sec. 114. Issuance and Disposition of Death Certificates.

1 The undertaker in charge of the funeral of every person dying
2 in this state shall have a certificate of death filled out in original and
3 duplicate copies. The original shall be filed with the country registrar
4 of vital statistics. The duplicate shall be delivered to the proper
5 authorities of the cemetery in which the body is to be buried, or if
6 said body is to be transported by public conveyance, the duplicate cer-
7 tificate shall accompany the same.

[C. C. 1365, 3448, modified.]

Sec. 115. Contents of Death Certificate.

1 Every death certificate shall contain all the personal particulars
2 prescribed in the standard certificate adopted by the United States
3 census bureau, and a statement of cause of death which shall be given
4 by the attending physician promptly after death has occurred, or in
5 the absence of the attending physician, or if there be no attending
6 physician, by the health officer or coroner.

[C. C. 1365, 3448.]

Sec. 116. Shipping Papers in Lieu of Certificate.

1 When the body of a person dying outside this state is shipped
2 into the state for burial, the undertaker in charge of the funeral shall
3 furnish the authorities in charge of the cemetery in which the body is
4 to be buried a copy of the shipping papers which accompanied the body
5 into the state in lieu of the duplicate death certificate required by the
6 second preceding section.

[C. C. 1365.]

Sec. 117. Undertaker to Issue Burial Permit.

1 The undertaker in charge of the funeral of every person to be
2 buried in this state shall issue a burial permit for the same as pre-
3 scribed by the rules of the state board.

[C. C. 1365.]

Sec. 118. Transportation of Dead Bodies.

1 No person or common carrier shall ship or receive for shipment
2 within this state or to any point outside the state, by any public con-
3 veyance, the dead body of any human being unless the same is accom-
4 panied by the duplicate death certificate herein provided and a ship-
5 ping permit.

[C. C. 1346, 1365.]

Sec. 119. Embalmer's Certificate Attached to Outside Box.

1 In addition to the requirements of the preceding section, there
2 shall be attached to the outside box containing said body an em-
3 balmer's certificate showing the name and official number of the
4 licensed embalmer by whom it was prepared, and the method of prep-
5 aration employed.

[C. C. 1346.]

Sec. 120. Issuance of Shipping Permit.

1 All shipping permits shall be issued by the local board upon appli-
2 cation of a licensed embalmer and shall be signed by the local health
3 officer. No shipping permit shall be issued to any embalmer who has
4 not recorded his license as required by law.

[C. C. 1342, 1346.]

Sec. 121. Disinterment.

1 No dead body of a human being shall be disinterred without a
2 special permit from the clerk of the district court of the county in
3 which said body is buried, or upon the order of the judge of said
4 court. Every disinterment shall be made in accordance with the
5 rules of the state board.

[C. C. 1365, modified.]

Sec. 122. Duty of Sexton.

1 The sexton, superintendent, or person in charge of every cemetery
2 shall see that all the requirements of this chapter have been complied
3 with before any burial or disinterment in said cemetery is permitted.

[C. C. 1365, modified.]

Sec. 123. Issuance of Forged Papers.

1 Any person who shall issue a forged death certificate, burial per-
2 mit or shipping permit, or who shall certify falsely as to the prepara-
3 tion of a dead body, shall be guilty of forgery and punished accordingly.

[C. C. 1347, modified.]

Sec. 124. Penalty.

1 Any person who shall violate any provision of this chapter shall
2 be fined not less than five dollars (\$5.00) or more than one hundred
3 dollars (\$100.00), or be imprisoned not more than thirty (30) days in

4 the county jail or be punished by both such fine and imprisonment.

[C. C. 1347, 1376, modified.]

CHAPTER 6.

• DEAD BODIES FOR SCIENTIFIC PURPOSES.

Sec. 125. **Delivery of Bodies for Scientific Purposes.**

1 The body of every person dying in a public asylum, hospital, poor-
2 house, penitentiary, or reformatory in this state, or found dead within
3 the state, and which is suitable for scientific purposes, shall be deliv-
4 ered to the medical college of the state university, unless the deceased
5 person expressed a desire during his last illness that his body should
6 be buried or cremated, or unless such is the desire of his relatives or
7 friends. The expense of transporting said bodies to the state medical
8 college shall be paid out of the university funds.

[C. C. 1348, modified.]

Sec. 126. **Bodies Furnished to Physicians.**

1 When there are more dead bodies available for use under the pre-
2 ceding section than are desired by the state medical college, the same
3 may be delivered to physicians in the state for scientific study under
4 such rules as may be adopted by the state board.

[C. C. 1348, modified.]

Sec. 127. **Notification of State Board—Instructions.**

1 Every coroner, undertaker, and the managing officer of every
2 public asylum, hospital, poorhouse, penitentiary or reformatory, as
3 soon as any dead body shall come into his custody which may be used
4 for scientific purposes as provided in the two (2) preceding sections,
5 shall at once notify the nearest relative or friend of the deceased, if
6 known, and the state board by telegram, and hold such body unburied

7 for forty-eight (48) hours. Upon receipt of such telegram the state
8 board shall telegraph instructions relative to disposition to be made
9 of said body.

[C. C. 1349, modified.]

Sec. 128. Surrender of Bodies to Relatives.

1 When any dead body which has been delivered under this chapter
2 for scientific purposes is subsequently claimed by any relative or
3 friend, it shall be at once surrendered to such relative or friend for
4 burial; and all bodies received under this chapter shall be held for a
5 period of sixty (60) days before being used.

[C. C. 1349, 1350, modified.]

Sec. 129. Disposal After Dissection.

1 The remains of every body received for scientific purposes under
2 this chapter shall be decently buried or cremated after it has been
3 used for said purposes, and a failure to do so shall be a misdemeanor.

[C. C. 1352, modified.]

Sec. 130. Record of Receipt of Dead Bodies.

1 The state medical college and any physician receiving the dead
2 body of any human being for scientific purposes shall keep a record
3 showing:

4 1. The name of the person from whom, and the time and place,
5 such body was received.

6 2. The description of the receptacle in which the body was re-
7 ceived, including the shipping direction attached to the same.

8 3. The description of the body, including the length, weight and
9 sex, apparent age at time of death, color of hair and beard, if any, and
10 all marks or scars which might be used to identify the same.

11 4. The condition of the body and whether mutilated so as to
12 prevent identification.

[C. C. 1353.]

Sec. 131. Record and Bodies Subject to Inspection.

1 The record required by the preceding section and the dead body of
2 every human being received under this chapter shall be subject to
3 inspection by any peace officer, or relative of the deceased.

[C. C. 1353, 1354, modified.]

Sec. 132. Purpose for Which Dead Body May Be Used.

1 The dead bodies delivered under this chapter shall be used only
2 within the limits of this state for the purpose of scientific, medical, and
3 surgical study, and no person shall remove the same beyond the limits
4 of this state or in any manner traffic therein. Any person who shall
5 violate this section shall be punished by imprisonment for a term not
6 exceeding one (1) year in the county jail.

[C. C. 1355.]

Sec. 133. Failure to Deliver Dead Body—Penalty.

1 Any person having the custody of the dead body of any human
2 being which is required to be delivered for scientific purposes by this
3 chapter, who shall fail to notify the state board of the existence of
4 such body, or fail to deliver the same in accordance with the instruc-
5 tions of said board, shall be punished by a fine not exceeding fifty
6 dollars (\$50.00).

[C. C. 1351.]

Sec. 134. Use of Dead Body Without Proper Record—Penalty.

1 Any physician or member of the instructional staff of the state
2 medical college who uses, or permits others under his charge to use,

3 the dead body of a human being for the purpose of medical or surgical
4 study without the record required in the fourth preceding section hav-
5 ing been made, or, who shall refuse to allow any peace officer or rela-
6 tive of the deceased to inspect said record or body shall be punished by
7 imprisonment in the county jail not exceeding one (1) year, or by a
8 fine not exceeding one thousand dollars (\$1,000.00), or by both.

[C. C. 1354, modified.]

Sec. 135. Penalty.

1 Any person who shall receive or deliver any dead body of a human
2 being knowing that any of the provisions of this chapter have been
3 violated, shall be imprisoned in the penitentiary not more than two
4 (2) years, or fined not exceeding twenty-five hundred dollars
5 (\$2,500.00), or both.

[C. C. 1351.]

CHAPTER 7.

PUBLIC HEALTH NURSES.

Sec. 136. Authority to Employ Public Health Nurses.

1 The board of supervisors of any county, the council of any city or
2 town, or the school board of any school district may employ public
3 health nurses at such periods each year and in such numbers as may be
4 deemed advisable. The compensation and expenses therefor shall be
5 paid out of the general fund of the political subdivision employing
6 said nurses.

[C. C. 1335.]

Sec. 137. Cooperation of Political Subdivisions.

1 The said boards and councils within any county may cooperate
2 in the employment of public health nurses and may apportion the

3 expenses therefor to the various political subdivisions represented by
4 said authorities.

[C. C. 1336.]

Sec. 138. Duties of Public Health Nurses.

1 The authorities employing any public health nurses shall pre-
2 scribe their duties which in a general way shall be for the promotion
3 and conservation of the public health.

[C. C. 1337.]

CHAPTER 8.

MATERNITY HOSPITALS

Sec. 139. Maternity Hospital Defined.

1 For the purposes of this chapter "maternity hospital" shall mean
2 any place maintained for the reception, care, and treatment of women
3 during pregnancy or maintained for adopting or aiding in the adoption
4 or disposal of any child born therein.

[C. C. 1356.]

Sec. 140. General Hospitals Exempted.

1 This chapter shall not apply to any general hospital for the treat-
2 ment of diseases or for the care of obstetrical and surgical cases.

[C. C. 1356.]

Sec. 141. License Required.

1 No person shall operate a maternity hospital without obtaining
2 a license from the state board.

[C. C. 1356.]

Sec. 142. Certain Locations Prohibited.

1 No maternity hospital shall be operated within two hundred (200)
2 feet of any church building, school, educational institution, public park,

3 or in a building situated within seventy-five (75) feet of premises
4 owned by another.

[C. C. 1356.]

Sec. 143. Applications for License.

1 Every application for a license to operate a maternity hospital
2 shall be made in writing to the state board, accompanied by the legal
3 inspection fee, and said application shall contain the name and address
4 of each person to whom the license is to be issued, and a description
5 of the location of the place to be used.

[C. C. 1358.]

Sec. 144. Affidavit to Accompany Application.

1 The application shall be accompanied by the affidavit of two (2)
2 physicians stating that the person named in said application is per-
3 sonally known to each of said physicians and that he is of good char-
4 acter and reputation; that said physicians have personally examined
5 the place named in the application and that the same is properly
6 equipped for a maternity hospital; and that the operation of such a
7 maternity hospital will be for the public convenience.

[C. C. 1358.]

Sec. 145. Examination of Proposed Hospital.

1 Before issuing a license to operate a maternity hospital the state
2 board shall cause the place described in said application to be inspected,
3 and shall satisfy itself as to the correctness of the matters set forth
4 therein and in the accompanying affidavit.

[C. C. 1358.]

Sec. 146. Form of License.

1 Each license shall name the person to whom authority is given to

2 operate a maternity hospital and shall describe the place in which said
3 hospital is to be operated. Not more than one (1) license shall be
4 issued for the operation of a maternity hospital upon the same prem-
5 ises.

[C. C. 1357, 1358.]

Sec. 147. Fees—Expiration of License—Renewals.

1 The initial inspection fee for a proposed maternity hospital shall
2 be five dollars (\$5.00), and the license fee for operating such a hospital
3 shall be twenty-five dollars (\$25.00). Each license shall expire one
4 (1) year from the date of issue. The state board may renew any
5 license upon payment of a renewal fee of five dollars (\$5.00). No fee
6 provided in this section shall be required of any religious or charitable
7 institution operating a maternity hospital.

[C. C. 1358.]

Sec. 148. Revocation of License.

1 Any license issued under this chapter may be revoked after rea-
2 sonable notice by the state board, and a conviction for any violation
3 of this chapter or any rule of the state board shall operate as a revoca-
4 tion of said license.

[C. C. 1362,]

Sec. 149. Hospital Register.

1 The person in charge of every maternity hospital shall keep a
2 register showing the name, age, and sex of each person received or
3 born in said hospital, the date of entry, or birth, the date of removal,
4 or death, and in case of death, the age at which the same occurred,
5 and the disposition of every child, or its body, born in said hospital, and
6 of the names and addresses of the persons who removed said child, or

7 its body. All entries in said register shall be made within twenty-four
8 (24) hours after the occurrence of the event which is required to be
9 recorded.

[C. C. 1359, 1360.]

Sec. 150. Reports to State Board.

1 Within twenty-four (24) hours after the birth or death of any
2 person in a maternity hospital the person in charge of the same shall
3 make a report to the state board upon blanks furnished by said board,
4 containing all the items concerning each case which are required to be
5 entered upon the register by the preceding section.

[C. C. 1359.]

Sec. 151. Use of Assumed Names and Descriptions.

1 In case the name of a mother cannot be ascertained for any record
2 required by this chapter then the assumed name given by her shall be
3 used; and under like circumstances, when a child has no name, a de-
4 scription of the child shall be used.

[C. C. 1359, 1360.]

Sec. 152. Reports Open to Inspection of Certain Persons.

1 All reports received by the state board under the second preced-
2 ing section shall be kept of record and shall be accessible to the mem-
3 bers of the board of control of state institutions, the attorney general,
4 and any county attorney, but said reports shall not be accessible to
5 any other person except on the order of a court of record.

[C. C. 1359.]

Sec. 153. Report of Vital Statistics.

1 The person in charge of every maternity hospital shall make the
2 returns required by law to the county registrar of vital statistics for

3 each birth or death occurring in said hospital, unless such returns
4 have been made by the physician in attendance at said birth or death.

[C. C. 1359.]

Sec. 154. Articles of Adoption to Be Procured.

1 The person in charge of any maternity hospital who shall adopt
2 or dispose of by adoption or assist in the adoption of any child born
3 in said hospital, shall have the proper articles of adoption executed and
4 recorded as required by law.

[C. C. 1360.]

Sec. 155. Access to Hospitals to Make Inspections.

1 The state board or local board or any person designated in writing
2 by either of said boards shall have full access to a maternity hospital
3 at all times for the purpose of inspecting the same or examining the
4 register required to be kept therein.

[C. C. 1361.]

Sec. 156. Local Board to Inspect and Report.

1 The local board shall inspect each maternity hospital within its
2 jurisdiction at least once in six (6) months, and shall file an accurate
3 report of such inspection with the state board, and such report shall
4 be preserved as a permanent record.

[C. C. 1361, modified.]

Sec. 157. Unlawful Operation of Hospital a Nuisance.

1 Any place operated as a maternity hospital in violation of this
2 chapter shall be deemed to be a nuisance, and the same may be abated
3 by injunction proceedings.

[C. C. 1363.]

Sec. 158. Penalty.

1 Any person violating any of the provisions of this chapter or
2 making any false entry on the register required to be kept by this
3 chapter shall be punished by a fine of not more than two hundred fifty
4 dollars (\$250.00), or by imprisonment in the county jail not more
5 than six (6) months, or by both such fine and imprisonment.

[C. C. 1363.]

CHAPTER 9.**REGISTRATION OF VITAL STATISTICS.****Sec. 159. Definitions.**

1 For the purpose of this chapter:

2 1. "County registrar" shall mean the county registrar of vital
3 statistics.

4 2. "State registrar" shall mean the state registrar of vital sta-
5 tistics.

6 3. "Vital statistics" shall mean statistics concerning births,
7 deaths, marriages, and divorces.

[New.]

Sec. 160. State Registrar—General Duties.

1 The secretary of the state board shall be the state registrar and
2 head of the department of vital statistics. He shall, subject to the
3 direction of the state board:

4 1. Issue instructions to the proper persons concerning the regis-
5 tration of vital statistics.

6 2. Furnish blank certificates of births, deaths, marriages, and
7 other forms required by this chapter to all persons concerned with
8 the administration of the same.

[C. C. 1364, 1366, 1371, 1376, modified.]

Sec. 161. County Registrar—General Duties.

1 The clerk of the district court in each county shall be the county
2 registrar and his duties shall be:

3 1. To issue instructions to all physicians, midwives, and the peo-
4 ple in general in his county concerning the registration of vital sta-
5 tistics.

6 2. To distribute to the proper persons all forms and blanks re-
7 quired for the registration of births, deaths, and marriages.

[C. C. 1368, modified.]

Sec. 162. Registration of Births, Deaths, and Marriages.

1 Within ten (10) days after each birth, death, or marriage in this
2 state a certificate of the same shall be made out on the standard form
3 adopted by the United States census bureau and filed with the county
4 registrar in the county in which the same occurred.

[C. C. 1365, 1369, 1372, modified.]

Sec. 163. Duty to Make Returns.

1 The attending physician shall be responsible for the proper re-
2 turn of a birth or death, and the person performing the ceremony
3 shall make the return of a marriage. In case there be no attending
4 physician at a birth, the return of the same shall be made by the
5 person in attendance, or by the person in charge of the institution
6 in which the birth occurred, or by the parents. All certificates of
7 death shall be issued in accordance with the provisions of chapter
8 five (5) relative to the disposal of dead bodies. When there is no
9 attending physician at a death the return shall be made by the health
10 officer or coroner.

[C. C. 1365, 1369, modified.]

Sec. 164. Supplemental Return of Name of Child.

1 In case a child is not named at the time the return is made, the
2 county registrar shall deliver a supplementary return blank to the
3 person filing the certificate, which shall be filled out and returned as
4 soon as the child is named, and attached to the original birth certifi-
5 cate on file.

[C. C. 1369.]

Sec. 165. Record Book of Births, Deaths, and Marriages.

1 The county registrar shall record, number, and index in order
2 of filing all certificates of births, deaths, or marriages, filed under this
3 chapter in a proper record book, to be furnished by the county, the
4 form of which shall be prescribed by the state registrar and shall be
5 uniform throughout the state.

[C. C. 1367, 1370, 1372, modified.]

Sec. 166. Transmission of Certificates to State Registrar.

1 On or before the fifth day of each month each county registrar
2 shall mail to the state registrar in a stamped, return envelope fur-
3 nished by the state registrar, all certificates of births, deaths and
4 marriages filed with the county registrar since the fifth day of the
5 preceding month, including a statement of certificates returned and
6 the registration numbers thereof.

[C. C. 1367, 1370, 1372, modified.]

Sec. 167. Preservation of Original Certificates.

1 The state registrar shall arrange by counties, bind, and deposit
2 in the state historical building at Des Moines, the original certificates
3 of births, deaths, and marriages filed under this chapter.

[C. C. 1367, 1370, modified.]

Sec. 168. Registration of Divorces.

1 The county registrar shall keep a book, the form of which shall
2 be prescribed by the state registrar, which shall be uniform through-
3 out the state, and in which shall be recorded all divorces granted with-
4 in the county, together with such data respecting the same as shall
5 be required by the state registrar, and he shall report said data to
6 the state registrar on or before the first day of August in each year
7 for all divorces recorded for the year ending June thirtieth, immedi-
8 ately preceding.

[C. C. 1372, modified.]

Sec. 169. Certified Copies of Records—Fees.

1 The state registrar shall, upon request, supply to any applicant
2 for any proper purpose, a certified copy of the record of any birth,
3 death, or marriage registered under the provisions of this chapter,
4 for the making and certifying of which he shall charge a fee of fifty
5 cents (50c). In cases in which search of the files and records is
6 made, but no certified copy is requested, or the requested record is
7 not found, the state registrar shall charge a fee of fifty cents (50c)
8 for each hour or fractional part of an hour spent in search.

[C. C. 1373, modified.]

Sec. 170. United States Census Bureau May Obtain Records.

1 The United States census bureau shall have the privilege of mak-
2 ing, at its own expense and without paying the legal fees, copies of
3 all records and vital statistics provided for in this chapter.

[C. C. 1367.]

Sec. 171. Certified Copies of Record as Evidence.

1 Any certified copy of the record of a birth, death, or marriage.

2 made under this chapter, shall be presumptive evidence in all courts
3 and places of the facts therein stated.

[C. C. 1373.]

Sec. 172. System Exclusive.

1 No system for the registration of births, deaths, or marriages
2 shall be maintained in the state or any of its political subdivisions
3 other than the one (1) provided for in this chapter.

[C. C. 1374.]

Sec. 173. Penalty.

1 Any person violating any of the provisions of this chapter shall
2 be fined not less than five dollars (\$5.00) or not more than one hun-
3 dred dollars (\$100.00), or be imprisoned not more than thirty (30)
4 days in the county jail, or be punished by both such fine and imprison-
5 ment, and if a physician, he shall, in addition, have his license to prac-
6 tice medicine revoked by the state board.

[C. C. 1376, modified.]

Sec. 174. Duty of County Attorney.

1 Each county attorney upon complaint of the county registrar, or
2 the state registrar, shall aid in the enforcement of this chapter.

[C. C. 1376.]

CHAPTER 10.

HOTELS.

Sec. 175. Definitions.

1 For the purpose of this chapter:

2 1. "Guest room" shall mean office, parlor, dining room, kitchen,
3 and sleeping apartment, whether for transient or permanent guests.

[C. C. 1072.]

4 2. "Hotel" shall mean any building or structure equipped, used,
5 advertised as, or held out to the public to be an inn, hotel, or public
6 lodging house or place where sleeping accommodations are furnished
7 transient guests for hire, whether with or without meals.

[C. C. 1068.]

8 3. "Sleeping apartment" shall mean bedroom or other sleeping
9 quarters.

[New.]

Sec. 176. License Required—Expiration—Transferable.

1 No person shall maintain or conduct a hotel until he shall obtain
2 a license from the state board. Each license shall expire on the last
3 day of December following the date of issuance and shall be trans-
4 ferable upon payment of a fee of one dollar (\$1.00) to the state board.

[C. C. 1071.]

Sec. 177. Application for License.

1 Every application for a license shall be made upon a blank fur-
2 nished by the state board and shall contain the items required by said
3 board as to ownership, management, location, buildings, equipment,
4 rates, and other data concerning the hotel. An application for a li-
5 cense to operate an existing hotel shall be made at least thirty (30)
6 days before the expiration of the existing license.

[C. C. 1069, 1070, modified.]

Sec. 178. Operation Without License.

1 After application has been made for a license, accompanied by
2 the legal fee, as provided in this chapter, the applicant may operate a
3 hotel without a license until his application has been denied.

[C. C. 1071, modified.]

Sec. 179. License Fees.

1 The state board shall collect the following fees for licenses to
2 operate hotels:

3 1. For hotels containing fifteen (15) guest rooms or less, four
4 dollars (\$4.00).

5 2. For hotels containing more than fifteen (15) or less than
6 thirty-one (31) guest rooms, six dollars (\$6.00).

7 3. For hotels containing more than thirty (30) and less than
8 seventy-six (76) guest rooms, eight dollars (\$8.00).

9 4. For hotels containing more than seventy-five (75) and less
10 than one hundred fifty (150) guest rooms, ten dollars (\$10.00).

11 5. For hotels containing one hundred fifty (150) or more guest
12 rooms, fifteen dollars (\$15.00).

[C. C. 1072.]

Sec. 180. Revocation of License.

1 Any license issued under this chapter may be revoked by the
2 state board for violation by the licensee of any provision of this chap-
3 ter or any rule of said board.

[C. C. 1093, modified.]

Sec. 181. New Hotels to Be Constructed With Halls.

1 Every new hotel constructed of three (3) or more stories in
2 height shall be provided with a hall on each floor above the ground
3 floor extending from one (1) outside wall to another and such hall
4 shall be equipped at the end with fire escapes, as provided by law.

5 But in hotels of approved fireproof construction the provisions with
6 reference to the hall extending from one (1) outside wall to another
7 may be modified, with the approval of the labor commissioner, when

8 such buildings are equipped with class A fire escapes.

[C. C. 1085.]

Sec. 182. Construction of Inside Courts and Light Wells.

1 Every hotel, except those which are of approved fireproof con-
2 struction, in which the sleeping apartments have no outside opening
3 except into an inside court or light well which does not extend to the
4 ground, shall have such court or light well supplied with a suitable
5 runway, platform, or balcony connecting the bottom of the court or
6 light well with some easy way of egress to the fire escapes. Doors or
7 windows interposed between said runway, platform, or balcony and
8 the fire escapes shall not be fastened against exit.

[C. C. 1084.]

Sec. 183. Special Construction Required in Certain Cases.

1 If the roof or covering at the bottom of the court or light well
2 may be easily destroyed by fire, the runway, platform, or balcony shall
3 be attached to the walls of the court or light well in the manner re-
4 quired by the state board.

[C. C. 1084.]

Sec. 184. Exits From Ground Courts.

1 When a court or light well extends to the ground it shall be pro-
2 vided with some suitable means for exit to the outside in case of fire.

[C. C. 1084.]

Sec. 185. Rope Fire Escapes.

1 Every hotel of more than one (1) story, except hotels which are
2 of approved fireproof construction, in addition to other fire escapes
3 required by law, shall have in each sleeping apartment a manila rope
4 at least five-eighths ($\frac{5}{8}$) of an inch in diameter and of sufficient length

5 to reach the ground with knots or loops not more than fifteen (15)
6 inches apart, and the same shall have sufficient tensile strength to
7 sustain a weight of at least five hundred (500) pounds. Said rope
8 shall be securely fastened to the building as near an outside window
9 as practicable and shall not be covered by curtains or other obstruc-
10 tions but shall be kept coiled in plain sight at all times. In lieu of
11 such rope some other appliance approved by the state board may be
12 provided.

[C. C. 1073.]

Sec. 186. Fire Escape Signs.

1 In every hotel there shall be posted at the entrance to each hall,
2 elevator shaft, or stairway, or in each sleeping apartment above the
3 ground floor signs printed in black ink on a white background with
4 type not less than one (1) inch in height stating the directions for
5 reaching the fire escapes. There shall also be posted in each sleeping
6 apartment a notice printed in large bold-faced type calling attention
7 and giving directions for the use of the rope fire escape or other ap-
8 pliance with which the room is equipped.

[C. C. 1074.]

Sec. 187. Fire Extinguishers.

1 Every hotel shall be provided with at least one (1) efficient chem-
2 ical fire extinguisher on each floor for every twenty-five hundred
3 (2500) feet of floor space, placed and maintained in the hallway out-
4 side the sleeping apartments and kept in condition for immediate use.
5 In lieu of such extinguisher a standpipe may be provided in the hall
6 which shall not be less than one and one-fourth (1¼) inches in
7 diameter with hose always attached of sufficient length and supplied

8 with the proper pressure of water to reach any and all parts of the
9 interior of the building.

[C. C. 1075.]

Sec., 188. Elevator Shafts.

1 Every hotel, except those of approved fireproof construction,
2 which is equipped with an elevator shaft extending below the level of
3 the first floor shall have the shaft enclosed, as nearly air tight as
4 practicable, with iron or steel sheeting, wire glass, or other fireproof
5 material. In lieu of such construction, the elevator shaft may be pro-
6 vided with an automatic floor trap at the first floor, which shall be con-
7 structed in the most approved manner for preventing the spread of
8 fire.

[C. C. 1076.]

Sec. 189. Plumbing in Hotels Connected With Sewers.

1 Every hotel located in a city or town having a sewerage system,
2 shall be constructed and plumbed according to an approved sanitary
3 system and maintained in a sanitary condition free from any gas or
4 offensive odors arising from any sewer, drain, privy, or other source
5 within the control of the owner or person in charge.

[C. C. 1077.]

Sec. 190. Plumbing in Hotels Not Connected With Sewers.

1 Every hotel located in a city or town not having a sewerage
2 system shall be provided with an approved cesspool or water closets,
3 properly screened from flies and separated for the use of males and
4 females and the same shall be cleaned and disinfected as often as
5 necessary to maintain them in an approved sanitary condition.

[C. C. 1077.]

Sec. 191. Free Use of Locked Toilets.

1 When a hotel is equipped with locked sanitary toilets accessible
2 to guests, they shall be furnished with slugs for admittance to the
3 same without expense.

[C. C. 1077.]

Sec. 192. Ventilation of Sleeping Apartments.

1 Every hotel shall be properly ventilated and each sleeping apart-
2 ment shall be provided with at least one(1) window or ventilating
3 skylight equal in area to at least one-eighth ($\frac{1}{8}$) of the floor space
4 of the room, and the same shall open onto the outside of the building
5 or court. No room the floor of which is three (3) feet below the
6 average level of the ground shall be used as a sleeping apartment.
7 Where storm windows are used the same shall be constructed so that
8 proper ventilation may be had by the guest if desired and hung in
9 such a manner that they may be readily opened to insure safe exit in
10 case of fire.

[C. C. 1078.]

Sec. 193. Ventilation of Sleeping Apartments in New Hotels.

1 Every hotel hereafter constructed and every building remodeled
2 for the purpose of use as a hotel, in addition to the requirements of
3 the preceding section, shall have sufficient ventilation in the door or
4 doorway of each sleeping apartment.

[C. C. 1078.]

Sec. 194. Bedding.

1 Every bed, bunk, cot, or other sleeping place in a hotel shall be
2 supplied with white cotton or linen under sheets, top sheets, and pil-
3 low slips. The sheets shall be ninety-six (96) inches in length and

4 of sufficient width to completely cover the mattress and springs. The
5 pillow slips and sheets shall be washed and ironed after use by each
6 guest, and a clean set furnished each succeeding guest. The other
7 bedding shall be thoroughly aired and kept clean at all times. All
8 mattresses, quilts, blankets, pillows, sheets, comforts, and other bed-
9 ding which have become worn or insanitary so as to be unfit for use
10 shall be condemned by the inspecting officer, and shall not be again
11 used after such condemnation.

[C. C. 1079.]

Sec. 195. Extermination of Vermin.

1 Every room or article in any hotel which has become infested
2 with bedbugs or other vermin shall be renovated until the same are
3 exterminated.

[C. C. 1079.]

Sec. 196. Towels.

1 Individual towels shall be provided for the use of each guest, so
2 that two (2) or more guests will not be required to use the same
3 towel, and no roller or common towel shall be kept or used in the toilet
4 room or wash room of any hotel, but individual sanitary paper towels
5 may be provided for use in said places.

[C. C. 1080.]

Sec. 197. Common Drinking Cup.

1 No common drinking cup shall be kept or used in any place or
2 room in any hotel.

[C. C. 1081.]

Sec. 198. Sanitary Regulations.

1 All cooking utensils and places where food is prepared, served,

- 2 kept, or stored in any hotel shall be kept in a sanitary condition.
- 3 No soiled or insanitary tableware shall be used, and the kitchens and
- 4 dining rooms shall be screened from flies.

[C. C. 1082.]

Sec. 199. List of Rooms and Rates to Be Posted.

- 1 A complete list of rooms by number, together with the number
- 2 of the floor and the rate for each room shall be kept continuously and
- 3 conspicuously posted on the wall near the office in the lobby of every
- 4 hotel in such a way as to be accessible to the public without request
- 5 to the management. No greater charge than the one thus posted
- 6 shall be made.

[C. C. 1069.]

Sec. 200. Increase of Rates.

- 1 The rate posted under the preceding section shall not be increased
- 2 until sixty (60) days' notice of the proposed increase has been given
- 3 to the state board and said board has approved of the same.

[C. C. 1083.]

Sec. 201. Inspection of Hotels.

- 1 The state board may appoint the necessary hotel inspectors, who
- 2 shall, under the direction of said board, make the inspections required
- 3 by this chapter. The state board shall require such inspectors to give
- 4 an official bond, properly conditioned and signed by sufficient sureties,
- 5 in a sum to be fixed by said board, which bond shall be approved by said
- 6 board and filed in the office of the secretary of state.

[C. C. 1086, modified.]

Sec. 202. Annual Inspection.

- 1 The state board shall cause the inspectors to personally inspect,

2 at least once each year, every hotel in the state, and said inspectors
3 may enter any hotel at reasonable hours to make such inspection. The
4 management shall afford free access to every part of such hotel, and
5 render all aid and assistance necessary to enable the inspectors to
6 make a thorough and complete examination.

[C. C. 1087, modified.]

Sec. 203. Inspection Upon Complaint.

1 Upon the receipt of a verified complaint, signed by three (3)
2 or more patrons of any hotel, stating facts showing the hotel to be
3 in an insanitary condition, or that the fire escapes and appliances
4 are not kept in accordance with law, the state board shall cause an
5 examination to be made, and if the complaint is found to be justifi-
6 able, the actual expenses necessarily incurred in making such inspec-
7 tion shall be charged and collected from the person conducting such
8 hotel.

[C. C. 1089.]

Sec. 204. Report of Violation of Fire Protection Laws.

1 After each inspection the state board shall report all infringe-
2 ments of the fire protection laws and regulations to the proper state
3 and local authorities, who shall take the necessary action to compel
4 compliance with the same.

[New.]

Sec. 205. Intereference With Inspectors.

1 Any person who shall obstruct, hinder, or interfere with an in-
2 spector of the state board in the proper discharge of his duties under
3 this chapter shall be punished as herein provided.

[C. C. 1093.]

Sec. 206. Penalty.

1 Any person who shall violate any provision of this chapter shall
2 be fined not exceeding one hundred dollars (\$100.00) or imprisoned
3 in the county jail not exceeding thirty (30) days.

[C. C. 1093.]

Sec. 207. Injunction.

1 Any person conducting a hotel in violation of any provision of
2 this chapter may be restrained by injunction from operating such
3 hotel. No injunction shall issue until after the defendant has had
4 at least five (5) days' notice of the application therefor, and the time
5 fixed for hearing thereon.

[C. C. 1094.]

Sec. 208. Duty of County Attorney.

1 The county attorney in each county shall assist in the enforce-
2 ment of the provisions of this chapter.

[C. C. 1094.]

CHAPTER 11.**PETROLEUM PRODUCTS.****Sec. 209. Definitions.**

1 For the purpose of this chapter :

2 1. "Person" shall include a corporation, company, firm, society,
3 or association; and the act, omission, or conduct of any officer, agent,
4 or other person acting in a representative capacity shall be imputed
5 to the organization or person represented, and the person acting in
6 said capacity shall also be liable for violations of this chapter.

7 2. "Container" shall include can, cask, barrel, tank, vessel, and
8 other receptacles of like nature.

9 3. "Illuminating oil" shall mean any product of petroleum which
10 is used or intended to be used for illuminating purposes.

[New.]

Sec. 210. Labeling of Gasoline, Benzine, and Naphtha.

1 Gasoline, benzine, or naphtha, offered or exposed for sale, or sold
2 in containers within this state, shall be conspicuously marked in the
3 English language with figures showing the Baume gravity test at a
4 temperature of sixty degrees (60°) Fahrenheit. If such products
5 are sold from a tank wagon, the person selling or delivering the same
6 shall indicate on each sale ticket said gravity test.

[C. C. 908.]

Sec. 211. Inspection of Gasoline, Benzine, or Naphtha.

1 The state board shall upon complaint and may at other times
2 when deemed advisable cause to be inspected any gasoline, benzine,
3 or naphtha for the purpose of determining whether the same is up
4 to the standard and quality shown by the label thereon.

[C. C. 910, modified.]

Sec. 212. Gasoline Containers.

1 No person shall keep, sell, or deliver in this state any gasoline
2 except in a container painted bright red and plainly marked "Gasoline"
3 in the manner prescribed by the state board.

[C. C. 901, 912, modified.]

Sec. 213. Storage Tanks for Manufacturing Purposes Exempted.

1 The requirements of the preceding section shall not apply to stor-
2 age tanks having a capacity of not less than ten (10) gallons from
3 which gasoline is used for manufacturing or mechanical purposes.

[C. C. 913.]

Sec. 214. Unlawful Use of Gasoline Containers for Kerosene.

1 No person shall keep, sell, or deliver any kerosene in a container
2 painted or marked as prescribed in the second preceding section.

[C. C. 912.]

Sec. 215. Inspection of Illuminating Oil.

1 No person shall offer or expose for sale, or sell, any illuminating
2 oil unless the same shall have been inspected and branded as provided
3 in this chapter.

[C. C. 903.]

Sec. 216. Method of Making Inspection.

1 All inspections of illuminating oils shall be made in accordance
2 with the rules of the state board and said board shall prescribe the
3 instruments and apparatus to be used, and the same shall have in-
4 scribed thereon the words "Iowa State Board of Health".

[C. C. 900, modified; Rule of State Board of Health.]

Sec. 217. Branding—Certificate of Inspection.

1 After each inspection of an illuminating oil the container shall
2 be branded by the inspector with the result of the inspection and the
3 person for whom it was made shall be given a certificate of inspec-
4 tion. The form of brands and certificates of inspection shall be pre-
5 scribed by the rules of the state board.

[C. C. 901, modified; Rule of State Board of Health.]

Sec. 218. Brand on Empty Containers to Be Destroyed.

1 No person, except as otherwise provided by the rules of the state
2 board, shall buy, use, sell, offer or expose for sale, or otherwise dis-
3 pose of any empty container upon which there is a state oil inspection
4 brand unless the same shall have been completely destroyed.

[C. C. 904.]

Sec. 219. Adulteration of Illuminating Oil.

1 No person shall knowingly manufacture, introduce into the state,
2 solicit orders for, sell, deliver, transport, have in his possession with
3 intent to sell, or offer or expose for sale any illuminating oil which
4 has been adulterated with any substance in such a manner as to
5 render it dangerous for use for illuminating purposes.

[C. C. 904.]

Sec. 220. General Standard for Illuminating Oil.

1 No person shall use, offer or expose for sale, or sell any illum-
2 inating oil except as provided in the two (2) following sections which
3 will emit a combustible vapor at a temperature of less than one hun-
4 dred degrees (100°) Fahrenheit, when tested by the flash test as
5 prescribed by the rules of the state board.

[C. C. 901, 904.]

Sec. 221. Exceptions.

1 The preceding section shall not apply to illuminating oil when
2 used or sold for use under the following conditions:

3 1. When said oil is stored in closed reservoirs outside the build-
4 ing which is lighted by gas generated from the same.

5 2. When said oil is burned in a lamp or apparatus approved by
6 the state board for the lighter products of petroleum.

7 3. When said oil is burned in street lamps.

[C. C. 904.]

Sec. 222. Standard for Use on Trains and Boats.

1 No person shall use, burn, or carry for use on any railway pas-
2 senger, baggage, mail, or express car, street railway car, boat or other
3 means of public conveyance any illuminating oil or other fluid com-

4 posed to any extent of petroleum or its products which will ignite and
5 burn at a temperature of less than three hundred degrees (300°)
6 Fahrenheit, when tested by the igniting and burning test as pre-
7 scribed by the rules of the state board.

[C. C. 904.]

Sec. 223. Approval of Lamps for Lighter Petroleum Products.

1 The state board shall examine the particular design, mechanism,
2 and workmanship of any lamp or apparatus for burning the lighter
3 products of petroleum for illuminating purposes, which may be pre-
4 sented to it for approval, and after testing the same, if it finds such
5 lamp or apparatus to be safe, it shall enter the findings in the pro-
6 ceedings of said board. No person shall sell or use any such lamp or
7 apparatus unless the same has been approved as provided in this sec-
8 tion.

[C. C. 905.]

Sec. 224. Cancellation of Approvals.

1 If the state board ascertains that any lamp or apparatus which
2 it has approved as safe, because of change of design, the use of un-
3 suitable material, poor workmanship in construction or for any other
4 cause, is unsafe as then manufactured, and dangerous to public safety,
5 it shall cancel its approval of such lamp or apparatus, and no person
6 shall sell or use the same in burning the lighter products of petroleum
7 for illuminating purposes.

[C. C. 905.]

Sec. 225. Notification of Inspectors.

1 The state board shall notify by registered letter each of its in-
2 spectors of any approval or disapproval of any lamp or apparatus.

[C. C. 905.]

Sec. 226. Notification of Uninspected Oils.

1 Every person who receives illuminating oils for use or sale which
2 have not been inspected as provided in this chapter shall, within five
3 (5) days after the receipt thereof, notify the state board or one (1)
4 of its inspectors that the same is in his possession.

[C. C. 901.]

Sec. 227. Dealer to Report Receipts of Illuminating Oils.

1 Every person receiving any illuminating oil, subject to inspection
2 under this chapter, shall file with the state board before the tenth
3 day of each month a duly verified certificate in the form prescribed
4 by said board showing every receipt of illuminating oil during the
5 preceding month. Said report shall contain the following items:

- 6 1. The number of tanks or barrels received.
- 7 2. The tank number, if in tanks, of each product inspected by
8 the state.
- 9 3. The amount of fees paid for such inspection.
- 10 4. The person to whom the fees were paid.

[C. C. 902, modified.]

Sec. 228. Inspection Fee.

1 A charge of seven cents (7c) per barrel shall be collected from
2 the person for whom any illuminating oil is inspected, fifty (50) gal-
3 lons for this purpose constituting a barrel, and said charge shall be
4 a lien upon the oil inspected and be collected by the inspector making
5 the same. All fees collected under this chapter shall be turned over to
6 the state board.

[C. C. 901, modified.]

Sec. 229. Reduction of Inspection Fee.

1 On the first day of July of each year the state board shall ascer-
2 tain the total receipts and expenses for the inspection of illuminating
3 oil during the preceding year and if the receipts exceed the total ex-
4 penses of inspection by the sum of four thousand dollars (\$4,000.00),
5 it shall reduce the inspection fee for the ensuing year to such sum
6 per barrel as will approximately yield revenue equal to the expenses
7 during the preceding year, plus the sum of four thousand dollars
8 (\$4,000.00).

[C. C. 901, modified.]

Sec. 230. Increase of Inspection Fee.

1 If in any year such reduced inspection fee proves insufficient to
2 meet the total expenses for said year of the department for the in-
3 spection of petroleum products, the state board shall increase said
4 inspection fee in an amount sufficient to pay the entire expenses of
5 said department, but not to exceed the sum of seven cents (7c) per
6 barrel.

[C. C. 901, modified.]

Sec. 231. Rebates on Sales Outside the State.

1 The state board shall adopt rules for granting rebates upon oils
2 sold outside the state, but no refund of charges paid for inspection
3 shall be made except upon a duly verified certificate of the owner
4 that the goods for which the refund is asked have been disposed of
5 outside of the state.

[C. C. 901, modified.]

Sec. 232. Determination of Rebate.

1 The amount of such rebate per barrel allowed during any fiscal

2 year, shall be determined by the state board during the month of July
3 of each year and shall equal approximately the net proceeds per barrel
4 from the inspection service of the state during the preceding fiscal
5 year.

[C. C. 901, modified.]

Sec. 233. Record of Inspections.

1 The state board shall keep an accurate record of all illuminating
2 oils inspected and branded, the number of gallons, the number and
3 kind of containers, the date and number of gallons approved, the
4 number rejected, the name of the person for whom inspection was
5 made, the amount of money received therefor, and the necessary trav-
6 ing expenses incurred, and the expense incurred in prosecutions,
7 which record shall be open at all reasonable times to public inspection.

[C. C. 902.]

Sec. 234. Appointment of Inspectors.

1 The state board may appoint the necessary inspectors of petro-
2 leum products not to exceed fourteen (14) in number, who shall under
3 the direction of said board make the inspections required by this
4 chapter. Each inspector shall be a resident of the state and not di-
5 rectly or indirectly interested in the manufacture or sale of products
6 of petroleum.

[C. C. 899, modified.]

Sec. 235. Bond of Inspectors.

1 The state board shall require such inspectors to give an official
2 bond, properly conditioned and signed by sufficient sureties, in a sum
3 to be fixed by the board, which bond shall be approved by said board
4 and filed in the office of the secretary of state. Each inspector shall

5 make oath, entered upon his official bond, that he is not directly or
6 indirectly interested in the manufacture or sale of products of pe-
7 troleum.

[C. C. 899, modified.]

Sec. 236. Deputies and Assistants.

1 Each inspector may appoint with the approval of the state board
2 such deputies, helpers, and branders as may be necessary in the proper
3 discharge of his official duties, and said board shall fix the compen-
4 sation of such employees.

[C. C. 899, modified.]

Sec. 237. Authority to Enter Premises.

1 Any inspector or employee of the state board shall have full
2 access to all places, buildings, or premises, and to all wagons, trucks,
3 vehicles, or cars used in the storage, distribution, transportation, of-
4 fering or exposing for sale, or sale of any product of petroleum sub-
5 ject to inspection under this chapter.

[C. C. 911, modified.]

Sec. 238. Inventory of Property in Possession of Inspectors.

1 In July of each year each inspector shall file with the state board
2 an inventory of all instruments and apparatus belonging to the state,
3 in his possession, or that of his deputy or helper, which shall be fully
4 accounted for in such manner as may be prescribed by the state board.

[C. C. 906, modified.]

Sec. 239. False Branding—Punishment.

1 Any person who shall knowingly alter or deface a state inspec-
2 tion brand upon any container of illuminating oil, before the same is
3 emptied, or who shall falsely brand any container of illuminating oil

4 in imitation of a state inspection brand shall be guilty of forgery and
5 punished accordingly.

[C. C. 904, modified.]

Sec. 240. False Branding and Misconduct by Inspectors.

1 Any inspector or employee of the state board who shall be guilty
2 of any of the following acts shall be punished by a fine of not less
3 than fifty dollars (\$50.00) nor more than one thousand dollars
4 (\$1,000.00) and shall be liable in a civil action for all damages result-
5 ing from said act:

- 6 1. Falsely branding any container of illuminating oil.
- 7 2. Practicing any fraud or deceit in the discharge of his duties.
- 8 3. Official misconduct or culpable negligence to the injury of an-
9 other.
- 10 4. Dealing in or having pecuniary interest, directly or indirectly,
11 in the sale of any illuminating oils.

[C. C. 904.]

Sec. 241. Penalty.

1 Any person violating any of the provisions of this chapter shall
2 be guilty of a misdemeanor and punished accordingly, and shall be
3 liable in a civil action for all damages resulting from such violation.

[C. C. 901, 902, 904, 909, 912, modified.]

CHAPTER 12.

GENERAL PROVISIONS RELATIVE TO CERTAIN PROFESSIONS.

Sec. 242. Definitions.

- 1 For the purpose of this and the following chapters of this title:
- 2 1. "Examining committee" shall mean one (1) of the commit-

tees appointed by the state board to give examinations to applicants for licenses.

2. "Licensed" when applied to a physician, osteopath, nurse, dentist, dental hygienist, optometrist, pharmacist, or embalmer shall mean a person licensed under this title.

3. "Profession" shall mean medicine, osteopathy, nursing, dentistry, dental hygiene, optometry, pharmacy, or embalming.

[New.]

Sec. 243. License Required to Practice Certain Professions.

No person shall engage in the practice of medicine, osteopathy, 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 board a license and shall have had it recorded in the office of the county recorder in the county in which he resides and to which he may thereafter remove.

[C. C. 1312, 1315, 1322, 1327, 1328, 1331, 1339, 1342, 1377, 1388, 1407, 1409, 1412, modified.]

Sec. 244. Method of Recording License—Fee.

Each license to practice any of the professions enumerated in the preceding section shall before the licensee begins practice be recorded by the county recorder in a book provided for that purpose, which shall contain an alphabetical index, giving the name of each licensee and a reference to the pages wherein each license is recorded. Said record shall be open to public inspection and the recorder shall charge a fee of fifty cents (50c) for recording each license.

[C. C. 1315, 1322, 1388, 1407, modified.]

Sec. 245. Age and Character Qualifications.

1 No person shall be licensed to practice a profession under this
2 title until he shall have furnished satisfactory evidence to the state
3 board that he has attained the age of twenty-one (21) years and is
4 of good moral character, except that women may be licensed as dental
5 hygienists upon attaining the age of eighteen (18) years.

[C. C. 1329, 1340, 1404, modified.]

Sec. 246. Grounds for Refusing License.

1 The state board may refuse to grant a license to practice a pro-
2 fession to any person otherwise qualified upon any of the grounds
3 for which a license may be revoked.

[C. C. 1316, 1332, 1344, modified.]

Sec. 247. Form of License.

1 All licenses to practice a profession shall be in the form of a
2 certificate under the seal of the state board, signed by its chairman
3 and secretary. The number of the book and page containing the
4 entry of said license in the office of the secretary shall be noted on
5 the face of the license. Certificates to practice medicine shall also
6 show the school of medicine which the holder is licensed to practice.

[C. C. 1313, 1315, 1331, 1341, 1384, 1403, 1420, 1422, modi-
fied.]

Sec. 248. Certificate Presumptive Evidence of Right to Practice.

1 Every license issued under this title shall be presumptive evi-
2 dence of the right of the holder to practice in this state the profession
3 therein specified.

[C. C. 1313, 1315, 1331, 1341, 1384, 1403, 1420, modified.]

Sec. 249. Display of License.

1 Every person licensed under this title to practice a profession
2 shall keep his license displayed in the place in which he practices.

[C. C. 1392, 1422, modified.]

Sec. 250. Record of Licenses—Open to Public Inspection.

1 The name, age, nativity, location, number of years of practice
2 of the person to whom a license is issued to practice a profession, the
3 number of the certificate, and the date of registration thereof shall
4 be entered in a book kept in the office of the secretary to be known
5 as the registry book, and the same shall be open to public inspection.

[C. C. 1343, 1384, 1403, 1422, modified.]

Sec. 251. Notice of Change of Residence.

1 When any person licensed to practice a profession under this title
2 changes his residence he shall notify the state board and such change
3 shall be noted in the registry book.

[C. C. 1422, modified.]

Sec. 252. Renewal of Certain Licenses.

1 Every license to practice optometry, pharmacy, and embalming
2 shall expire on the thirtieth day of June following the date of issuance
3 of such license, and shall be renewed annually upon application by
4 the licensee, without examination. Application for such renewal shall
5 be made in writing to the state board accompanied by the legal fee
6 at least thirty (30) days prior to the expiration of such license. Each
7 renewal shall be recorded in the same manner as the original license,
8 and the recorder shall charge a fee of twenty-five cents (25c) for re-
9 cording the same.

[C. C. 1342, 1406, 1420, modified.]

Sec. 253. Examining Committees.

1 For the purpose of giving examinations to applicants for licenses
2 to practice the professions for which a license is required by this title,
3 the state board shall appoint a committee of examiners for each of
4 said professions.

[New.]

Sec. 254. Designation of Examining Committees.

1 The examining committees provided in the preceding section shall
2 be designated as follows: For medicine and osteopathy, Medical Ex-
3 aminers; for nursing, Nurse Examiners; for dentistry and dental hy-
4 giene, Dental Examiners; for optometry, Optometry Examiners; for
5 pharmacy, Pharmacy Examiners; for embalming, Embalmer Exam-
6 iners.

[New.]

Sec. 255. Regulations Concerning Examining Committees.

1 In appointing said examining committees the state board shall
2 be governed by the following regulations:

3 1. *Composition.* Each committee shall consist of the secretary of
4 the state board and four (4) residents of the state, not more than
5 three (3) of whom shall belong to the same political party.

[C. C. 1262, 1313, 1329, 1340, 1379, 1400, 1413, part new.]

6 2. *General qualifications.* Each appointee shall be actively en-
7 gaged in the practice of his profession and shall have been so engaged
8 for a period of five (5) years just preceding his appointment. No
9 examiner shall be an officer or member of the instructional staff of
10 any school in which any of said professions are taught, or be con-
11 nected therewith in any manner.

[C. C. 1379, 1380, 1400, 1401, 1413, modified.]

12 3. *Term.* Appointments shall be for a term of four (4) years,
13 commencing on July first in the year of appointment and the terms
14 of the examiners on each committee shall be rotated in such a manner
15 that one (1) examiner shall retire each year and a successor be ap-
16 pointed for the same.

[C. C. 1262, 1313, 1329, 1340, 1379, 1400, 1413, modified.]

Sec. 256. **Special Requirements Concerning Examiners.**

1 The following special requirements shall also be complied with
2 in appointing examining committees:

3 1. *Medical examiners.* The appointive medical examiners shall be
4 licensed physicians who are graduates of reputable schools of medi-
5 cine and not more than two (2) of them shall belong to the same
6 school of medical practice.

[C. C. 1262, 1313.]

7 2. *Nurse examiners.* Two (2) of the appointive nurse examiners
8 shall be licensed physicians and two (2) shall be licensed nurses.

[C. C. 1329.]

9 3. *Dental examiners.* The appointive dental examiners shall be
10 licensed dentists.

[C. C. 1379.]

11 4. *Optometry examiners.* Three (3) of the appointive optometry
12 examiners shall be licensed optometrists and one (1) shall be a li-
13 censed physician. The optometrist members shall not be connected
14 in any manner with any wholesale or jobbing optical house.

[C. C. 1400, 1401.]

15 5. *Pharmacy examiners.* The appointive pharmacy examiners
16 shall be licensed pharmacists.

[C. C. 1413.]

17 6. *Embalmer examiners.* Two (2) of the appointive embalmer
18 examiners shall be licensed physicians and two (2) shall be licensed
19 embalmers.

[C. C., 1340.]

Sec. 257. Removal of Examiners.

1 The state board may remove any appointive member of an exam-
2 ining committee for incompetency, inattention to duties, or for any
3 reason that would be grounds for revoking his license as a practitioner
4 of his profession.

[New.]

Sec. 258. Vacancies.

1 Any vacancy in the appointive membership of an examining com-
2 mittee caused by death, resignation, removal, or otherwise shall be
3 filled for the period of the unexpired term in the same manner as
4 original appointments.

[New.]

Sec. 259. Officers.

1 Each examining committee shall organize annually and shall se-
2 lect one (1) of its members chairman. The secretary of the state
3 board shall be secretary of each committee.

[C. C. 1313, 1381, 1402, 1414, modified.]

Sec. 260. Time of Conducting Examination.

1 Each examining committee shall hold regular sessions for the
2 purpose of giving examinations at such times as the state board may
3 fix, not to exceed four (4) in any one (1) year. The medical exam-
4 iners, dental examiners, and pharmacy examiners shall hold a similar
5 session at the state university at the close of each school year to give

6 examinations to students of the medical, dental, and pharmacy college
7 of said institution and to other applicants who are qualified to take
8 the same. All other sessions of the examining committees shall be
9 held at the seat of government unless otherwise ordered by the state
10 board.

[C. C. 1312, 1313, 1329, 1340, 1381, 1402, 1403, 1416, modified.]

Sec. 261. Rules Relative to Examinations.

1 The state board shall establish rules for:
2 1. Receiving applications for examinations.
3 2. Conducting examinations by examining committees.
4 3. Passing upon the qualifications of applicants by examining
5 committees.

[C. C. 1322, 1341, 1381, 1390, 1402, modified.]

Sec. 262. Rules by Examining Committee.

1 The examining committee for each profession may also adopt
2 rules not inconsistent with those of the state board relative to the
3 method of conducting examinations given by it.

[C. C. 1322, 1341, 1381, 1390, 1402, modified.]

Sec. 263. Examinations in Medicine and Osteopathy.

1 All examinations for licenses to practice medicine or osteopathy
2 shall be in writing, and the identity of the person taking the same
3 shall not be disclosed upon the examination papers in such a way as
4 to enable the members of the examining committee to know by whom
5 written until after the papers have been passed upon.

[C. C. 1313, 1322.]

Sec. 264. Quorum and Representation at Examinations.

1 Three (3) members of each committee shall constitute a quorum
2 for conducting examinations, but in the case of the medical examiners
3 each school of medicine represented on said committee shall be repre-
4 sented in said number.

[C. C. 1313, 1331, 1341, modified.]

Sec. 265. Certification of Successful Applicants.

1 Every examination shall be passed upon in accordance with the
2 rules of the state board and shall be satisfactory to three (3) members
3 of the examining committee. After each examination said commit-
4 tee shall certify the names of the successful applicants to the state
5 board in the manner prescribed by said board which shall issue the
6 proper certificate and make the required entry in the registry book.

[C. C. 1313, 1331, 1341, modified.]

Sec. 266. Compensation of Examiners.

1 Each member of an examining committee, except the secretary,
2 shall in addition to necessary traveling expenses receive ten dollars
3 (\$10.00) per day for each day actually engaged in the discharge of
4 his duties, and the secretary of each committee shall receive his nec-
5 essary expenses incurred for services which can not be performed
6 at the capital.

[C. C. 1330, 1345, 1383, 1410, modified.]

Sec. 267. Preservation of Records.

1 All matters connected with each examination for a license shall
2 be filed with the secretary and preserved for five (5) years as a part
3 of the records of the state board, during which time said records
4 shall be open to public inspection.

[C. C. 1313, 1317, modified.]

Sec. 268. Appropriation.

1 There is hereby annually appropriated out of any funds in the
2 state treasury not otherwise appropriated a sum sufficient to pay the
3 compensation and expenses of the members of each examining com-
4 mittee.

[New.]

Sec. 269. Reciprocal Agreements.

1 For the purpose of recognizing licenses which have been issued
2 in other states to practice any of the professions for which a license
3 is required by this title, the state board is authorized to establish
4 reciprocal relations with the duly constituted authorities therein, but
5 when the laws of such states or the rules of such authorities place
6 any requirement or disability upon any person licensed in this state
7 to practice one (1) of said professions, which affects the right of said
8 person to be licensed or to practice his profession in said state, then the
9 same requirement or disability shall be placed upon any person li-
10 censed in said state when applying for a license to practice in this
11 state.

[C. C. 1320, 1331, 1342, 1386, 1404, 1423, modified.]

Sec. 270. Reciprocity for Graduates of State Schools.

1 When the laws of any state or the rules of the authorities of said
2 state place any requirement or disability upon any person holding a
3 diploma or certificate from any college in this state in which one (1)
4 of said professions is taught which affects the right of said person
5 to be licensed in said state, the same requirement or disability shall
6 be placed upon any person holding a diploma from a similar college
7 situated therein, when applying for a license to practice in this state.

[C. C. 1312, 1386, modified.]

Sec. 271. License Granted Upon Basis of License of Another State.

1 The state board may, upon presentation of a license to practice
2 a profession issued by the duly constituted authority of another state,
3 with which this state has established reciprocal relations, and subject
4 to the rules of said board, license said applicant to practice in this
5 state when the license of the other state was issued upon substantially
6 equivalent requirements to those existing in this state.

[C. C. 1312, 1331, 1342, 1386, 1404, 1423.]

Sec. 272. Change of Residence to Another State.

1 Any licensee who is desirous of changing his residence to that
2 of another state or territory shall upon application to the state board,
3 and payment of the legal fee, receive a certified statement that he is
4 a duly licensed practitioner in this state.

[C. C. 1387, modified.]

Sec. 273. Grounds for Revocation of License.

1 The state board shall revoke or suspend a license to practice a
2 profession when the licensee is guilty of any of the following acts or
3 offenses:

4 1. Fraud in procuring the license.

[C. C. 1316, 1332, 1344, 1389, modified.]

5 2. Incompetency in the practice of the profession.

[C. C. 1316, 1405, modified.]

6 3. Immoral, unprofessional, or dishonorable conduct.

[C. C. 1316, 1332, 1344, 1389, 1405, modified.]

7 4. Habitual intoxication or addiction to the use of drugs.

[C. C. 1316, 1344, 1389, 1405, modified.]

8 5. Conviction of an offense involving turpitude.

[C. C. 1316, 1389, modified.]

9 6. Fraud in representations as to skill or ability.

 [C. C. 1316, modified.]

10 7. Use of untruthful or improbable statements in advertisements.

 [C. C. 1316, 1389, modified.]

11 8. Wilful or repeated violations of this title or the rules of the
12 state board.

 [C. C. 1332, 1344, 1389, 1426, modified.]

Sec. 274. Unprofessional Conduct in Practice of Medicine and Osteopathy.

1 For the purposes of the preceding section "unprofessional con-
2 duct" in the practice of medicine and osteopathy shall consist of any
3 of the following acts:

4 1. Solicitation of professional patronage by agents or persons
5 popularly known as "cappers" or "steerers", or profiting by the acts
6 of those representing themselves to be agents of the licensee.

7 2. Receipt of fees on the assurance that a manifestly incurable
8 disease can be permanently cured. ~~_____~~

9 3. Acceptance of a fee for service as a witness, without the
10 knowledge of the court, in addition to the fee allowed by the court.

11 4. Division of fees or agreeing to split or divide the fees re-
12 ceived for professional services with any person for bringing or re-
13 ferring a patient or assisting in the care or treatment of a patient
14 without the consent of said patient or his legal representative.

15 5. Advertisement of any medicine or means whereby the month-
16 ly periods of women can be regulated or the menses reestablished if
17 suppressed.

18 6. Procurement or aiding or abetting in the procurement of a
19 criminal abortion.

20 7. Wilful betrayal of a professional secret.

21 8. Wilful neglect of a patient in a critical condition.

22 9. Wilful misstatement of the cause of death in a death certifi-
23 cate, except in case an exact statement would subject the decedent or
24 his family to public ignominy.

[C. C. 1316, modified.]

Sec. 275. Grounds for Revoking License of Dental Hygienist and Dentist.

1 The practice of dentistry by a dental hygienist shall also be
2 grounds for the revocation of her license, and the permitting of such
3 practice by the dentist under whose supervision said dental hygienist
4 is operating shall be grounds for revoking the license of said dentist.

[C. C. 1389.]

Sec. 276. Initiation of Proceedings to Revoke License.

1 Proceedings for the revocation of any license to practice a pro-
2 fession issued under this title may be instituted by the state board
3 upon its own motion or it may institute such proceedings upon the
4 sworn information of some person who resides in the county wherein
5 the licensee practices. When such proceedings shall be instituted the
6 the state board shall fix a day for hearing the same and the licensee
7 shall be given an opportunity to be heard.

[C. C. 1317, 1332, 1344, 1389, 1405, modified.]

Sec. 277. Notice of Hearing.

1 At least twenty (20) days prior to the date set for such a hear-
2 ing, the secretary shall cause written notice to be sent by registered
3 mail to the licensee at his last known place of residence. Said notice
4 shall contain a statement of the charges and the date and place set
5 for the hearing before the state board.

[C. C. 1317, 1332, 1344, 1389, 1405, modified.]

Sec. 278. Failure of Licensee to Appear.

1 In case the licensee fails to appear, either in person or by coun-
2 sel at the time and place designated in said notice, the state board
3 shall, after receiving satisfactory evidence of the truth of the charges,
4 order the license revoked or suspended.

[C. C. 1317, 1332, 1344, modified.]

Sec. 279. Procedure at Hearing.

1 In case the licensee appears either in person or by counsel, the
2 state board shall proceed with the hearing and receive and consider
3 affidavits and oral testimony and shall cause stenographic reports of
4 the oral testimony to be taken.

[C. C. 1317, 1332, 1344, 1389, modified.]

Sec. 280. Manner of Taking Testimony.

1 In all proceedings for the revocation of a license to practice a
2 profession, any member of the state board may take testimony in
3 any manner authorized by law. He may issue subpoenas for wit-
4 nesses and administer oaths to persons testifying before the state
5 board.

[C. C. 1313, 1389, 1390, modified.]

Sec. 281. Decision on Hearing.

1 If a majority of the members of the state board are satisfied that
2 the licensee is guilty of any of the offenses charged, said board shall
3 revoke his license or suspend it for some specified period of time, and
4 the licensee shall not engage in the practice of his profession after
5 his license is revoked or during the time for which it is suspended.

[C. C. 1317, 1324, 1332, 1344, 1389, 1405, modified.]

Sec. 282. Expenses—Witness Fees.

1 All expenses incurred in connection with any proceedings to re-
2 voke a license to practice a profession shall be paid out of the funds
3 appropriated for the expenses of the state board. Witnesses shall
4 receive the fees paid to witnesses in justice of the peace courts.

[New.]

Sec. 283. Appeal—Bond Required.

1 Any person aggrieved by any order entered in any proceedings
2 to revoke a license to practice a profession may appeal to the district
3 court in the county in which the alleged offense was committed by
4 giving notice to the state board of such appeal within twenty (20)
5 days after the entry of such order and by giving bond or security,
6 approved by the clerk of the district court to which the appeal is
7 taken, to pay all costs arising from the appeal in case of an adverse
8 decision.

[C. C. 1318, 1389, modified.]

Sec. 284. Transcript of Record.

1 Upon giving said notice, the original complaint, affidavits, depo-
2 sitions and a duly certified transcript of evidence taken upon the hear-
3 ing before the state board shall be certified by the secretary to the
4 clerk of the district court of the county in which said appeal is taken.

[C. C. 1318, modified.]

Sec. 285. Time of Trying Appeal—Method of Trial—Costs.

1 An appeal shall be triable at the next term of court convening
2 not less than ten (10) days after notice of appeal is served, and shall
3 be heard as a special proceeding and determined upon the affidavits,
4 depositions and evidence transcribed by the secretary and such fur-

5 ther evidence as either party may offer. If the decision on appeal
6 is adverse to the licensee he shall pay all costs arising from the appeal.

[C. C. 1318, modified.]

Sec. 286. Preservation of Records.

1 All matters connected with each proceeding for the revocation of
2 a license shall be filed with the secretary and preserved for five (5)
3 years as a part of the records of the state board, during which time
4 said records shall be open to public inspection.

[C. C. 1313, 1317, modified.]

Sec. 287. Professional Titles and Abbreviations.

1 Any person licensed to practice a profession under this title may
2 append to his name any recognized title or abbreviation, which he is
3 entitled to use, to designate his particular profession, but no other per-
4 son shall assume or use such title or abbreviation, and no licensee shall
5 advertise himself in such a manner as to lead the public to believe that
6 he is engaged in the practice of any other profession than the one (1)
7 which he is licensed to practice.

[C. C. 1408, modified.]

Sec. 288. Use of the Designation "Doctor" or "M. D."

1 No person shall use the designations "doctor", "M. D.", or other
2 recognized medical degree, nor advertise or represent himself in such
3 a manner as to lead the public to believe that he is a physician or
4 doctor of medicine, unless licensed to practice such profession under
5 this title.

[C. C. 1408, modified.]

Sec. 289. Dentists and Veterinarians Exempted.

1 The preceding section shall not be construed as prohibiting li-

2 censed dentists from using the designation "doctor", "D. D. S.", or
3 other recognized dental degree to indicate that they are doctors of
4 dental surgery, nor to prohibit licensed veterinarians from using the
5 designation "doctor", "D. V. M.", or other recognized veterinary de-
6 gree to indicate that they are doctors of veterinary medicine.

[New.]

Sec. 290. Use of the Designation "Registered" or "Graduate" Nurse.

1 No person shall advertise to be a registered or graduate nurse,
2 assume or use the designation of registered or graduate nurse, use
3 the abbreviations "R. N." or "G. N." or use or make other representa-
4 tion that said person is a registered or graduate nurse unless he is
5 licensed to practice such profession under this title.

[C. C. 1327, 1328.]

Sec. 291. Titles Used by Holder of Degree.

1 Nothing in the four (4) preceding sections shall be construed:

2 1. As authorizing any person licensed to practice a profession
3 under this title to use or assume any degree or abbreviation of the
4 same unless such degree has been conferred upon said person by an
5 institution of learning accredited by some recognized state or national
6 accrediting agency.

7 2. As prohibiting any holder of a degree conferred by an insti-
8 tution of learning accredited by some recognized state or national ac-
9 crediting agency from using the title which such degree authorizes
10 him to use, but he shall not use such degree or abbreviation in any
11 manner which might mislead the public as to his qualifications to
12 treat human ailments.

[New.]

Sec. 292. Itinerant Physician and Osteopath Defined.

1 "Itinerant physician" or "itinerant osteopath" as used in the
2 following sections of this title shall mean any person engaged in the
3 practice of medicine or osteopathy as defined in the chapter relative
4 to the practice of said professions who, by himself, agent, or employee
5 goes from place to place, or from house to house, or by circulars, let-
6 ters, or advertisements solicits persons to meet him for professional
7 treatment at places other than his office maintained at the place of
8 his residence.

[C. C. 1319, 1326.]

Sec. 293. License Required of Itinerants.

1 Every itinerant physician or itinerant osteopath shall, in addi-
2 tion to his regular license to practice his profession, procure from the
3 state board a license to practice as an itinerant.

[C. C. 1317, 1326.]

Sec. 294. Issuance of License.

1 Upon receipt of an application from a licensed physician or li-
2 censed osteopath for an itinerant's license, accompanied by the legal
3 fee, the state board shall issue to the applicant, when the provisions
4 of this title have been complied with, a license to practice as an itin-
5 erant physician or itinerant osteopath, as the case may be, for a period
6 of one (1) year.

[C. C. 1317, 1326.]

Sec. 295. Exception—Rule of Construction.

1 The three (3) preceding sections shall not be construed to pre-
2 vent any physician or osteopath otherwise legally qualified from at-
3 tending patients in any part of the state to which he may be called

4 in the regular course of business, or in consultation with other phy-
5 sicians or osteopaths.

[C. C. 1317, modified.]

Sec. 296. Itinerant Vendor of Drugs Defined.

1 "Itinerant vendor of drugs" as used in the following sections
2 of this title shall mean any person who, by himself, agent, or employee
3 goes from place to place, or from house to house, and sells, offers or
4 exposes for sale any drug or medicine as defined in the chapter relative
5 to the practice of pharmacy.

[C. C. 1424, modified.]

Sec. 297. License Required of Itinerant Vendor of Drugs.

1 Every itinerant vendor of drugs or medicines shall procure an
2 annual license from the state board.

[C. C. 1424.]

Sec. 298. Refusal and Revocation of Itinerant's License.

1 The examining board may for satisfactory reasons refuse to issue
2 an itinerant's license or may revoke such license upon satisfactory
3 evidence of incompetency or gross immorality.

[C. C. 1317, 1326, modified.]

Sec. 299. Fees.

1 The following fees shall be collected by the state board:

2 1. For a license to practice medicine, osteopathy, dentistry, opto-
3 metry, pharmacy, and embalming, issued upon the basis of an exam-
4 ination given by an examining committee, twenty-five dollars (\$25.00),
5 to be paid prior to the examination.

[C. C. 1313, 1322, 1341, 1384, 1406, 1420, modified.]

6 2. For a license to practice any of the professions enumerated

7 in the preceding paragraph issued under a reciprocal agreement, fifty
8 dollars (\$50.00).

[C. C. 1312, 1342, 1386, 1404, 1423, modified.]

9 3. For a license to practice nursing and dental hygiene issued
10 upon the basis of an examination given by an examining committee,
11 five dollars (\$5.00), to be paid prior to the examination.

[C. C. 1331, 1385, modified.]

12 4. For a license to practice either of the professions enumerated
13 in the preceding paragraph issued under a reciprocal agreement, ten
14 dollars (\$10.00).

[C. C. 1331, modified.]

15 5. For the renewal of a license to practice optometry, pharmacy
16 or embalming, one dollar (\$1.00).

[C. C. 1342, 1406, 1420, modified.]

17 6. For a license to practice as an itinerant physician or itinerant
18 osteopath, two hundred fifty dollars (\$250.00).

[C. C. 1319, 1326.]

19 7. For a license as an itinerant vendor of drugs, one hundred
20 dollars (\$100.00).

[C. C. 1424.]

21 8. For a certified statement that a licensee is licensed in this
22 state, five dollars (\$5.00).

[C. C. 1387, modified.]

Sec. 300. Second Examination.

1 Any applicant for a license who fails in his examination shall
2 be entitled to a second examination, at the next regular meeting of
3 the examining committee, without further fee.

[C. C. 1313, 1385, 1406, 1420, modified.]

Sec. 301. Fees Paid Into State Treasury.

1 All fees collected under this title shall be paid into the state
2 treasury.

[C. C. 1314, 1345, 1395, 1411, modified.]

Sec. 302. Injunction Against Illegal Practice.

1 Any person engaging in any business or in the practice of any
2 profession for which a license is required by this title without such
3 license may be restrained by permanent injunction in an action by
4 the state board.

[C. C. 1409, modified.]

Sec. 303. Forgeries in Procuring or Recording Licenses.

1 Any person who shall file or attempt to file with the recorder of
2 any county the license of another with the name of the party to whom
3 it was issued erased, and the claimant's name inserted, or shall file
4 or attempt to file with the state board any false or forged diploma,
5 certificate or affidavit of identification or qualification, shall be guilty
6 of forgery and punished accordingly.

[C. C. 1321, 1325, 1347, 1425, modified.]

Sec. 304. Fraud in Procuring or Recording License—Penalty.

1 Any person who shall present to the state board a diploma or
2 certificate of which he is not the rightful owner, for the purpose of
3 procuring a license, or shall file, or attempt to file, with the recorder
4 of any county the license of another as his own, or who shall falsely
5 personate anyone to whom a license has been granted by the state
6 board, shall be punished as provided in the following section.

[C. C. 1319, 1321, 1325, 1347, 1425, modified.]

Sec. 305. Penalties.

1 Any person violating any provision of this or the following chap-
2 ters of this title shall be fined not less than one hundred dollars
3 (\$100.00) nor more than one thousand dollars (\$1,000.00) or by im-
4 prisonment in the county jail for not more than sixty (60) days, or
5 by both such fine and imprisonment.

[C. C. 1319, 1321, 1333, 1347, 1377, 1409, 1412, 1420, 1422,
1424, 1425, modified.]

Sec. 306. Prima Facie Evidence of Engaging in Practice.

1 The opening of an office or place of business for the practice of
2 any profession for which a license is required by this title, the an-
3 nouncing to the public in any way the intention to practice any such
4 profession, the use of any professional degree or designation, or of
5 any sign, card, circular, device, or advertisement, as a practitioner of
6 any such profession, or as a person skilled in the same, shall be prima
7 facie evidence of engaging in the practice of such profession.

[C. C. 1378, modified.]

Sec. 307. Enforcement—Duty of County Attorney.

1 The county attorney in each county shall assist in the enforce-
2 ment of the provisions of this title.

[C. C. 1396, modified.]

CHAPTER 13.**PRACTICE OF MEDICINE.****Sec. 308. Persons Engaged in Practice of Medicine.**

1 For the purpose of this title the following classes of persons shall
2 be deemed to be engaged in the practice of medicine:

3 1. Persons who publicly profess to be physicians or surgeons or

4 who publicly profess to assume the duties incident to the practice of
5 medicine.

6 2. Persons who make a practice of prescribing or do prescribe
7 and furnish medicine for human ailments.

8 3. Persons who publicly profess to heal or cure human ailments.

[C. C. 1311; see 125 Iowa, 585.]

Sec. 309. Persons Not Engaged in Practice of Medicine.

1 The preceding section shall not be construed to include the fol-
2 lowing classes of persons:

3 1. Persons who advertise or sell patent or proprietary medicines.

4 2. Persons who advertise, sell, or prescribe natural mineral wa-
5 ters flowing from wells or springs.

6 3. Students of medicine or surgery who have completed at least
7 two (2) years' study in a medical school, approved by the state board
8 as in good standing, and who prescribe medicine under the super-
9 vision of a licensed physician or who render gratuitous service to per-
10 sons in case of emergency.

11 4. Licensed osteopaths, nurses, dentists, optometrists, and phar-
12 macists who are exclusively engaged in practice of their respective
13 professions.

14 5. Physicians and surgeons of the United States army, navy, or
15 public health service when acting in the line of duty in this state, or
16 to physicians licensed in another state, when incidentally called into
17 this state in consultation with a physician licensed in this state.

[C. C. 1311, modified; rule of state board of medical exam-
iners.]

Sec. 310. Requirements for License.

1 Each applicant for a license to practice medicine shall, in accord-
2 ance with the rules of the state board, be required:

3 1. To present a diploma issued by a medical college recognized
4 by the state board as being in good standing.

[C. C. 1312.]

5 2. To pass an examination in the subjects of anatomy, chemistry,
6 physiology, materia medica and therapeutics, obstetrics, pathology,
7 theory and practice, and surgery to be prescribed by the examining
8 committee; but in the subjects of materia medica and therapeutics,
9 and theory and practice, each applicant shall be examined in accord-
10 ance with the teachings of the school of medicine which he desires
11 to practice.

[C. C. 1313.]

Sec. 311. Recognition of Certificates of National Board.

1 The state board may accept in lieu of the examination prescribed
2 in the preceding section a certificate of examination issued by the
3 national board of medical examiners upon which there is a representa-
4 tive of the war, navy, and treasury departments of the United States
5 and of the federation of state medical examining boards, but every
6 applicant for a license upon the basis of such certificate shall be re-
7 quired to pay the fee prescribed for licenses issued under reciprocal
8 agreements.

[New.]

CHAPTER 14.

PRACTICE OF OSTEOPATHY.

Sec. 312. Osteopathy Defined.

1 For the purpose of this title any person shall be deemed to be
2 engaged in the practice of osteopathy who treats human ailments by
3 the method known as osteopathy or who publicly professes to be an
4 osteopath and to assume the duties incident to said profession.

[New.]

Sec. 313. Requirements for License.

1 Every applicant for a license to practice osteopathy shall, in ac-
2 cordance with the rule of the state board, be required:

3 1. To present a certificate of graduation issued by some institu-
4 tion teaching osteopathy which has been recognized as in good stand-
5 ing by the Iowa osteopathic association, and in which the course of
6 study consists of the subjects in which the applicant is required to be
7 examined, and in which said course covers a period of at least four (4)
8 years of nine (9) months each year, and to which the entrance require-
9 ment is the completion of a four (4) year high school course in some
10 school accredited by the state board.

11 2. To pass an examination in the subjects of anatomy, physiology,
12 chemistry, histology, pathology, gynecology, and obstetrics.

[C. C. 1322, modified.]

Sec. 314. Use of Drugs and Operative Surgery Prohibited.

1 A license to practice osteopathy shall not authorize the licensee to
2 prescribe or use drugs in his practice nor to engage in major operative
3 surgery.

[C. C. 1323.]

CHAPTER 15.

PRACTICE OF NURSING.

Sec. 315. Nursing Defined.

1 For the purpose of this title any person shall be deemed to be
2 engaged in the practice of nursing who practices nursing as a graduate
3 or registered nurse or publicly professes to be a graduate or registered
4 nurse and to assume the duties incident to such profession.

[C. C. 1334, modified.]

Sec. 316. Certain Nurses Exempted.

1 The preceding section shall not apply to any person nursing the
2 sick with or without pay who does not in any way assume to be a
3 registered or graduate nurse.

[C. C. 1334.]

Sec. 317. Requirements for License.

1 Every applicant for a license to practice nursing shall, in accord-
2 ance with the rules of the state board, be required:

3 1. To present a diploma issued by a nurses' training school recog-
4 nized by the state board as being in good standing.

[C. C. 1329.]

5 2. To present evidence of having had at least two (2) years of
6 instruction in general hospital practice.

[C. C. 1329.]

7 3. To pass an examination in the subjects of elementary hygiene,
8 anatomy, physiology, materia medica, dietetics, practical nursing,
9 medical and surgical nursing, obstetrics, nursing of children, the rules
10 of the state board relating to communicable diseases and quarantine,
11 and such other subjects as the state board may prescribe.

[C. C. 1331.]

Sec. 318. Requirements for Schools of Good Standing.

1 No training school shall be accredited by the state board as a
2 school of recognized standing which is not attached to a general hos-
3 pital and which does not have a course of study of at least three (3)
4 years.

[C. C. 1329.]

CHAPTER 16.**PRACTICE OF DENTISTRY.****Sec. 319. Practice of Dentistry Defined.**

1 For the purpose of this title the following classes of persons shall
2 be deemed to be engaged in the practice of dentistry:

3 1. Persons publicly professing to be dentists, dental surgeons, or
4 skilled in the science of dentistry, or publicly professing to assume
5 the duties incident to the practice of dentistry.

6 2. Persons publicly professing or attempting to cure, treat, heal,
7 or correct by any medicine, appliance, or method any disorder, lesion,
8 injury, deformity, or defect of the oral cavity, teeth, gums, or maxil-
9 lary bones of the human being, or to give prophylactic treatment to
10 any of said organs.

[C. C. 1378, modified.]

Sec. 320. Persons Not Engaged in Practice of Dentistry.

1 The preceding section shall not be construed to include the fol-
2 lowing classes:

3 1. Students of dentistry who practice dentistry upon patients at
4 clinics in connection with their regular course of instruction at the
5 state dental college.

[C. C. 1378, 1397, modified.]

6 2. Licensed physicians who extract teeth or treat diseases of
7 the oral cavity, gums, teeth, or maxillary bones as an incident to the
8 general practice of medicine.

[C. C. 1378, 1397.]

9 3. Persons who are members of an incorporated society and
10 practice dentistry solely for and among the members of such incorpo-
11 rated society without charge.

[C. C. 1397.]

12 4. Persons licensed to practice dental hygiene who are exclusively
13 engaged in the practice of said profession.

[C. C. 1385.]

Sec. 321. Requirements for License.

1 Every applicant for a license to practice dentistry shall, in accord-
2 ance with rules of the state board, be required:

3 1. To present a diploma issued by a dental college recognized by
4 the state board as being in good standing.

5 2. To pass an examination in the science of dentistry and the prac-
6 tice of dental surgery.

[C. C. 1384.]

Sec. 322. Names of Employed Dentists to Be Posted.

1 Every person who owns, operates, or controls a dental office in
2 which anyone other than himself is practicing dentistry shall display
3 the name of such person in a conspicuous manner at the public en-
4 trance to said office.

[C. C. 1392.]

Sec. 323. Employment of Unlicensed Dentist—Laboratory Work.

1 No person owning or conducting any place where dental work of

2 any kind is done or contracted for, shall employ or permit any unli-
3 censed dentist to practice dentistry in said place, but persons who are
4 not licensed dentists may perform laboratory work.

[C. C. 1393.]

Sec. 324. Dentists to Practice Under Their Own Names.

1 No person shall operate any place in which dentistry is practiced
2 under any other name than his own, or display in connection with
3 his practice on any advertising matter any other than his own name;
4 but two (2) or more licensed dentists who are associated in the prac-
5 tice may use all of their names, and a widow, heir, or any legal repre-
6 sentative of a deceased dentist, may operate such office for a reason-
7 able time for the purpose of disposing of the same.

[C. C. 1394.]

Sec. 325. Practice of Dental Hygienists Defined.

1 Any woman may be licensed as a dental hygienist and such license
2 shall authorize her to remove lime deposits, accretions and stains
3 upon the exposed surfaces of the teeth and directly beneath the free
4 margins of the gums, but such practice must be carried on in a dental
5 office, a public or private school, or in a public institution, and under
6 the supervision of a licensed dentist. Dental hygienists shall not
7 otherwise engage in the practice of dentistry.

[C. C. 1385.]

Sec. 326. Requirements for Dental Hygienists.

1 Every applicant for a license to practice dental hygiene shall, in
2 accordance with the rules of the state board, be required:

- 3 1. To present evidence of a preliminary education equivalent to
4 two (2) years in the high school.

- 5 2. To present a diploma from a training school for dental hygiene
6 which gives a suitable course of not less than one (1) academic year
7 of at least nine (9) months, and which has been approved by the state
8 board.
- 9 3. To pass an examination in the subjects taught in the curricu-
10 lum of an approved training school for dental hygiene.

[C. C. 1385.]

CHAPTER 17.

PRACTICE OF OPTOMETRY.

Sec. 327. Optometry Defined.

1 For the purpose of this title any person shall be deemed to be
2 engaged in the practice of optometry who employs any means for the
3 measurement of the powers of vision of the human eyes, other than
4 drugs, and adapts lenses for aiding the same, or who publicly professes
5 to be an optometrist and to assume the duties incident to said pro-
6 fession.

[C. C. 1399, modified.]

Sec. 328. Dealers Excepted.

1 The preceding section shall not apply to merchants or dealers
2 who sell glasses as merchandise and who do not profess to be opto-
3 metrists or practice optometry as herein defined.

[C. C. 1408.]

Sec. 329. Requirements for License.

1 Every applicant for a license to practice optometry shall, in ac-
2 cordance with the rules of the state board, be required:

3 1. To possess a preliminary education equivalent to at least two
4 (2) years' study in a high school.

5 2. To present a diploma from a standard school of optometry or
6 evidence that he has studied three (3) years in the office of a licensed
7 optometrist.

8 3. To pass an examination in the subjects of physiology of the
9 eye, optical physics, anatomy of the eye, ophthalmology, and prac-
10 tical optometry.

[C. C. 1404.]

Sec. 330. School of Optometry Defined.

1 For the purposes of the preceding section "standard school of
2 optometry" shall mean a school which gives a course of instruction of
3 not less than two (2) years' duration in which at least seventy-
4 eight (78) hours of the instruction is devoted to each of the subjects
5 enumerated in paragraph three (3) of the preceding section, and at
6 which the school year shall consist of at least three (3) months of
7 continuous attendance.

[C. C. 1399, 1404, modified.]

CHAPTER 18.

PRACTICE OF PHARMACY.

Sec. 331. Persons Engaged in Practice of Pharmacy.

1 For the purpose of this title the following classes of persons shall
2 be deemed to be engaged in the practice of pharmacy:

3 1. Persons who engage in the business of selling, or offering or
4 exposing for sale, drugs and medicines at retail.

5 2. Persons who compound or dispense drugs and medicines or fill
6 the prescriptions of licensed physicians, dentists, or veterinarians.

[C. C. 1412.]

Sec. 332. Persons Not Engaged in Practice of Pharmacy.

1 The preceding section shall not be construed to include the fol-
2 lowing classes:

3 1. Persons who assist in the selling or dispensing of drugs and
4 medicines under the immediate supervision of a licensed pharmacist.

5 2. Persons who sell, offer or expose for sale, denatured alcohol,
6 concentrated lye, poison fly paper, insecticides or fungicides.

7 3. Persons licensed to practice medicine, dentistry, or veterinary
8 medicine who dispense drugs and medicines as an incident to the
9 practice of their profession.

10 4. Persons who sell, offer or expose for sale proprietary medi-
11 cines or domestic remedies which do not contain intoxicating liquor or
12 poison.

[C. C. 1412.]

Sec. 333. Definitions.

1 For the purposes of this chapter:

1 1. "Drugs and medicines" shall include all substances and prep-
2 arations recognized in the United States Pharmacopœia and National
3 Formulary for internal or external use, and any substance or mixture
4 of substances intended to be used for the cure, mitigation or preven-
5 tion of disease of either man or animals.

[C. C. 1434.]

6 2. "Pharmacy" shall mean a drug store in which the prescriptions
7 of licensed physicians, dentists, and veterinarians are compounded.

[New.]

8 3. "Recognized school of pharmacy" shall mean any school or col-
9 lege of pharmacy whose entrance and graduation requirements are

10 equivalent to those prescribed from time to time by the American
11 conference of pharmaceutical faculties.

[C. C. 1417.]

Sec. 334. Requirements for License.

1 Every applicant for a license to practice pharmacy shall, in ac-
2 cordance with the rules of the state board, pass a satisfactory exam-
3 ination in the science and practice of pharmacy and present evidence
4 of possessing the qualifications enumerated in one (1) of the follow-
5 ing paragraphs:

6 1. The completion of two (2) years' work in a recognized school of
7 pharmacy and at least two (2) years of practical experience as a clerk
8 under the supervision of a licensed pharmacist in a pharmacy.

9 2. The completion of three (3) years' work in a recognized school
10 of pharmacy and at least one (1) year of practical experience as
11 specified in the preceding paragraph.

12 3. The completion of four (4) years' work in a recognized school
13 of pharmacy.

[C. C. 1417, 1418.]

Sec. 335. Permitting Persons Not Registered to Dispense Drugs.

1 No licensed pharmacist shall allow anyone who is not a licensed
2 pharmacist to sell, or offer or expose for sale, or dispense drugs and
3 medicines, or fill the prescriptions of licensed physicians, dentists and
4 veterinarians, unless the same be done under the immediate super-
5 vision of a licensed pharmacist.

[C. C. 1412.]

CHAPTER 19.

PRACTICE OF EMBALMING.

Sec. 336. Embalming Defined.

1 For the purpose of this title any person shall be deemed to be
2 engaged in the practice of embalming who makes a practice of pre-
3 paring the dead bodies of human beings for burial or other final dis-
4 position or who publicly professes to be an embalmer and to assume the
5 duties incident to said profession.

[C. C. 1339.]

Sec. 337. Requirements for License.

1 Every applicant for a license to practice embalming shall, in
2 accordance with the rules of the state board, be required to present
3 evidence of either two (2) years of practical experience under a
4 licensed embalmer in this state, or one (1) year of such practical ex-
5 perience, and the completion of the regular course of instruction in a
6 school of embalming recognized as being in good standing by the state
7 board, and in addition thereto, shall be required:

8 1. To present evidence of having actually embalmed ten (10)
9 bodies, under the supervision of a licensed embalmer.

10 2. To pass an examination in the subjects of anatomy, sanitary
11 science, the care, disinfection, preservation, transportation and burial,
12 or other final disposition of dead bodies, and the rules of the state
13 board relating to communicable diseases and quarantine.

14 3. At the request of the examining committee to demonstrate his
15 proficiency as an embalmer by operations on a cadaver.

[C. C. 1304, 1341.]

CHAPTER 20.

TEMPORARY AND SPECIAL PROVISIONS.

Sec. 338. Continuation of Present Boards, Committees, and Commissions.

1 The state board of health, state board of medical examiners,
2 nurses' examining committee, state board of dental examiners, state
3 board of optometry examiners, state pharmacy commission, and em-
4 balmers' examining committee as constituted on September first, nine-
5 teen hundred twenty (1920), and their respective secretaries, shall
6 continue in office, irrespective of their term of appointment, until July
7 first, nineteen twenty-one (1921) and shall exercise all the powers, dis-
8 charge all the duties, and enjoy all the rights, now imposed upon them
9 or granted to them by law, until said date, when said boards, commit-
10 tees, and commissions shall cease to exist and shall be superseded by
11 the state board of health and examining committees provided for in
12 the preceding chapters of this title.

[New.]

Sec. 339. Engineer Member of New Board of Health.

1 The civil and sanitary engineer, who is a member of the state
2 board of health as constituted on September first, nineteen hundred
3 twenty (1920), shall, on July first, nineteen hundred twenty-one
4 (1921), become the civil and sanitary engineer of the state board of
5 health, provided for in chapter one (1) of this title, and shall serve in
6 such capacity until the expiration of his present term of office on July
7 first, nineteen hundred twenty-three (1923).

[New.]

Sec. 340. Other Members of New Board of Health.

1 The governor shall, during the regular session of the thirty-ninth

2 general assembly, and with the approval of the senate, appoint, within
3 sixty (60) days after the convening of said assembly, two (2) mem-
4 bers of the state board of health provided for in chapter one (1) of
5 this title; one (1) of whom shall be a licensed physician and the other
6 a person who shall possess the necessary business and executive quali-
7 fications prescribed in said chapter. The above appointments shall be
8 made in accordance with the provisions of chapter one (1) of this
9 title in so far as applicable. The physician appointee shall serve for a
10 period of six (6) years and the other appointee for a period of four
11 (4) years, both commencing their terms of office on July first, nineteen
12 hundred twenty-one (1921).

[New.]

Sec. 341. Secretary of New Board of Health.

1 The secretary of the state board of health as constituted on Sep-
2 tember first, nineteen hundred twenty (1920) shall, on July first, nine-
3 teen hundred twenty-one (1921), become the secretary of the state
4 board of health, provided for in chapter one (1) of this title, and shall
5 serve in such capacity until the expiration of his present term of
6 office on July first, nineteen hundred twenty-three (1923).

[New.]

Sec. 342. Present Members of Board of Health to Be Medical Examiners.

1 The physician members of the state board of health as constituted
2 on September first, nineteen hundred twenty (1920) whose terms ex-
3 pire on June thirtieth, in nineteen hundred twenty-two (1922), nine-
4 teen hundred twenty-four (1924), and nineteen hundred twenty-five
5 (1925), respectively, shall, on July first, nineteen hundred twenty-one
6 (1921), become members of the committee of medical examiners pro-

7 vided for in chapter eleven (11) of this title and shall serve in such
8 capacity until the expiration of their present terms of office upon the
9 above specified dates.

[New.]

Sec. 343. New Members of Committee of Medical Examiners.

1 The state board of health as reorganized by this chapter shall,
2 immediately after qualifying on July first, nineteen hundred twenty-
3 one (1921), appoint one (1) additional member of said examining com-
4 mittee, subject to the provisions of chapter eleven (11) of this title
5 in so far as applicable, who shall serve until July first, nineteen hun-
6 dred twenty-three (1923).

[New.]

Sec. 344. New Examiners for Nurses, Optometrists, and Embalmers.

1 The state board of health as reorganized by this chapter shall, im-
2 mediately after qualifying on July first, nineteen hundred twenty-one
3 (1921), appoint, subject to the provisions of chapter eleven (11) of
4 this title in so far as applicable, four (4) members of each of the fol-
5 lowing committees:

- 6 1. Nurse examiners.
- 7 2. Optometry examiners.
- 8 3. Embalmer examiners.

[New.]

Sec. 345. Term of Office.

1 The term of one (1) of the members of each of the above commit-
2 tees shall expire on June thirtieth, nineteen hundred twenty-two
3 (1922), one (1) on June thirtieth, nineteen hundred twenty-three
4 (1923), one (1) on June thirtieth, nineteen hundred twenty-four

5 (1924), and one (1) on June thirtieth, nineteen hundred twenty-five
6 (1925), as designated by the state board of health.

[New.]

Sec. 346. Continuation of Present Dental Examiners.

1 The members of the state board of dental examiners as consti-
2 tuted on September first, nineteen hundred twenty (1920) whose
3 terms expire on July thirty-first, in nineteen hundred twenty-two
4 (1922), nineteen hundred twenty-three (1923), nineteen hundred
5 twenty-four (1924), and nineteen hundred twenty-five (1925), respec-
6 tively, shall, on July first, nineteen hundred twenty-one (1921), become
7 members of the committee of dental examiners, provided for in chap-
8 ter eleven (11) of this title, and shall serve in such capacity until
9 July first, nineteen hundred twenty-two (1922), nineteen hundred
10 twenty-three (1923), nineteen hundred twenty-four (1924) and nine-
11 teen hundred twenty-five (1925), respectively.

[New.]

Sec. 347. Continuation of Terms of Members of Pharmacy Commission.

1 The members of the state pharmacy commission as constituted
2 on September first, nineteen hundred twenty (1920) whose terms ex-
3 pire on April twenty-third, in nineteen hundred twenty-two (1922),
4 and nineteen hundred twenty-three (1923), respectively, shall, on July
5 first, nineteen hundred twenty-one (1921), become members of the
6 committee of pharmacy examiners, provided for in chapter eleven (11)
7 of this title, and shall serve in such capacity until July first, nineteen
8 hundred twenty-two (1922) and July first, nineteen hundred twenty-
9 three (1923), respectively.

[New.]

Sec. 348. New Members of Pharmacy Examining Committee.

1 The state board of health as reorganized in this chapter shall, im-
2 mediately after qualifying on July first, nineteen hundred twenty-one
3 (1921), appoint two (2) additional members of said pharmacy examin-
4 ing committee, subject to the provisions of chapter eleven (11) of this
5 title, as far as applicable; one (1) such member shall serve until July
6 first, nineteen hundred twenty-four (1924), and one (1) until July
7 first, nineteen hundred twenty-five (1925), as designated by the state
8 board of health.

[New.]

Sec. 349. Appointment of Successors.

1 Upon the expiration of the respective terms of the members of the
2 state board of health, its secretary and the various examiners pro-
3 vided by this chapter their successors shall be appointed as provided
4 in the preceding chapters of this title.

[New.]

Sec. 350. Secretary Ex-officio Member of Examining Committee.

1 From and after July first, nineteen hundred twenty-one (1921)
2 the secretary of the state board of health shall be ex-officio a member
3 of each of the examining committees provided in this title.

[New.]

Sec. 351. Surrender of Public Records.

1 On June thirtieth, nineteen hundred twenty-one (1921), the mem-
2 bers and secretaries of the state board of medical examiners, nurses'
3 examining committee, state board of dental examiners, state board of
4 optometry examiners, state pharmacy commission, and embalmers'
5 examining committee, as constituted on said date, and the hotel in-

6 spector and chief oil inspector, shall deliver all public records, docu-
7 ments, correspondence, papers, property and equipment in possession
8 of said members, secretaries, or officers, to the secretary of the state
9 board of health who shall dispose of the same in accordance with the
10 instructions given to him by the state board of health as organized
11 on July first, nineteen hundred twenty-one (1921).

[New.]

Sec. 352. Certification of Records.

1 After July first, nineteen hundred twenty-one (1921), the secre-
2 tary of the state board of health shall have authority to make certified
3 copies of any of the public records, documents, and papers delivered
4 to him under the preceding section.

[New.]

Sec. 353. Existing Permanent Licenses.

1 Every license to practice medicine, osteopathy, nursing, dentistry,
2 or dental hygiene in force at the time of the taking effect of this title
3 shall constitute a permanent license to practice the profession for
4 which issued and shall have the same force and effect as a license
5 issued under this title, but the holder thereof shall be subject to and
6 comply with all the provisions of this title, which have not been com-
7 plied with, except as otherwise provided in this section.

[New.]

Sec. 354. Existing Annual Licenses.

1 Every license to practice optometry, pharmacy, or embalming in
2 force at the time of the taking effect of this title shall authorize the
3 holder thereof to practice his profession until the thirtieth day of
4 June following the taking effect of this code when the same shall be

5 renewed as provided in this title, and such license shall have the
6 same force and effect as a license issued under this title, but the holder
7 thereof shall be subject to and comply with all the provisions of this
8 title, which have not been complied with, except as otherwise pro-
9 vided in this section.

[New.]

Sec. 355. Omission From Permanent Code.

1 The provisions of this chapter are temporary or special in char-
2 acter and the code editor shall omit the same from the permanent code
3 when prepared for final publication.

[New.]

Code Commissioners' Bill No. 64

Subject: FOOD AND DRUG DEPARTMENT

Senate File No..... Referred to Committee on
 House File No.....
 By Date.....

A BILL FOR

An act to amend, revise, and codify title seven (7) and sections fourteen hundred twenty-seven (1427) to fourteen hundred forty-one (1441), inclusive, and section eighty-eight hundred fifty-two (8852) of the compiled code of Iowa, relating to the state dairy and food department, and to poisons and pure drugs.

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

That title seven (7) and sections fourteen hundred twenty-seven (1427) to fourteen hundred forty-one (1441), inclusive, and section eighty-eight hundred fifty-two (8852) of the compiled code of Iowa are amended, revised, and codified to read as follows:

CHAPTER 1.

ORGANIZATION.

Section 1. Appointment of Commissioner—Term of Office.

1 The governor shall, during the session of the general assembly in
 2 nineteen hundred twenty-five (1925) and each four (4) years there-
 3 after, appoint with the approval of two-thirds ($\frac{2}{3}$) of the members of
 4 the senate a commissioner, who shall be the head of the state food and
 5 drug department and who shall hold office for a term of four (4) years
 6 commencing on July first following his appointment; such appoint-
 7 ments shall be submitted to the general assembly within sixty (60)
 8 days after the convening of the same.

9 Vacancies in the office of commissioner which occur while the
10 general assembly is not in session shall be filled by the governor and
11 such appointments shall expire at the end of thirty (30) days from
12 the time the general assembly next convenes. Prior to the expiration
13 of said thirty (30) days the governor shall transmit to the senate for
14 its confirmation an appointment for the unexpired portion of the regu-
15 lar term. Vacancies occurring during a session of the general assem-
16 bly shall be filled as regular appointments, before the end of said
17 session, and for the unexpired portion of the regular term.

18 The dairy and food commissioner in office at the time this title
19 takes effect shall serve as the commissioner provided for in this section
20 and shall act as head of the food and drug department, until July first,
21 nineteen hundred twenty-five (1925).

[C. C. 1442, modified.]

Sec. 2. Qualifications of Commissioner.

1 The commissioner shall be a resident of this state and shall have
2 general knowledge of the production and manufacture of dairy, food,
3 and drug products; he shall not hold any other official position nor
4 be a member of the instructional staff of any of the state educational
5 institutions.

[C. C. 1442, modified.]

Sec. 3. Office—Seal.

1 The office of the commissioner shall be at the seat of govern-
2 ment; he shall devote his entire time to the duties of his office; and
3 shall have an official seal.

[C. C. 1442, 1472, modified.]

Sec. 4. Deputy and Assistants.

1 The commissioner shall appoint a deputy commissioner, a chief
2 chemist, a chief inspector of weights and measures, a superintendent
3 of milk inspection, a chief drug inspector, a chief clerk, a license clerk,
4 and such other inspectors, assistants, and stenographers as may be
5 necessary to perform the duties imposed upon him by law; and the
6 persons thus appointed shall devote their entire time to the duties
7 assigned to them.

[C. C. 1442, modified.]

Sec. 5. Milk and Food Inspectors in Certain Cities.

1 In cities having a population of at least ten thousand (10,000)
2 the commissioner may appoint inspectors to make the necessary exam-
3 inations of milk and food products offered for sale therein. Such in-
4 spectors shall receive remuneration subject to the following limita-
5 tions:

6 1. In cities having a population of from ten thousand (10,000)
7 to fifteen thousand (15,000) such inspectors may receive remunera-
8 tion for not more than five (5) days' work each month.

9 2. In cities having a population of fifteen thousand (15,000) or
10 more, such inspectors may receive remuneration for six (6) days'
11 work each month and one (1) additional day each month for every
12 five thousand (5,000) inhabitants in excess of the first fifteen thou-
13 sand (15,000) in population.

[C. C. 1451, part new.]

Sec. 6. Approval of Certain Appointments.

1 The names of all applicants for the position of dairy inspector
2 shall be submitted to the director of the agricultural experiment sta-

tion at Ames for approval by said director and by the professor of dairying, and no person shall be appointed to said position unless approved by said director and professor.

[C. C. 1442.]

Sec. 7. Duties of Commissioner.

The duties of the commissioner shall be :

1. To execute and enforce the provisions of this title.
2. To make and publish all necessary rules, not inconsistent with law, for enforcing the provisions of this title.
3. To 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.
4. To 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.
5. To issue from time to time, with the approval of the executive council, bulletins showing the results of inspections, analyses, and prosecutions under this title. These bulletins shall be printed in such numbers as may be directed by the executive council and shall be distributed to the newspapers of the state and to all interested persons.
6. To make a detailed report each year, at the time provided by law, to the governor concerning the work of the food and drug department, including all receipts and disbursements for the year. Said

23 report may contain such facts and statistics concerning the produc-
24 tion and sale of the various articles dealt with in this title as are
25 deemed of public importance.

[C. C. 1438, 1442, 1446, 1462, 1472, 1473, 1480, 1483, 1500,
1512, 1530, 1535, 1539, 1552, 1560, 1566, 1568, 1591,
modified.]

Sec. 8. Notice of Adoption of Rules.

1 The commissioner, immediately after the adoption of any rule,
2 shall forward a certified copy thereof to the county auditor of each
3 county. When such rule shall be amended, notice of said amendment
4 shall be given in the same manner.

[New.]

Sec. 9. Time Rules Take Effect.

1 The rules of the commissioner and amendments thereto shall take
2 effect and be in force in the respective counties from and after the date
3 stated in the certified copies of said rules or amendments which are
4 forwarded to the county auditors.

[New.]

Sec. 10. Expenses.

1 The commissioner and his assistants and employees shall be al-
2 lowed, in addition to their salaries, traveling and other expenses inci-
3 dent to the performance of their duties.

[C. C. 1442, 1443, modified.]

Sec. 11. Appropriation.

1 There is hereby annually appropriated the sum of forty thousand
2 dollars (\$40,000.00), or so much thereof as may be necessary, from
3 any funds in the state treasury not otherwise appropriated, for the

4 purpose of carrying out the provisions of this title, including the pay-
5 ment of traveling and miscellaneous expenses.

[C. C. 1443.]

Sec. 12. Fees Paid Into State Treasury.

1 All fees collected under the provisions of this title shall be paid
2 into the state treasury.

[C. C. 1448, 1499, 1532, 1586.]

CHAPTER 2.

GENERAL PROVISIONS.

Sec. 13. Definitions and Rules of Construction.

1 For the purposes of this title:

2 1. "Article" shall include food, commercial feed, agricultural
3 seed, commercial fertilizer, drug, insecticide, fungicide, paint, linseed
4 oil, and turpentine, in the sense in which they are defined in the vari-
5 ous provisions of this title.

6 2. "Commissioner" shall mean the head of the state food
7 and drug department; and wherever said commissioner is required
8 or authorized to do an act, it shall be construed as authorizing per-
9 formance by a regular assistant or a duly authorized agent of the
10 commissioner.

11 3. "Package" or "container", unless otherwise defined, shall in-
12 clude wrapper, box, case, basket, hamper, can, bottle, jar, tube, cask,
13 vessel, tub, firkin, keg, jug, barrel, tank, tank car, and other recep-
14 tacles of a like nature; and wherever the expression "offered or ex-
15 posed for sale or sold in package or wrapped form" is used it shall
16 mean the offering or exposing for sale, or selling of an article which
17 is contained in a package or container as herein defined.

18 4. "Person" shall include a corporation, company, firm, society,
19 or association; and the act, omission, or conduct of any officer,
20 agent, or other person acting in a representative capacity shall be
21 imputed to the organization or person represented, and the person
22 acting in said capacity shall also be liable for violations of this title.

23 5. "Rules" shall include regulations and orders by the commis-
24 sioner.

25 6. "United States Pharmacopœia" or "National Formulary" shall
26 mean the latest revision of said publications official at the time of
27 any transaction which may be in question.

[C. C. 1477, 1548, 1555, 1568, part new.]

Sec. 14. Licenses.

1 The following regulations shall apply to all licenses issued or
2 authorized under this title:

3 1. *Applications.* Applications for licenses shall be made upon
4 blanks furnished by the commissioner and shall conform to the pre-
5 scribed rules of the commissioner.

6 2. *Refusal and revocation.* For good and sufficient grounds the
7 commissioner may refuse to grant a license to any applicant; and he
8 may revoke a license for a violation of any provision of this title, or
9 for the refusal or failure of any licensee to obey his lawful directions.

10 3. *Expiration.* Unless otherwise provided all licenses shall expire
11 one (1) year from the date of issue.

[C. C. 1444, 1448, 1482, 1487, 1499, 1504, 1586, modified.]

Sec. 15. Injunction Against Persons Not Licensed.

1 Any person engaging in any business for which a license is re-
2 quired by this title, without obtaining such license, may be restrained

3 by injunction, and shall pay all costs made necessary by such pro-
4 cedure.

[New.]

Sec. 16. Labeling.

1 All articles in package or wrapped form which are required by
2 this title to be labeled, unless otherwise provided, shall be conspicu-
3 ously marked in the English language in legible letters of not less
4 than eight-point heavy gothic caps on the principal label with the fol-
5 lowing items:

6 1. The true name, brand, or trademark of the article.

7 2. The quantity of the contents in terms of weight, measure, or
8 numerical count. Under this requirement reasonable variations shall
9 be permitted, and small packages shall be excepted in accordance with
10 the rules of the commissioner.

11 3. The name and place of business of the manufacturer, packer,
12 importer, dispenser, or dealer.

13 The above items shall be printed in such a way that there shall be
14 a distinct contrast between the color of the letters and the background
15 upon which printed.

[C. C. 1436, 1445, 1454, 1461, 1477, 1514, 1533, 1544, 1546,
1551, 1557, 1558, 1563, 1564, 1577.]

Sec. 17. Small Packages Excepted.

1 In case the size of the package or container will not permit the
2 use of the type specified in the preceding section, the same may be
3 reduced in size proportionately in accordance with the rules of the
4 commissioner.

[C. C. 1436, modified.]

Sec. 18. Labeling of Mixtures, Compounds, and Imitations.

1 In addition to the requirements of the second preceding section,
2 unless otherwise provided, articles which are mixtures, compounds,
3 combinations, blends, or imitations shall be marked as such and imme-
4 diately followed, without any intervening matter and in the same size
5 and style of type, by the names of all the ingredients contained therein,
6 beginning with the one present in the largest proportion.

[C. C. 1477, 1515, 1551, 1558, 1564.]

Sec. 19. Trade Formulas Excepted.

1 Nothing in the preceding section shall be construed as requiring
2 the printing of a patented trade formula on a label.

[C. C. 1477, 1515, modified.]

Sec. 20. False Labels—Defacement of Labels.

1 No person shall use any label required by this title which bears
2 any representations of any kind which are deceptive as to the true
3 character of the article or the place of its production, or which has
4 been carelessly printed or marked, nor shall any person erase or deface
5 any label required by this title.

[C. C. 1436, 1477, 1515, 1544, 1559, 1565.]

Sec. 21. Dealing in Mislabeled Articles.

1 No person shall knowingly introduce into this state, solicit orders
2 for, deliver, transport, or have in his possession with intent to sell,
3 any article which is labeled in any other manner than that prescribed
4 by this title for the label of said article when offered or exposed for
5 sale, or sold in package or wrapped form in this state.

[C. C. 1433, 1445, 1453, 1454, 1456, 1460, 1471, 1531, 1533,
1537, 1538, 1549, 1557, 1558, 1563, 1564, 1577.]

Sec. 22. Manufacture or Sale of Adulterated Articles.

1 No person shall knowingly manufacture, introduce into the state,
2 solicit orders for, sell, deliver, transport, have in his possession with
3 the intent to sell, or offer or expose for sale any article which is adul-
4 terated according to the provisions of this title.

[C. C. 1433, 1445, 1453, 1454, 1456, 1460, 1471, 1531, 1533,
1537, 1538, 1549, 1557, 1558, 1563, 1564, 1577.]

Sec. 23. Possession—Prima Facie Evidence.

1 Any person having in his possession or under his control any
2 article which is adulterated or which is improperly labeled according
3 to the provisions of this title shall be presumed to know its true char-
4 acter and name, and such possession shall be prima facie evidence of
5 having the same in possession with intent to violate the provisions of
6 this title.

[C. C. 1441, 1456, 1457, 1475, modified.]

Sec. 24. Penalty.

1 Any person violating any provision of this title, or any rule made
2 by the commissioner and promulgated under his authority shall be
3 punished by a fine of not less than ten dollars (\$10.00) nor more than
4 one hundred dollars (\$100.00) or by imprisonment in the county jail
5 not to exceed thirty (30) days.

[C. C. 1427, 1431, 1440, 1459, 1463, 1466, 1481, 1487, 1501,
1513, 1531, 1536, 1538, 1553, 1561, 1567, 1577, 1592,
1593, 1601, modified.]

Sec. 25. Second Offense—Penalty.

1 If any person who has been convicted under the preceding section
2 shall be again convicted of a violation of any of the provisions of

3 this title or of any rule of the commissioner, on a similar charge, he
4 shall be punished by a fine of not less than twenty-five dollars (\$25.00)
5 nor more than two hundred dollars (\$200.00), or by imprisonment in
6 the county jail not to exceed sixty (60) days, or by both such fine and
7 imprisonment, but such former conviction shall be referred to in the
8 indictment or information, stating the court, date, and place that judg-
9 ment was rendered.

[C. C. 1431, 1487, 1501, 1513, 1536, 1538, modified.]

Sec. 26. Third Offense—Penalty.

1 If any person who has been convicted of a second offense as speci-
2 fied in the preceding section, shall be again convicted of a violation of
3 any of the provisions of this title or of any rule of the commissioner,
4 on a similar charge, he shall be punished by a fine of not less than
5 fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00),
6 or by imprisonment in the county jail not to exceed ninety (90) days,
7 or by both such fine and imprisonment, but such former convictions
8 shall be referred to in the indictment or information, stating the
9 courts, dates, and places that the judgments were rendered.

[C. C. 1431, 1487, 1501, 1536, 1538, modified.]

Sec. 27. Proof of Former Conviction.

1 On the trial of any of the offenses named in the two (2) preceding
2 sections, a duly authenticated copy of the record of the former judg-
3 ment in any court wherein said conviction was had shall be prima
4 facie evidence of such former conviction and may be used in evidence.

[New.]

Sec. 28. Information May Charge More Than One Offense.

1 In any criminal proceeding brought for violation of this title an

2 information or indictment may charge as many offenses as it appears
3 have been committed and the defendant may be convicted of any or
4 all of said offenses.

[New.]

Sec. 29. Common Carrier Excepted.

1 None of the penalties provided in this title shall be imposed upon
2 any common carrier for introducing into the state, or having in its
3 possession, any article which is adulterated or improperly labeled ac-
4 cording to the provisions of this title when the same was received by
5 said carrier for transportation in the ordinary course of its business
6 and without actual knowledge of its true character.

[C. C. 1433, 1471, modified.]

Sec. 30. Goods for Sale in Other States.

1 Any person may keep articles specifically set apart in his stock for
2 sale in other states which do not comply with the provisions of this
3 title as to standards, purity, or labeling.

[C. C. 1441, 1471, modified.]

Sec. 31. Reports by Dealers.

1 Every person who deals in or manufactures any of the articles
2 dealt with in this title shall make upon blanks furnished by the com-
3 missioner such reports and furnish such statistics as may be required
4 by him and certify to the correctness of the same.

[C. C. 1470, modified.]

Sec. 32. Contracts Invalid.

1 No action shall be maintained in any of the courts of the state
2 upon any contract or sale made in violation of or with the intent to

3 violate any provision of this title by one who was knowingly a party
4 thereto.

[C. C. 1458, modified.]

CHAPTER 3.

INSPECTION.

Sec. 33. **Procuring Samples.**

1 The commissioner shall, for the purpose of examination or analy-
2 sis, procure from time to time, or whenever he has occasion to believe
3 any of the provisions of this title are being violated, samples of the
4 articles dealt with in this title which have been shipped into this state,
5 offered or exposed for sale, or sold in the state.

[C. C. 1451, 1457, 1473, 1475, 1519, 1535, modified.]

Sec. 34. **Access to Factories and Buildings.**

1 The commissioner shall have full access to all places, factories,
2 buildings, stands, or premises, and to all wagons, auto trucks, vehicles,
3 or cars used in the preparation, production, distribution, transporta-
4 tion, offering or exposing for sale, or sale of any article dealt with in
5 this title.

[C. C. 1464, 1467, 1500, 1507, 1587, modified.]

Sec. 35. **Dealer to Furnish Samples.**

1 Upon request and tender of the selling price by the commissioner
2 any person who prepares, manufactures, offers or exposes for sale, or
3 delivers to a purchaser any article dealt with in this title shall fur-
4 nish, within business hours, a sample of the same, sufficient in quan-
5 tity for a proper analysis or examination as shall be provided by the
6 rules of the commissioner.

[C. C. 1475, 1519, modified.]

Sec. 36. Taking of Samples Without Consent of Owner.

1 The commissioner may without the consent of the owner examine
2 or open any package containing, or believed to contain, any article or
3 product which he suspects may be prepared, manufactured, offered or
4 exposed for sale, sold, or held in possession in violation of the provi-
5 sions of this title in order to secure a sample for analysis or examina-
6 tion and said sample shall be paid for at the current market price out
7 of the appropriations for the food and drug department.

[C. C. 1452, 1468, 1519, modified.]

Sec. 37. Preservation of Sample.

1 After the sample is taken it shall be carefully sealed with the seal
2 of the commissioner and labeled with the name or brand of the article,
3 the name of the party from whose stock it was taken, and the date and
4 place of taking such sample. Upon request a duplicate sample shall
5 be delivered to the person from whose stock the sample was taken.
6 The label and duplicate shall be signed by the commissioner. The
7 method of taking samples of particular articles may be prescribed by
8 the rules of the commissioner.

[C. C. 1475, 1519, modified.]

Sec. 38. Witnesses—Subpoenas—Examination.

1 In the enforcement of the provisions of this title the commis-
2 sioner shall have power to issue subpoenas for witnesses, enforce their
3 attendance, and examine them under oath. Such witnesses shall be
4 allowed the same fees as witnesses in justice of the peace courts. Said
5 fees shall be paid out of the appropriation for the food and drug
6 department.

[C. C. 1442, modified.]

Sec. 39. Resisting Commissioner.

1 Any person resisting or interfering with the commissioner, his
2 assistants or authorized agents in the performance of their duties
3 shall be guilty of a misdemeanor and punished as provided in the pre-
4 ceding chapter of this title.

[C. C. 1439, 1469, 1481, 1531, 1536, 1592, modified.]

Sec. 40. Report of Violations to County Attorney.

1 When it shall appear that any of the provisions of this title have
2 been violated, the commissioner shall at once certify the facts to the
3 proper county attorney, with a copy of the results of any analysis,
4 examination or inspection he may have made, duly authenticated by
5 the proper person under oath, and with any additional evidence which
6 may be in his possession.

[C. C. 1474, 1540, modified.]

Sec. 41. Duty of County Attorney.

1 The county attorney shall at once institute the proper proceed-
2 ings for the enforcement of the penalties provided in this title for
3 such violations.

[C. C. 1474, 1541, modified.]

Sec. 42. Refusal of County Attorney.

1 If the county attorney refuses to act the governor may in his dis-
2 cretion appoint an attorney to represent the state.

[C. C. 1474.]

CHAPTER 4.**ADULTERATION OF FOODS.****Sec. 43. Definitions and Standards.**

1 For the purposes of this chapter the following definitions and
2 standards of food are established:

3 1. **Butter.** Butter is the clean, nonrancid product made by gather-
4 ing in any manner the fat of fresh or ripened milk or cream into a
5 mass which contains a small portion of other milk constituents, with
6 or without the addition of salt, or harmless coloring matter, and con-
7 taining at least eighty per cent (80%), by weight, of milk-fat.

8 2. *Imitation butter.* Imitation butter is any product containing
9 any fat other than that derived from milk or cream, as provided in
10 paragraph one (1) above, and made in the appearance of or designed
11 to be used for any of the purposes for which butter is used.

12 3. *Renovated butter.* Renovated butter is butter produced by
13 taking original packing stock butter, or other butter, or both, and
14 melting the same so that the milk-fat can be extracted, then by mix-
15 ing the said milk-fat with skimmed milk, milk, cream, or some milk
16 product, and rechurning or reworking the said mixture; or butter
17 made by any method which produces a product commonly known as
18 as boiled, process, or renovated butter.

19 4. **Cheese—whole milk or cream.** Whole milk or cream cheese is
20 the sound, ripened product made from milk or cream by coagulating
21 the casein with rennet or lactic acid, with or without the addition of
22 ripening ferments, seasonings, or color, and containing at least thirty
23 per cent (30%) of milk-fat.

24 5. *Imitation cheese.* Imitation cheese is a product containing any
25 substance other than that produced from milk or cream, as provided
26 in paragraph four (4) above, and made in the appearance of or de-
27 signed to be used for any of the purposes for which cheese produced
28 from milk or cream is used.

29 6. *Skimmed milk cheese.* Skimmed milk cheese is a product made
30 from skimmed milk by one of the processes by which whole milk or
31 cream cheese is made, and containing less than thirty per cent (30%)
32 of milk-fat.

33 7. **Cream.** Cream is the fresh portion of milk containing at least
34 sixteen per cent (16%) of milk-fat, which rises to the surface of
35 milk on standing or is separated from it by centrifugal force.

36 8. **Flavoring extract.** A flavoring extract is a solution in ethyl alco-
37 hol or other suitable medium of the sapid and odorous principles de-
38 rived from an aromatic plant, or parts of the plant, with or without its
39 coloring matter, and conforms in name to the plant used in its prep-
40 aration.

41 9. *Almond extract.* Almond extract is the flavoring extract pre-
42 pared from oil of bitter almonds, free from hydrocyanic acid, and
43 contains not less than one per cent (1%) by volume of oil of bitter
44 almonds.

45 10. *Anise extract.* Anise extract is the flavoring extract prepared
46 from oil of anise, and contains not less than three per cent (3%) by
47 volume of oil of anise.

48 11. *Cassia extract.* Cassia extract is the flavoring extract pre-
49 pared from oil of cassia, and contains not less than two per cent (2%)
50 by volume of oil of cassia.

51 12. *Celery seed extract.* Celery seed extract is the flavoring ex-
52 tract prepared from celery seed or the oil of celery seed, or both, and
53 contains not less than three-tenths per cent ($\frac{3}{10}\%$) by volume of oil
54 of celery seed.

55 13. *Cinnamon extract.* Cinnamon extract is the flavoring extract
56 prepared from oil of cinnamon, and contains not less than two per
57 cent (2%) by volume of oil of cinnamon.

58 14. *Clove extract.* Clove extract is the flavoring extract prepared
59 from oil of cloves, and contains not less than two per cent (2%) by
60 volume of oil of cloves.

61 15. *Ginger extract.* Ginger extract is the flavoring extract pre-
62 pared from ginger, and contains in each one hundred (100) cubic
63 centimeters the alcohol-soluble matters from not less than twenty
64 (20) grams of ginger. .

65 16. *Lemon extract.* Lemon extract is the flavoring extract pre-
66 pared from oil of lemon, or from lemon peel, or both, and contains
67 not less than five per cent (5%) by volume of oil of lemon.

68 17. *Terpeneless extract of lemon.* Terpeneless extract of lemon
69 is the flavoring extract prepared by shaking oil of lemon with dilute
70 alcohol, or other suitable medium, or by dissolving terpeneless oil of
71 lemon in such medium, and contains not less than two-tenths per
72 cent ($\frac{2}{10}\%$) by weight of citral derived from oil of lemon.

73 18. *Nutmeg extract.* Nutmeg extract is the flavoring extract pre-
74 pared from oil of nutmeg, and contains not less than two per cent
75 (2%) by volume of oil of nutmeg.

76 19. *Orange extract.* Orange extract is the flavoring extract pre-
77 pared from oil of orange, or from orange peel, or both, and contains
78 not less than five per cent (5%) by volume of oil of orange.

79 20. *Terpeneless extract of orange.* Terpeneless extract of orange
80 is the flavoring extract prepared by shaking oil of orange with dilute
81 alcohol, or other suitable medium, or by dissolving terpeneless oil of

82 orange in such medium, and corresponds in flavoring strength to
83 orange extract.

84 21. *Peppermint extract.* Peppermint extract is the flavoring ex-
85 tract prepared from oil of peppermint, or from peppermint, or both,
86 and contains not less than three per cent (3%) by volume of oil of
87 peppermint.

88 22. *Rose extract.* Rose extract is the flavoring extract prepared
89 from attar of roses, with or without red rose petals, and contains not
90 less than four-tenths per cent ($\frac{4}{10}\%$) by volume of attar of roses.

91 23. *Savory extract.* Savory extract is the flavoring extract pre-
92 pared from oil of savory, or from savory, or both, and contains not
93 less than thirty-five hundredths per cent ($\frac{35}{100}\%$) by volume of oil
94 of savory.

95 24. *Spearmint extract.* Spearmint extract is the flavoring ex-
96 tract prepared from oil of spearmint, or from spearmint, or both, and
97 contains not less than three per cent (3%) by volume of oil of spear-
98 mint.

99 25. *Star anise extract.* Star anise extract is the flavoring extract
100 prepared from oil of star anise, and contains not less than three per
101 cent (3%) by volume of oil of star anise.

102 26. *Sweet basil extract.* Sweet basil extract is the flavoring ex-
103 tract prepared from oil of sweet basil, or from sweet basil, or both,
104 and contains not less than one-tenth per cent ($\frac{1}{10}\%$) by volume of
105 oil of sweet basil.

106 27. *Sweet marjoram extract.* Sweet marjoram extract is the
107 flavoring extract prepared from the oil of marjoram, or from mar-

108 joram, or both, and contains not less than one per cent (1%) by
109 volume of oil of marjoram.

110 28. *Thyme extract.* Thyme extract is the flavoring extract pre-
111 pared from oil of thyme, or from thyme, or both, and contains not
112 less than two-tenths per cent ($\frac{2}{10}\%$) by volume of oil of thyme.

113 29. *Tonka extract.* Tonka extract is the flavoring extract pre-
114 pared from tonka bean, with or without sugar or glycerin, and
115 contains not less than one-tenth per cent ($\frac{1}{10}\%$) by weight of cour-
116 marin extracted from the tonka bean, together with a corresponding
117 proportion of the other soluble matters thereof.

118 30. *Vanilla extract.* Vanilla extract is the flavoring extract pre-
119 pared from vanilla bean, with or without sugar or glycerin, and con-
120 tains in one hundred (100) cubic centimeters the soluble matters
121 from not less than ten (10) grams of the vanilla bean, and contains
122 not less than thirty per cent (30%) by volume of absolute ethyl al-
123 cohol, or other suitable medium.

124 31. *Wintergreen extract.* Wintergreen extract is the flavoring
125 extract prepared from oil of wintergreen, and contains not less than
126 three per cent (3%) by volume of oil of wintergreen.

127 32. **Food.** Food shall include any article used by man or do-
128 mestic animals for food, drink, confectionery, or condiment, or which
129 enters into the composition of the same, whether simple, blended,
130 mixed, or compound. The term "blended" shall be construed to mean
131 a mixture of like substances.

132 33. **Ice Cream.** Ice cream is the frozen product made from pure
133 sweet cream and sugar, with or without flavoring, or with the addi-
134 tion of not to exceed one per cent (1%) by weight of a harmless

135 thickener, and containing not less than twelve per cent (12%) by
136 weight of milk-fat, with an acidity not to exceed three-tenths ($\frac{3}{10}$)
137 of one per cent (1%).

138 34. *Fruit ice cream.* Fruit ice cream is a similar product, con-
139 sisting of the same ingredients with the addition of sound, clean,
140 mature fruits, and containing not less than ten per cent (10%) by
141 weight of milk-fat.

142 35. *Imitation ice cream.* Imitation ice cream is any product
143 containing any fat other than that derived from or contained in
144 pure milk, cream, nut meats, chocolate, or cocoa, and made in the
145 appearance of or designed to be used for any of the purposes for
146 which ice cream is used.

147 36. *Nut ice cream.* Nut ice cream is a frozen product, consist-
148 ing of the same ingredients as ice cream with the addition of sound,
149 nonrancid nuts, and containing not less than ten per cent (10%) by
150 weight of milk-fat.

151 37. **Milk.** Milk is the fresh lacteal secretion obtained by the com-
152 plete milking of one (1) or more cows, which contains at least three
153 per cent (3%) of milk-fat and eleven and one-half per cent ($11\frac{1}{2}\%$)
154 of milk solids.

155 38. *Imitation evaporated milk.* Imitation evaporated milk is a
156 product containing any substance other than that produced from
157 milk and made in the appearance of or designed to be used for any
158 of the purposes for which milk is used.

159 39. *Skimmed milk.* Skimmed milk is milk from which the cream
160 has been removed or which is poor in fat, containing less than three

161 per cent (3%) of milk-fat or less than eleven and one-half per cent
162 (11½%) of milk solids.

163 40. **Oysters.** Oysters shall not contain ice, nor more than six-
164 teen and two-thirds per cent (16⅔%) by weight of free liquid.

165 41. **Vinegar.** Vinegar is the product made by the alcoholic and
166 subsequent fermentation of fruits, grain, vegetables, sugar, or
167 syrups without the addition of any other substance and containing
168 an acidity of not less than four per cent (4%) by weight of absolute
169 acetic acid. The product may be distilled, but when not distilled
170 it shall not carry in solution any other substance except the extrac-
171 tive matter derived from the substances from which it was made.

172 42. *Cider or apple vinegar.* Cider or apple vinegar is a similar
173 product made by the same process solely from the juice of apples.
174 Such vinegar which during the course of manufacture has developed
175 in excess of four per cent (4%) acetic acid may be reduced to said
176 strength.

177 43. *Corn sugar vinegar.* Corn sugar vinegar is a similar prod-
178 uct made by the same process solely from solutions of starch sugar.

179 44. *Malt vinegar.* Malt vinegar is a similar product made by
180 the same process solely from barley malt or cereals whose starch has
181 been converted by malt.

182 45. *Sugar vinegar.* Sugar vinegar is a similar product made by
183 the same process solely from sucrose.

[C. C. 1445, 1453, 1455, 1460, 1477, 1478, modified.]

Sec. 44. **Additional Standards.**

1 The commissioner with the approval of the executive council may
2 establish and publish standards for foods when such standards are not

3 fixed by law, but the same shall conform with those proclaimed by the
4 secretary of agriculture of the United States.

[C. C. 1473.]

Sec. 45. Food Adulterations.

1 For the purposes of this chapter any food shall be deemed to be
2 adulterated:

3 1. If any substance has been mixed or packed with it so as to
4 reduce or injuriously affect its quality.

5 2. If any substance has been substituted to any extent.

6 3. If any valuable constituent has been removed to any extent.

7 4. If it has been mixed, colored, powdered, coated, or stained
8 whereby damage or inferiority is concealed.

9 5. If it contains saccharine, formaldehyde, or boron compound,
10 or any poisonous or other ingredient injurious to health.

11 6. If it consists to any extent of a diseased, filthy, or decomposed
12 animal or vegetable substance, whether manufactured or otherwise.

13 7. If it consists to any extent of an animal that has died other-
14 wise than by slaughter.

15 8. If it is the product of or obtained from a diseased or infected
16 animal.

17 9. If it has been damaged by freezing.

18 10. If it does not conform to the standards established by law or
19 by the commissioner.

[C. C. 1445, 1455, 1476.]

Sec. 46. Adulterations of Certain Dairy Products.

1 In addition to the adulterations enumerated in the preceding sec-
2 tion, milk, cream, or skimmed milk shall be deemed to be adulterated:

3 1. If it contains visible dirt or is kept or placed at any time in an
4 unclean container.

5 2. If obtained from a cow within fifteen (15) days before or five
6 (5) days after calving.

7 3. If obtained from a cow stabled in an unhealthful place, or fed
8 upon any substance in a state of putrefaction or of unhealthful nature.

[C. C. 1445.]

Sec. 47. Coloring Imitation Butter or Cheese.

1 No imitation butter or imitation cheese shall be colored with any
2 substance and no such imitation product shall be made by mixing
3 animal fats, vegetable oils, or other substances for the purpose or
4 with the effect of imparting to the mixture the color of yellow butter
5 or cheese.

[C. C. 1455.]

Sec. 48. Coloring Vinegar.

1 Vinegar shall not be colored with coloring matter and distilled
2 vinegar shall not have a brown color in imitation of cider vinegar.

[C. C. 1478.]

Sec. 49. Adulteration of Candies.

1 In addition to the adulterations enumerated in section forty-five
2 (45), candy shall be deemed to be adulterated if it contains terra
3 alba, barytes, talc, paraffin, chrome yellow, or other mineral substance.

[C. C. 1476.]

Sec. 50. Sale of Food by False Name.

1 No person shall offer or expose for sale, sell, or deliver any article
2 of food which is defined in this chapter under any other name than
3 the one herein specified or offer or expose for sale, sell or deliver any
4 article of food which is not defined in this chapter under any other

5 name than its true name, trade name, or trademark name.

[New.]

CHAPTER 5.

LABELING FOODS.

Sec. 51. Label Requirements.

1 All food offered or exposed for sale, or sold in package or wrapped
2 form, shall be labeled on the package or container as prescribed in
3 sections sixteen (16) to nineteen (19), inclusive, unless otherwise pro-
4 vided in this chapter.

[C. C. 1456, 1471, 1477.]

Sec. 52. Labeling Certain Dairy Products and Imitations.

1 The products enumerated below shall be labeled on the side or
2 top of the container or package in which placed, kept, offered or ex-
3 posed for sale, or sold as prescribed in sections sixteen (16) to nine-
4 teen (19), inclusive, except that the label shall be printed in letters
5 not less than three-quarters ($\frac{3}{4}$) inch in height and one-half ($\frac{1}{2}$) inch
6 in width and subject to the following regulations:

7 1. *Skimmed milk.* Skimmed milk shall be labeled with the words
8 "Skimmed Milk"; but if in bottles it shall be deemed properly marked
9 if the required words are printed on the cap of each bottle in letters
10 not smaller than twelve-point gothic caps.

11 2. *Imitation evaporated milk.* Imitation evaporated milk shall be
12 labeled with the words "Imitation Evaporated Milk"; but packages
13 containing less than twenty (20) ounces net may be labeled with
14 letters not less than one-fourth ($\frac{1}{4}$) inch in height and one-eighth
15 ($\frac{1}{8}$) inch in width.

16 3. *Imitation ice cream.* Imitation ice cream shall be labeled with
17 the words "Imitation Ice Cream".

18 4. *Renovated butter.* Renovated butter shall be labeled with the
19 words "Renovated Butter", and if offered or exposed for sale or sold
20 in prints or rolls the wrapper of each and the container as required
21 above shall be so labeled. If such butter is offered or exposed for
22 sale uncovered and not in a container or package, a placard contain-
23 ing the required label shall be attached to the mass so as to be easily
24 seen by the purchaser.

25 5. *Imitation butter.* Imitation butter shall be labeled "Imitation
26 Butter".

27 6. *Skimmed milk cheese.* Skimmed milk cheese shall be labeled
28 with the words "Skimmed Milk Cheese" on the cheese and on the
29 package.

30 7. *Imitation cheese.* Imitation cheese shall be labeled with the
31 words "Imitation Cheese".

[C. C. 1445, 1454, 1461, 1584.]

Sec. 53. Notice of Sale of Imitation Products.

1 Every person owning or in charge of any place where food or
2 drink is sold who uses or serves therein imitation evaporated milk,
3 butter, cheese or ice cream as in this title defined, shall display at all
4 times opposite each table or place of service a placard for each such
5 imitation, with the words "Imitation served here",
6 without other matter, printed in black roman letters not less than
7 three (3) inches in height and two (2) inches in width, on a white
8 card ten (10) by fourteen (14) inches in dimension. The blank after

9 the word "imitation" in the above form shall be filled with the name
10 of the product imitated.

[C. C. 1445, 1454.]

Sec. 54. Labeling Baking Powder and Vinegar.

1 Baking powder and distilled vinegar shall show on the label the
2 name of each ingredient from which made. Distilled vinegar shall
3 be marked as such; and cider vinegar which, having been in excess
4 of the standard of acidity, has been reduced to the standard, shall
5 have that fact indicated on the label.

[C. C. 1477, 1478.]

CHAPTER 6.

PRODUCTION AND SALE OF DAIRY PRODUCTS.

Sec. 55. Milk License Required.

1 Every person engaging in the sale of milk or cream at retail,
2 except for the purpose of supplying an establishment engaged in the
3 manufacture of dairy products, shall obtain a milk dealer's license
4 from the commissioner.

[C. C. 1444.]

Sec. 56. License Fee—Expiration of License.

1 The fee for said license shall be one dollar (\$1.00) for each place
2 or vehicle from which sales are made. The license shall expire on
3 July fourth after the date of issue and shall not be transferable.

[C. C. 1444.]

Sec. 57. Requirements of Licensee—Contents of License.

1 Such license shall be issued only to persons owning or leasing
2 the vehicles or places from which sales are to be made; and each

3 license shall contain the name, residence, and place of business of the
4 licensee and the number of vehicles and places for which issued.

[C. C. 1444.]

Sec. 58. Skimmed Milk and Buttermilk to Be Pasteurized.

1 Every owner, manager, or operator of a creamery shall before
2 delivering to any person any skimmed milk or buttermilk cause the
3 same to be pasteurized at a temperature of at least one hundred
4 eighty-five degrees (185°) Fahrenheit.

[C. C. 1465, modified.]

Sec. 59. Sanitary Regulations for Milk Dealers.

1 Every person who deals in or manufactures dairy products or
2 imitations thereof shall maintain his premises and utensils, wagons,
3 and equipment in a clean and hygienic condition.

[C. C. 1470.]

Sec. 60. Testing Milk or Cream—Milk Tester's License Required.

1 Every person testing cream or milk to determine the per cent of
2 milk-fat as a basis for fixing the purchase price shall secure a milk
3 tester's license from the commissioner, and shall make tests only by
4 such process as has been approved by the commissioner.

[C. C. 1448.]

Sec. 61. Examination of Applicant.

1 Each applicant for such a license shall be required to submit
2 to examination and by actual demonstration show that he is com-
3 petent to test cream and milk according to an approved process.

[C. C. 1448.]

Sec. 62. Supplying Standard Measures for Testing.

1 The commissioner shall furnish each licensee one (1) standard

2 test bottle and one (1) standard pipette adapted to the use of the
3 testing machine approved for the licensee. Said bottle and pipette
4 shall be certified to by the commissioner as standard and shall bear
5 the official stamp of the commissioner. Any person not a licensee
6 may secure test bottles and pipettes from the commissioner at the
7 legal price.

[C. C. 1442.]

Sec. 63. Fees.

1 The fee for each license shall be two dollars and fifty cents
2 (\$2.50), and standard test bottles and pipettes shall be furnished at
3 actual cost.

[C. C. 1442, 1448.]

Sec. 64. Use of Bottles and Pipettes—Inspection by Vendor.

1 The standard bottle and pipette received from the commissioner
2 shall be used by the licensee in verifying test tubes and pipettes used
3 by him in making tests; and the same shall be subject to inspection
4 by the owner or vendor of the cream or milk which is the subject of
5 the test.

[C. C. 1450.]

Sec. 65. Appointment of Substitute Tester.

1 With the approval of the commissioner any licensee may for valid
2 reasons appoint a person to act for him, not to exceed a period of
3 fourteen (14) days.

[C. C. 1448.]

Sec. 66. False Tests—Evidence.

1 No person shall falsely manipulate or misread the Babcock test
2 or any other milk or cream testing apparatus. The writing of a

3 check or payment of money for cream or milk at any given test shall
4 constitute prima facie evidence that such test was made.

[C. C. 1449.]

Sec. 67. Each Test by Unlicensed Person a Separate Offense.

1 The testing of each lot of milk or cream by an unlicensed person
2 shall constitute a separate offense.

[C. C. 1448.]

Sec. 68. Burden of Proof in Actions for Purchase Price.

1 In an action by the vendor for the purchase price of cream or
2 milk, sold on test to be made by the vendee, the burden of establishing
3 the proper use of an approved test shall be upon the vendee.

[C. C. 1450.]

Sec. 69. State Trade-mark for Butter.

1 The state trade-mark for butter manufactured in this state shall
2 consist of the words "Iowa Butter" printed within an outline map of
3 Iowa. Above said map shall be printed the words "First Quality, Li-
4 cense No." and below, the words "State Butter Con-
5 trol". Said map and printed matter shall be circumscribed by a
6 double circle, the outer circle being printed with a heavier line than the
7 inner circle.

[C. C. 1448.]

Sec. 70. Supervision of Use of Trade-mark.

1 The use of said trade-mark shall be under the supervision of an
2 executive committee consisting of the president of the Iowa state
3 dairy association, the president of the Iowa state buttermakers' asso-
4 ciation, the dean of the division of agriculture of the Iowa state col-
5 lege of agriculture and mechanic arts, the professor of dairying of

6 the same institution, and the commissioner in charge of the food and
7 drug department.

[C. C. 1448.]

Sec. 71. Rules for Use of Trade-mark—Labels and Stamps.

1 The executive committee shall make such rules concerning the
2 manufacture, distribution, and use of said trade-mark as may be
3 deemed necessary. Labels, stamps, and other devices for imprinting
4 the trade-mark shall be supplied by the commissioner at cost.

[C. C. 1448.]

Sec. 72. Distribution of Rules—Compliance.

1 The rules adopted for use of said trade-mark shall be published
2 through bulletins issued by the commissioner, and no person shall use
3 said trade-mark before complying therewith.

[C. C. 1448.]

Sec. 73. Copyright of Trade-mark.

1 The executive committee shall procure a copyright of said trade-
2 mark, and may modify the statutory specifications of the same in
3 order to comply with the copyright laws. Expenses for procuring
4 such copyright shall be paid out of the appropriation for the food and
5 drug department.

[C. C. 1448.]

Sec. 74. Misuse of Dairy Terms.

1 No person shall use in any way in connection with the sale, offer-
2 ing, exposing, or advertising for sale, of any imitation or substitute for
3 butter any other word or symbol or representation than the word
5 "imitation" preceding the name of the article imitated.

[C. C. 1447, 1454.]

Sec. 75. Definition of Container.

1 The term "container" used in the following sections of this chap-
2 ter shall mean cans, bottles, casks, kegs, barrels, and other receptacles
3 of like nature.

[C. C. 1446.]

Sec. 76. Milk Bottles to Be Marked.

1 Bottles or jars used for the sale of milk shall have clearly blown
2 or permanently marked in the side of the bottle, the capacity of the
3 bottle, and on the bottom of the bottle the name, initials, or trade-mark
4 of the manufacturer, and the designating number, which designating
5 number shall be different for each manufacturer and may be used in
6 identifying bottles. The designating number shall be furnished by
7 the commissioner on request.

[C. C. 1584.]

Sec. 77. Adoption of Brand or Mark.

1 With the approval of the commissioner any person who deals in or
2 transports milk, cream, skimmed milk, buttermilk, or ice cream may
3 adopt a distinctive mark or brand to be placed upon any container
4 owned or used by him, and the same may be registered with the com-
5 missioner.

[C. C. 1446.]

Sec. 78. Retention of Marked Container.

1 No person shall, without the consent of the owner, retain for a
2 longer period than three (3) days a container bearing a registered
3 mark, and any person receiving such a container shall immediately
4 return it to the owner by a common carrier. A receipt from a common
5 carrier shall be prima facie evidence that such container was returned.

[C. C. 1446.]

Sec. 79. Return of Milk and Cream Bottles.

1 Milk and cream bottles bearing registered marks shall be returned
2 by delivering them to the owner or his agent in person or by leaving
3 them where they may be picked up by the owner.

[C. C. 1446.]

Sec. 80. Stray Containers.

1 When any person comes into possession of a container bearing a
2 registered mark which belongs to another whose name and address he
3 does not know, he shall immediately notify the commissioner in writ-
4 ing, giving the size, shape, and mark of the container. Upon receipt
5 of shipping directions from the commissioner, he shall at once forward
6 the container by a common carrier, collect, to the address furnished
7 him. Milk or cream bottles need not be returned when the cost of
8 return is greater than the market value of the bottles.

[C. C. 1446.]

Sec. 81. Use of Registered Mark.

1 No person shall for any purpose use any registered mark or any
2 container bearing such mark, or remove or alter any such mark placed
3 upon a container without the consent of the owner.

[C. C. 1446.]

CHAPTER 7.**PRODUCTION AND SALE OF EGGS.****Sec. 82. License Required.**

1 Every person engaged in the business of buying, selling or dealing
2 in eggs shall obtain a license from the commissioner for each estab-
3 lishment at which said business is conducted.

[C. C. 1482.]

Sec. 83. Retailers Exempted.

1 Retailers who buy direct from dealers licensed under this chapter
2 and who do not sell in lots greater than one (1) case shall not be
3 required to procure a license.

[C. C. 1482.]

Sec. 84. Fee—Expiration of License.

1 The license fee shall be one dollar (\$1.00) per annum and each
2 license shall expire on March first after the date of issue.

[C. C. 1482.]

Sec. 85. Sale of Eggs Unfit for Human Food.

1 No person shall sell, offer or expose for sale, or have in his pos-
2 session any egg unfit for human food, unless the same is broken in
3 shell and then denatured so that it cannot be used for human food.

[C. C. 1484.]

Sec. 86. Eggs Unfit for Human Food.

1 For the purposes of this chapter, an egg shall be deemed unfit for
2 human food:

3 1. If it is addled or moldy, containing black rot, white rot, or a
4 blood ring.

5 2. If it has an adherent yolk, or a bloody or green white.

6 3. If it has been incubated beyond the blood ring stage.

7 4. If it consists to any extent of a filthy or decomposed substance.

[C. C. 1484.]

Sec. 87. Equipment Required of Egg Dealers.

1 Every person engaged in the business of buying eggs intended for
2 human food for resale shall maintain an adequate place for the proper
3 candling and handling of the same.

[C. C. 1485.]

Sec. 88. Candling Defined.

1 The term "candling" as used in this chapter shall mean the care-
2 ful examination, in a partially dark room or place, of the whole egg by
3 means of a strong light, and the apparatus and method employed shall
4 be approved by the commissioner.

[C. C. 1485.]

Sec. 89. Candling Required.

1 Every person buying eggs from the producer for resale shall
2 candle all eggs offered to him and shall refuse to buy eggs unfit for
3 human food as herein defined. Such candling shall be done in the
4 presence of the producer if he so requests.

[New.]

Sec. 90. Candling Records.

1 Each licensee shall keep such candling records as may be required
2 by the commissioner, which records shall be open at all reasonable
3 times for examination by him.

[C. C. 1485.]

Sec. 91. Candling Certificate.

1 There shall be placed on the top layer of every case of candled eggs
2 a certificate showing the date of candling, the name, initials, or num-
3 ber of the person doing the candling, the name of this state, and the
4 license number of the person for whom the eggs were candled, which
5 certificate shall be printed on sheets not smaller than two and three-
6 eighths ($2\frac{3}{8}$) by four and one-fourth ($4\frac{1}{4}$) inches.

[C. C. 1486.]

Sec. 92. Rules for Recandling.

1 The commissioner shall determine the conditions under which

2 eggs once candled shall be recandled in order to prevent the sale of
3 eggs unfit for human food; and he shall establish the necessary rules
4 for carrying this section into effect.

[C. C. 1483.]

Sec. 93. Dockage to Be Determined by Candling.

1 No person shall in buying or selling eggs take or give a greater
2 or less deduction for eggs candled out as unfit for food than the actual
3 loss which has been determined by the careful candling of the same.

[C. C. 1485.]

CHAPTER 8.

FOOD SANITATION.

Sec. 94. Definitions and Rules of Construction.

1 For the purposes of this chapter:

2 1. "Food" shall mean the same as defined in the chapter relative
3 to the adulteration of foods.

4 2. "Food establishment" shall include any building, room, base-
5 ment, or other place used as a bakery, confectionery, cannery, pack-
6 ing-house, slaughter-house, dairy, creamery, cheese factory, restau-
7 rant, grocery, meat market, or other place in which food is kept, pro-
8 duced or distributed.

9 3. "Slaughter-house" shall mean a food establishment in which
10 animals or poultry are killed or dressed for food.

[C. C. 1488, 1496.]

Sec. 95. Sanitary Requirements for Buildings.

1 Every food establishment shall be properly lighted, ventilated,
2 and equipped with plumbing and conducted with strict regard to the
3 influence of such conditions upon the food handled therein.

[C. C. 1488.]

Sec. 96. Floors.

1 The floors in said places shall be made of some suitable nonab-
2 sorbent and impermeable material, approved by the commissioner,
3 which can be flushed and washed clean with water. All new slaughter-
4 houses shall be constructed with cement floors and killing beds.

[C. C. 1490, 1496, modified.]

Sec. 97. Interior Finish.

1 The side walls and ceilings of every bakery, confectionery, cream-
2 ery, cheese factory, restaurant kitchen and slaughter-house shall be
3 made of some suitable material approved by the commissioner, and
4 shall be either oil painted so that they can be washed clean, or they
5 shall be kept well lime-washed.

[C. C. 1490, 1496.]

Sec. 98. Screens.

1 The doors, windows, and other openings of every food establish-
2 ment during the fly season shall be fitted with self-closing screen
3 doors and wire window screens of not coarser than fourteen (14)
4 mesh wire gauze.

[C. C. 1491.]

Sec. 99. Certain Places Exempted.

1 The preceding section shall not apply to sheds used for husking
2 corn, nor to warehouses or storerooms used for the storage or han-
3 dling of the finished product when sealed in original packages.

[C. C. 1491.]

Sec. 100. Sanitary Regulations for Food Establishments.

1 The following sanitary regulations shall be complied with in every
2 food establishment:

3 1. The floors, walls, ceilings, woodwork, utensils, machinery, and
4 other equipment, and all vehicles and equipment used in the trans-
5 portation of food shall be kept in a thoroughly clean condition.

6 2. Food shall be at all times adequately protected from flies, dirt,
7 and contamination from any source.

8 3. Dirt, refuse, and waste products subject to decomposition or
9 fermentation shall be removed daily.

10 4. The clothing of all persons employed shall be kept clean, and
11 those who handle food shall keep themselves clean and wash their
12 hands and arms before beginning work and after visiting the toilet.

[C. C. 1488, 1489, 1490, 1491, 1492, 1498.]

Sec. 101. Additional Requirements for Slaughter-houses.

1 In addition to the requirements of the preceding section the fol-
2 lowing regulations shall also be complied with in the operation of
3 slaughterhouses:

4 1. The building and yard shall be properly drained so as to pre-
5 vent accumulations of water or mud.

6 2. The dressing room shall be supplied with pure and wholesome
7 water.

8 3. In case a slaughterhouse is not in continuous use the refuse
9 and waste products shall be removed within twenty-four (24) hours
10 after each using.

11 4. No blood pit, dung pit, offal pit, or privy well shall be main-
12 tained upon the premises, and refuse and waste products shall be
13 burned or buried.

14 5. The premises shall be kept free from maggots and foul odors.

15 6. Swine shall not be kept or fed within one hundred fifty (150) `
16 feet of the slaughterhouse.

17 7. Dead animals shall not be used for feeding purposes without
18 first being thoroughly cooked.

19 8. Carcasses shall be covered with clean, white cloths before being
20 transported, and shall be kept only in sanitary refrigerators or stor-
21 age rooms.

[C. C. 1496.]

Sec. 102. Toilet Rooms in Food Establishments.

1 Food establishments shall have convenient toilet rooms separate
2 from other rooms with floors as prescribed for such establishments,
3 with separate ventilating flues discharging into soil pipes, or on the
4 outside of the building.

[C. C. 1492.]

Sec. 103. Lavatories.

1 The lavatories in food establishments shall be adjacent to toilet
2 rooms and shall be supplied with soap, running water, and clean
3 towels, and shall be maintained in a sanitary condition.

[C. C. 1492.]

Sec. 104. Expectorating—Cuspidors.

1 No person shall expectorate within any food establishment except
2 in cuspidors which shall be provided when necessary. Said cuspidors
3 shall be thoroughly emptied and washed daily with some disinfectant
4 solution, five (5) ounces of which shall be left in each cuspidor while
5 in use.

[C. C. 1493.]

Sec. 105. Use as Living Room.

1 No person shall be allowed to sleep in any workroom of any food
2 establishment in which food is prepared for sale, served, or sold.

[C. C. 1494.]

Sec. 106. Employment of Diseased Persons.

1 No person infected with any communicable disease as defined by
2 the laws relative to public health shall work in any food establish-
3 ment nor shall any employer permit any such person to work at any
4 such establishment.

[C. C. 1495.]

Sec. 107. Street Display of Food.

1 No person shall make any sidewalk or street display of any meat
2 products; but other food products may be so displayed if they are
3 inclosed in a show case or similar device which shall protect the same
4 from flies, dust, or other contamination, and in such display the bot-
5 tom of the display case shall be at least two (2) feet above the surface
6 of the sidewalk.

[C. C. 1497, 1498.]

Sec. 108. Polishing Fruit.

1 No person shall polish fruit or any other food product by any
2 insanitary or unclean process.

[C. C. 1497.]

Sec. 109. License for Certain Places—Fee.

1 Every person dispensing soft drinks or operating a bakery, cafe-
2 teria, cafe, restaurant, lunch room, candy factory, ice cream factory,
3 bottling works, or soda fountain, canning factory, slaughterhouse,
4 meat market, or place where fresh meats are sold at retail shall ob-

tain a license from the commissioner. The license fee shall be three dollars (\$3.00) per annum.

[C. C. 1499, modified.]

CHAPTER 9.

COLD STORAGE.

Sec. 110. Definitions and Rules of Construction.

For the purposes of this chapter :

1. "Food" shall mean the same as defined in the chapter relative to the adulteration of foods, except that it shall include only food intended for human consumption.

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 for a period exceeding thirty (30) days, and food which has been so kept shall be deemed to be cold storage food.

[C. C. 1502.]

Sec. 111. License Required.

Every person engaged in the business of operating a cold storage plant shall obtain a license from the commissioner for each establishment at which said business is conducted.

[C. C. 1503.]

Sec. 112. Examination of Plant.

Before issuing a license to operate a cold storage plant the commissioner shall make an examination of the proposed plant to ascer-

3 tain if the proper sanitary conditions and equipment have been pro-
4 vided.

[C. C. 1503.]

Sec. 113. License Fee—Expiration of License.

1 The license fee shall be twenty-five dollars (\$25.00) per annum,
2 and all licenses shall expire on December thirty-first following the
3 date of issue.

[C. C. 1503.]

Sec. 114. Receipt and Withdrawal of Food—Records.

1 Every licensee shall keep an accurate record of the receipt and
2 the withdrawal of all food which is cold stored, and said record shall
3 be open to inspection by the commissioner at all reasonable times.

[C. C. 1505.]

Sec. 115. Reports by Licensee.

1 Every licensee shall quarterly, or at such times as may be re-
2 quired by the commissioner, report in itemized particulars the quan-
3 tity of food which is being cold stored in his plant. Quarterly reports
4 shall be filed not later than the sixth day of January, April, July, and
5 October of each year, and the reports so rendered shall show the con-
6 ditions existing on the first day of the month in which the report is
7 filed.

[C. C. 1504.]

Sec. 116. Storing of Impure Food Prohibited.

1 No article of food shall be cold stored unless it meets all the re-
2 quirements of chapters four (4), five (5), and eight (8) of this title,
3 and such rules as may be established by the commissioner for the
4 sanitary preparation of food products which are to be cold stored.

[C. C. 1506.]

Sec. 117. Marking Food Not Intended for Human Consumption.

1 Every article of food not intended for human consumption, be-
2 fore being placed in a cold storage plant shall be so marked by the
3 owner in accordance with the rules established by the commissioner.

[C. C. 1506.]

Sec. 118. Date of Deposit and Withdrawal to Be Marked.

1 Each article of food when deposited in a cold storage plant shall
2 have marked upon the package, container, or article the date of de-
3 posit, and when removed said article shall be marked in like manner
4 with the date of removal. Said markings shall be in accordance with
5 the rules established by the commissioner.

[C. C. 1508.]

Sec. 119. Period for Storage.

1 No person shall keep in a cold storage plant any article of food
2 for a longer period than twelve (12) calendar months, except with
3 the consent of the commissioner.

[C. C. 1509.]

Sec. 120. Application for Extension of Period—Order.

1 Upon application the commissioner shall grant permission to ex-
2 tend the period of storage beyond twelve (12) months for a particular
3 consignment of goods, if the goods in question are found upon exam-
4 ination to be in proper condition for further storage at the end of
5 twelve (12) months. The length of time for which further storage
6 is allowed shall be specified in the order granting such permission.

[C. C. 1509.]

Sec. 121. Report of Extensions of Storage Period.

1 A report on each case in which such extension of storage is per-

2 mitted, including the reason for such action, the kind and the amount
3 of goods for which the storage period was extended, and the length
4 of time for which the continuance was granted shall be included in
5 the annual report of the commissioner.

[C. C. 1509.]

Sec. 122. Notice of Sale of Cold Storage Goods.

1 No person shall represent or advertise as fresh goods articles
2 of food which have been cold stored, and every person who sells or
3 offers or exposes for sale, uncooked articles of cold storage food shall
4 display at all times in a conspicuous place a placard with only the
5 words "Cold Storage Goods Sold Here" printed in black roman letters
6 not less than three (3) inches high and two (2) inches wide upon
7 a white card, ten (10) by fourteen (14) inches in dimensions.

[C. C. 1510.]

Sec. 123. Return of Goods to Cold Storage Prohibited.

1 No person shall cold store any article of food which has once been
2 cold stored and placed on the market for sale, but transfers of goods
3 from one cold storage plant to another may be made if not for the
4 purpose of evading the provisions of this chapter.

[C. C. 1511.]

CHAPTER 10.

COMMERCIAL FEEDS.

Sec. 124. Definitions and Rules of Construction.

1 For the purposes of this chapter:

2 1. "Commercial feed" shall mean "food" as defined in the chapter
3 relative to the adulteration of foods, except that it shall only include
4 food intended for feeding to domestic animals in concentrated form,

5 and it shall not include hay, straw, whole seeds, unmixed meals made
6 from entire grains of wheat, rye, barley, oats, Indian corn, buck-
7 wheat, or broom corn; nor shall it include wheat flour or other flours
8 fit for human consumption.

9 2. "Stock tonic" shall mean a class of commercial feed such as
10 medicated stock or poultry foods, or preparations composed wholly of
11 drugs—except liquids—which contain any substance claimed to pos-
12 sess medicinal, condimental, or nutritive properties.

[C. C. 1516, part new.]

Sec. 125. Labeling.

1 All commercial feed offered or exposed for sale or sold in package
2 or wrapped form shall be labeled on each package or container as
3 provided in sections sixteen (16) to nineteen (19), inclusive, and in
4 addition thereto shall have printed on the label in the manner pre-
5 scribed in said sections the chemical analysis of the contents stating
6 the percentages of crude protein, crude fat, and crude fiber, allowing
7 one per cent (1%) of nitrogen to equal six and twenty-five one-hun-
8 dredths per cent (6.25%) of protein—all three (3) constituents to
9 be determined by the latest methods adopted by the association of
10 official agricultural chemists of the United States.

[C. C. 1514.]

Sec. 126. Stock Tonic Exempted.

1 Stock tonic shall be exempt from the chemical analysis require-
2 ment of the preceding section.

[C. C. 1514.]

Sec. 127. Written Labels Permitted.

1 Labels on packages or containers of commercial feeds may be

2. written instead of being printed; but when written, the writing must
3 be in a plain and legible hand.

[C. C. 1514.]

Sec. 128. Dealers to Furnish Samples—Affidavit.

- 1 Before any commercial feed is offered or exposed for sale, or
2 sold, the person who desires to offer or expose it for sale, or sell it,
3 shall deposit with the commissioner upon request a sealed glass jar
4 or bottle containing not less than one (1) pound of said feed, accom-
5 panied by a registration fee of fifty cents (50c) and by an affidavit
6 that it is a fair average sample thereof and corresponds within rea-
7 sonable limits to the commercial feed which it represents, and in this
8 affidavit there shall appear the items required by this chapter to be
9 printed on the label.

[C. C. 1517.]

Sec. 129. Inspection Fee.

- 1 Before any person shall solicit orders, deliver, offer or expose
2 for sale, or sell any commercial feed, he shall pay to the commis-
3 sioner an inspection fee of ten cents (10c) per ton for each ton of
4 said feed sold or offered or exposed for sale.

[C. C. 1518.]

Sec. 130. Feeds Not Subject to Inspection Fee.

- 1 Unadulterated wheat, rye, and buckwheat bran; wheat, rye, and
2 buckwheat middlings; or wheat, rye, and buckwheat shorts manufac-
3 tured in this state shall not be subject to the inspection fee required
4 in the preceding section.

[C. C. 1518.]

Sec. 131. Retailers Exempted.

1 Payment of said inspection fee by the manufacturer or importer
2 of any commercial feed shall exempt all other persons from such pay-
3 ment upon said feed.

[C. C. 1518.]

Sec. 132. Method of Paying Inspection Fee.

1 Inspection fees shall be paid by attaching a tag to each lot shipped
2 in bulk and to each package or container of commercial feed. Tags
3 for such use shall be procured from the commissioner, who shall issue
4 them in denominations suitable for quantities of twenty-five (25),
5 fifty (50), and one hundred (100) pounds net.

[C. C. 1518.]

Sec. 133. Delivery of Tags in Case of Large Sales.

1 Any person who sells at one time one (1) ton or more of com-
2 mercial feed shall be held to have complied with the inspection fee
3 requirement of this chapter if he delivers to the purchaser the tags
4 required, even though they may not be attached to the various pack-
5 ages or containers.

[C. C. 1518.]

Sec. 134. License to Sell Stock Tonics.

1 Every person dealing in stock tonics shall obtain a license from
2 the commissioner before offering or exposing for sale, or selling the
3 same. The fee for said license shall be one hundred dollars (\$100.00)
4 per annum, and said fee shall be in lieu of the inspection fee required
5 in this chapter. Such license shall expire on July fifteenth after the
6 date of issue.

[C. C. 1518.]

Sec. 135. Ground Feeds Not to Contain Poisonous Substances.

1 No person shall sell in ground form wheat or rye screenings con-
 2 taining cockle or other poisonous or deleterious substances.

[C. C. 1521.]

Sec. 136. Counterfeiting Inspection Fee Tags—Penalty.

1 Any person who shall counterfeit or use a counterfeit of any of
 2 the inspection fee tags prescribed by this chapter shall be guilty of a
 3 misdemeanor and punished as provided in chapter two (2) of this title.

[C. C. 1531.]

Sec. 137. Analyses of Feeds for Personal Use—Fee.

1 Any person purchasing any commercial feed in this state for his
 2 own use may submit fair samples of said feed to the commissioner,
 3 accompanied by an analysis fee of one dollar (\$1.00) for each sample,
 4 and a proper analysis of the same shall be made and furnished.

[C. C. 1520.]

CHAPTER 11.**AGRICULTURAL SEEDS.****Sec. 138. Definitions and Rules of Construction.**

1 For the purpose of this chapter:

2 1. "Agricultural seed" shall mean the seeds of Canada bluegrass,
 3 Kentucky bluegrass, brome grass, fescues, millets, tall meadow oat
 4 grass, orchard grass, redtop, Italian rye grass, perennial rye grass,
 5 Kaffir corn, sorghum or cane, Sudan grass, timothy, alfalfa, alsike
 6 clover, crimson clover, mammoth or sapling clover, red clover, sweet
 7 clover, white clover, Canada field peas, cowpeas, soy beans, vetches,
 8 and other grasses and forage plants, buckwheat, flax, rape, barley,
 9 field corn, oats, rye, wheat and other cereals.

10 2. "Weed seed" shall mean the seeds of noxious weeds listed
11 herein, and all seeds not listed above as agricultural seeds.

12 3. "Noxious weeds" shall mean quack grass, Canada thistle, wild
13 mustard, sour curled or smooth dock, wild oats, corn cockle, dodder
14 (clover, alfalfa or field), sheep sorrel, and wild carrot.

15 4. "Purity" of agricultural seed shall mean freedom from inert
16 matter, and from other agricultural or weed seed distinguishable by
17 their appearance.

[C. C. 1522, 1523, 1524, 1525, modified, part new (uniform
seed law).]

Sec. 139. Labeling Agricultural Seed.

1 All agricultural seed offered or exposed for sale, or sold in pack-
2 age or wrapped form for seeding purposes shall be labeled on the
3 package or container as provided in sections sixteen (16) and seven-
4 teen (17), and in addition thereto shall have printed on the label
5 prescribed in said sections:

6 1. The approximate percentage by weight of the purity of the
7 seed.

8 2. The approximate total percentage by weight of weed seed.

9 3. The name of each kind of seeds or bulblets of noxious weeds
10 which are present, singly or collectively, as follows:

11 *a* In excess of one (1) seed or bulblet in each five (5) grams
12 of timothy, redtop, tall meadow oatgrass, orchard grass, crested
13 dogstail, Canada bluegrass, Kentucky bluegrass, fescues, brome
14 grass, perennial and Italian ryegrass, western ryegrass, crimson
15 clover, mammoth clover, red clover, white clover, alsike clover,

16 sweet clover, alfalfa, and all other grasses and clovers not other-
17 wise classified.

18 *b* One (1) in twenty-five (25) grams of millets, rape, flax,
19 and other agricultural seeds not specified in "a" or "c" of this
20 subsection.

21 *c* One (1) in one hundred (100) grams of wheat, oats, rye,
22 barley, buckwheat, vetches, and other agricultural seeds as large
23 or larger than wheat.

24 4. The approximate percentage of germination of such agricul-
25 tural seeds, together with the month and year said seed was tested
26 and, if corn, the county and state where grown.

[C. C. 1526, 1527, 1529, modified, part new (uniform seed
law).]

Sec. 140. Labeling of Certain Mixed Seeds.

1 Mixtures of alsike and timothy, alsike and white clover, redtop
2 and timothy, alsike and red clover, offered or exposed for sale or
3 sold as mixtures in package or wrapped form for seeding purposes
4 and in lots of ten (10) pounds or more shall be labeled on the package
5 or container as to the quantity, percentage of weed seed present, and
6 name of vendor, in the manner prescribed for pure agricultural seed
7 and in addition the label shall contain the following specific items:

- 8 1. The fact that such seed is a mixture.
- 9 2. The name and approximate percentage by weight of each kind
10 of agricultural seed present in such mixture in excess of five per cent
11 (5%) by weight of the total mixture.
- 12 3. The name of each kind of seeds or bulblets of noxious weeds,

13 which are present singly or collectively in excess of one (1) seed or
14 bulblet in each fifteen (15) grams of such mixture.

15 4. The approximate percentage of germination of each kind of
16 agricultural seed present in such mixture in excess of five per cent
17 (5%) by weight, together with the month and year said seed was
18 tested.

[C. C. 1526, 1527, 1529, modified, part new (uniform seed
law).]

Sec. 141. Labeling Other Mixtures of Seeds.

1 Special mixtures of agricultural seed except as provided in the
2 preceding section, offered or exposed for sale, or sold in package or
3 wrapped form for seeding purposes and in quantities of eight (8)
4 ounces or more shall be labeled on the package or container as pre-
5 scribed in the preceding section, except that the percentage of germi-
6 nation need not be stated, but the label shall contain a statement show-
7 ing the approximate percentage by weight of inert matter.

[C. C. 1526, 1527, 1529, modified, part new (uniform seed
law).]

Sec. 142. Written Labels.

1 The label on a package or container of agricultural seed may be
2 written instead of being printed, but when written, the writing must
3 be in a plain and legible hand.

[C. C. 1514.]

Sec. 143. Sales From Bulk.

1 In case agricultural seed or mixtures of the same are offered or
2 exposed for sale in bulk, or sold from bulk, there shall be conspicu-
3 ously displayed in connection therewith a placard containing the items

4 required on the label of such seed when offered or exposed for sale,
5 or sold in package or wrapped form, or in lieu of this requirement
6 the vendor may furnish the vendee with a printed or written state-
7 ment containing the said items.

[C. C. 1514, part new.]

Sec. 144. Presumption of Freedom From Weed Seeds.

1 In every sale of agricultural seeds or mixture of the same it shall
2 be presumed that the said seeds are free from weed seeds unless the
3 label on the package or container specifies the presence of such weed
4 seeds or the purchaser is informed of the presence of the same in the
5 manner provided in the preceding section.

[New (uniform seed law).]

Sec. 145. Analyses of Seed for Personal Use—Fee.

1 Any person purchasing any agricultural seed in this state for
2 his own use may submit fair samples of said seed to the commissioner,
3 accompanied by an analysis fee of fifty cents (50c) for each sample
4 and a proper analysis of the same shall be made and furnished.

[C. C. 1520.]

Sec. 146. Exemptions.

1 Agricultural seeds or mixtures of same shall be exempt from
2 the provisions of this title:

3 1. When possessed, exposed or offered for sale, or sold for food
4 purposes only.

5 2. When sold to merchants to be recleaned before being sold or
6 exposed or offered for sale, or sold for seeding purposes.

7 3. When in store for the purpose of recleaning or not possessed,
8 offered or exposed for sale, or sold for seeding purposes within this
9 state.

10 4. When sold by one (1) farmer to another and delivered upon
11 his premises, but if such seed is advertised for sale or is delivered
12 through a common carrier, then the seed shall be subject to all the
13 requirements of this title.

[C. C. 1528, modified.]

CHAPTER 12.

COMMERCIAL FERTILIZERS.

Sec. 147. **License Required—Fee.**

1 Every person dealing in commercial fertilizers shall obtain a
2 license from the commissioner. The fee for said license shall be
3 twenty dollars (\$20.00) for each brand of fertilizer offered or exposed
4 for sale, or sold, and such license shall expire on May first after the
5 date of issue.

[C. C. 1534.]

Sec. 148. **Retailers Exempted.**

1 Payment of said license fee by the manufacturer or importer shall
2 exempt all other persons from such requirement.

[C. C. 1534.]

Sec. 149. **Affidavit of Items on Label.**

1 Before any commercial fertilizer is offered or exposed for sale, or
2 sold, the person who desires to offer or expose it for sale, or sell it,
3 shall file with the commissioner a certificate containing the items re-
4 quired to be printed on the label by the following section, accompanied
5 by an affidavit that said items are true and correct.

[C. C. 1534.]

Sec. 150. **Labeling.**

1 All commercial fertilizer, the price of which exceeds three dollars

2 (\$3.00) per ton, offered or exposed for sale, or sold in package or
3 wrapped form shall be labeled on the package or container as provided
4 in section sixteen (16) to nineteen (19), inclusive, and in addition
5 thereto shall have printed on the label in the manner prescribed in
6 said sections the chemical analysis, showing the minimum percentages
7 of nitrogen in available form, of potassium soluble in water, of phos-
8 phorus in available form, soluble or reverted, and of insoluble phos-
9 phorus.

[C. C. 1533.]

Sec. 151. Bulk Sales.

1 In case of sales of commercial fertilizer from bulk or in bulk a cer-
2 tificate printed in the same manner as the label required by the preced-
3 ing section may be delivered to the purchaser in fulfillment of the re-
4 quirements of said section.

[C. C. 1533.]

CHAPTER 13.

ADULTERATION AND LABELING OF DRUGS.

Sec. 152. Drug Defined.

1 For the purposes of this chapter "drug" shall include all sub-
2 stances and preparations recognized in the United States Pharmaco-
3 poeia and National Formulary for internal or external use and any sub-
4 stances or mixture of substances intended to be used for the cure, miti-
5 gation, or prevention of diseases of either man or animal.

[C. C. 1434.]

Sec. 153. Adulteration Defined.

1 For the purposes of this chapter a drug shall be deemed to be
2 adulterated:

3 1. If it is sold by a name recognized in the United States Pharma-
4 copœia or National Formulary and it differs from the standard of
5 strength, quality, or purity as determined by the test laid down
6 therein, unless the actual strength, quality, or purity be plainly stated
7 upon the package or container.

8 2. If its strength, quality, or purity falls below the standard under
9 which sold.

[C. C. 1435.]

Sec. 154. Labeling of Drugs.

1 Every drug offered or exposed for sale, or sold in package or
2 wrapped form, shall be labeled on the package or container as pre-
3 scribed in sections sixteen (16) and seventeen (17), except that the
4 quantity of the contents need not be stated; and in addition thereto
5 shall have printed on the label the name and the exact quantity or pro-
6 portion of any alcohol, morphine, opium, heroin, chloroform, cannabis
7 indica, chloral hydrate, acetanilide, or any derivative or preparation
8 of any such substances contained in said drug. In case the principal
9 package or container is enclosed in an outside wrapper or carton, the
10 same label prescribed by this section for the package or container shall
11 also be printed upon said wrapper or carton.

[C. C. 1436, modified.]

Sec. 155. Curative or Therapeutic Mislabeling.

1 In addition to the requirements of the preceding section a drug
2 shall also be deemed to be improperly labeled if the package or con-
3 tainer or printed matter accompanying it bears or contains any repre-
4 sentation regarding the curative or therapeutic effect of such drug or
5 any of the ingredients contained therein which is false or fraudulent.

[C. C. 1436, modified.]

Sec. 156. Certain Drugs Exempted.

1 Nothing in the second preceding section shall be construed to
2 apply :

3 1. To any drug specified in the United States Pharmacopœia or
4 National Formulary, which is in accordance therewith, and which is
5 sold under the name given therein.

6 2. To the filling of prescriptions furnished by licensed physicians,
7 dentists, or veterinarians, the originals of which are retained and filed
8 by the pharmacist filling the same.

9 3. To any drug or medicine personally dispensed by any licensed
10 physician, dentist, or veterinarian in the course of his practice.

[C. C. 1436.]

Sec. 157. Copy of Pharmacopœia and National Formulary to Be Kept.

1 There shall be kept in every place in which drugs or medicines are
2 sold, a copy of the latest revision of the United States Phar-
3 macopœia and the National Formulary, which books shall be subject
4 at all times to the inspection of the commissioner.

[New.]

CHAPTER 14.**SALE AND DISTRIBUTION OF POISONS.****Sec. 158. Drugs Not to Contain Wood or Denatured Alcohol.**

1 No person shall have in his possession or dispose of in any man-
2 ner any article intended for use of man or domestic animals, for inter-
3 nal or external use, for cosmetic purposes, for inhalation, or for per-
4 fumes, which contains methyl (wood) alcohol, crude or refined, or de-
5 natured alcohol.

[C. C. 1437.]

Sec. 159. Sale of Narcotics Prohibited Except on Prescription.

1 No person shall sell, offer or expose for sale, deliver, or have in
2 his possession with intent to sell, except upon the original written
3 prescription of a licensed physician, dentist, or veterinarian:

4 1. Any cotton root, ergot, oil of tansy, oil of savin, or derivatives
5 of any of them.

6 2. Any coca (*Erythroxyllum coca*), cocaine, alpha or beta eucaine,
7 morphine, opium, heroin, or derivatives of any of them.

8 3. Any preparation containing any of the drugs enumerated in
9 the preceding paragraph, except medicines or remedies which do not
10 contain more than two (2) grains of opium, or more than one-fourth
11 ($\frac{1}{4}$) of a grain of morphine, or more than one-eighth ($\frac{1}{8}$) of a grain
12 of heroin, or more than one (1) grain of codeine, or any salt or de-
13 rivative of any of them, in one (1) fluid ounce, or if a solid or semi-
14 solid preparation, in one (1) avoirdupois ounce; and except liniments,
15 ointments, or other preparations which are prepared for external use
16 only, but no such preparation shall contain cocaine, alpha or beta
17 eucaine, or any salt or derivative of any of them or any synthetic
18 substitute for any of them.

[C. C. 1428, 1430, modified.]

Sec. 160. Conditions Under Which Prescription May Be Filled.

1 No person shall fill any prescription calling for any of the drugs
2 required by the preceding section to be furnished only upon written
3 prescription unless the same be for medical, dental, or veterinary pur-
4 poses only, and the physician, dentist, or veterinarian prescribing the
5 same be personally known to such person, and no such prescription
6 shall be refilled.

[C. C. 1430.]

Sec. 161. Exception.

1 Nothing in the second preceding section shall apply to the sale
2 of any of the drugs, required by said section to be furnished only upon
3 written prescriptions, to persons who wholesale or retail the same, nor
4 to any licensed physician, dentist, or veterinarian for use in practice
5 of his profession.

[C. C. 1430.]

Sec. 162. Regulations as to Sale of Certain Poisons.

1 No person shall sell at retail any of the following enumerated
2 poisons unless he ascertains that the purchaser is aware of the char-
3 acter of the drug and represents that it is to be used for a proper pur-
4 pose: Carbohc or hydrocyanic acid, chloral hydrate, oils of bitter
5 almonds or pennyroyal, strychnine or any of its salts, arsenic, chloro-
6 form, ammoniated mercury, atropine, arsenate of copper, aconitine,
7 benzaldehyde, bromine, cyanide of potassium, corrosive sublimate,
8 dionin, ether sulphuric, hyoscine, kermes mineral, cantharides, croton
9 oil, digitalis, nux vomica, phosphorus, or veratrum.

[C. C. 1428, modified.]

Sec. 163. Poison Register.

1 Every sale or delivery of any poison enumerated in the preceding
2 section shall be entered in a book kept for that purpose to be known
3 as a poison register, and the same shall show the date of sale, the
4 name and address of purchaser, the name of the poison, the purpose
5 for which it was represented to be purchased, and the name of the dis-
6 penser, which book shall be open for inspection by the commissioner
7 and preserved for at least five (5) years.

[C. C. 1428.]

Sec. 164. Labeling Poisons.

1 Every package or container in which any of the poisons enum-
2 erated in the second preceding section or in which any nitric, hydro-
3 chloric, sulphuric, or oxalic acid, denatured or wood alcohol is sold
4 or delivered shall be labeled with the name of the article, the name
5 and place of business of the person selling the same, and with the
6 word "poison" in a conspicuous place.

[C. C. 1428, 8852, modified.]

Sec. 165. Certain Sales Exempted.

1 Nothing in the three (3) preceding sections shall apply:
2 1. To the sale of patent medicines.
3 2. To the filling of prescriptions from licensed physicians, den-
4 tists, or veterinarians.
5 3. To the sale of wood or denatured alcohol for mechanical pur-
6 poses.

[C. C. 1428, 1429.]

Sec. 166. Obtaining Poisons by False Representations.

1 Any person who obtains any poison enumerated in the fourth pre-
2 ceding section under a false name or statement shall be guilty of a
3 misdemeanor and punished as provided in chapter two (2) of this title.

[C. C. 1428.]

CHAPTER 15.**INSECTICIDES AND FUNGICIDES.****Sec. 167. Definitions and Rules of Construction.**

1 For the purposes of this chapter:
2 1. "Insecticide" shall include paris green, lead arsenate, and any
3 other substance or mixture of substances intended to be used for pre-

4 venting, destroying, repelling, or mitigating any insect which may
5 infest vegetation, man, animals, households, or other environment.

6 2. "Paris green" shall include the product sold in commerce as
7 paris green and chemically known as aceto-arsenite of copper.

8 3. "Lead arsenate" shall include the product sold in commerce
9 as lead arsenate and consisting chemically of products derived from
10 arsenic acid (H_3AsO_4) by replacing one (1) or more hydrogen atoms
11 by lead.

12 4. "Fungicide" shall include any substance or mixture of sub-
13 stances intended to be used for preventing, destroying, repelling, or
14 mitigating any and all fungi which may infest vegetation or be present
15 in any environment.

[C. C. 1542.]

Sec. 168. **Labeling.**

1 All insecticides and fungicides offered or exposed for sale, or sold
2 in package or wrapped form shall be labeled on each package or con-
3 tainer as provided in sections sixteen (16) and seventeen (17).

[C. C. 1544.]

Sec. 169. **Special Requirements as to Labeling.**

1 In addition to the requirement of the preceding section, the fol-
2 lowing regulations shall also govern in labeling insecticides and fungi-
3 cides:

4 1. When composed of any poison enumerated in section one hun-
5 dred sixty-two (162) the word "poison" shall appear on the label in
6 a conspicuous manner.

7 2. When composed of arsenic in combination or elemental form,
8 the total amount of arsenic present and the amount of arsenic in water-

9 soluble form—both expressed in per cent of metallic arsenic—shall
10 also be stated on the label in the same manner prescribed for other
11 items.

12 3. When composed partially or completely of an inert substance
13 which does not effectively prevent, destroy, repel, or mitigate insects
14 or fungi, the names and percentage amounts of each inert ingredient
15 and the fact that they are inert, or the names and percentage amounts
16 of each ingredient of the insecticide or fungicide having insecticidal or
17 fungicidal properties without mention of the inert ingredients, except
18 to state the total percentage of inert ingredients present, shall also
19 appear upon the label in the same manner prescribed for other items.

20 4. Spray solution known as a lime and sulphur liquid shall also
21 have stated on the label the strength of the solution and its gravity
22 test, showing a guaranteed strength of lime and sulphur combined in
23 solution as sulphates and sulphides, and the label shall contain a direc-
24 tion as to the proportions of water to be used to produce a mixture
25 containing a four per cent (4%) solution by weight of lime and sulphur
26 combined as sulphates and sulphides. The printing of said label shall
27 be in black-faced type, in letters of not less than one-half ($\frac{1}{2}$) of an
28 inch in height.

[C. C. 1412, 1544, 1546.]

Sec. 170. **Adulteration.**

1 In addition to the adulterations specified in paragraphs one (1)
2 to three (3), inclusive, of section forty-five (45) the following products
3 shall be deemed to be adulterated:

4 1. In the case of paris green

5 a If it does not contain at least fifty per cent (50%) of ar-
6 senious oxide.

7 *b* If it contains arsenic in water-soluble forms equivalent to
8 more than three and one-half per cent ($3\frac{1}{2}\%$) of arsenious oxide.

9 2. In the case of lead arsenate

10 *a* If it contains more than fifty per cent (50%) of water.

11 *b* If it contains total arsenic equivalent to less than twelve
12 and one-half per cent ($12\frac{1}{2}\%$) of arsenic oxide (As_2O_3).

13 *c* If it contains arsenic in water-soluble forms equivalent to
14 more than seventy-five one-hundredths (.75) of one per cent (1%)
15 arsenic oxide (As_2O_3).

16 3. In the case of an insecticide or fungicide other than paris green
17 and lead arsenate

18 *a* If its strength or purity falls below the professed stand-
19 ard or quality under which it is sold.

20 *b* If it is intended for use on vegetation and shall contain
21 any substance which, although preventing, destroying, repelling,
22 mitigating insects or fungi, shall be injurious to such vegetation
23 when used as recommended by the manufacturer.

[C. C. 1543.]

Sec. 171. Standard for Lime and Sulphur Liquid.

1 Spray solution known as a lime and sulphur liquid shall be not
2 less than seventy per cent (70%) by weight of sulphur.

[C. C. 1546.]

CHAPTER 16.

PAINTS AND OILS.

Sec. 172. Definitions and Standards.

1 For the purposes of this chapter:

2 *Raw linseed oil.* "Raw linseed oil" shall be obtained wholly from

3 the seeds of the flax plant (*linum usitatissimum*) and shall comply
4 with all the requirements of the United States Pharmacopœia.

5 *Boiled linseed oil.* "Boiled linseed oil" or "boiled oil" shall be
6 prepared by heating pure raw linseed oil to a temperature of at least
7 one hundred seven degrees (107°) centigrade, and if desired incor-
8 porating not to exceed three per cent (3%) by weight of dryer, and
9 it shall fulfill the following requirements:

10 1. Its specific gravity at 20/20 degrees centigrade must be not
11 less than nine hundred thirty-five thousandths (0.935) and not greater
12 than nine hundred forty-five thousandths (0.945).

13 2. Its saponification number must not be less than one hundred
14 eighty-six (186).

15 3. Its iodine absorption number must not be less than one hun-
16 dred sixty (160).

17 4. Its acid value must not exceed ten (10).

18 5. The volatile matter expelled at one hundred degrees (100°)
19 centigrade must not exceed one-half ($\frac{1}{2}$) of one per cent (1%).

20 6. No mineral oil shall be present, and the amount of unsaponi-
21 fiable matter as determined by standard methods, must not exceed
22 two per cent (2%).

23 7. The film left after flowing the oil over glass and allowing it
24 to drain in a vertical position, must dry free from tackiness in not
25 to exceed twenty (20) hours, at a temperature of about twenty de-
26 grees (20°) centigrade.

27 *Oil of turpentine.* "Oil of turpentine", "spirits of turpentine",
28 "turpentine", or "turps" shall consist wholly of the volatile portion
29 obtained by distillation of the oleoresinous exudation from various

30 species of coniferous trees and shall fulfill the following requirements:

31 1. Its specific gravity at 20/20 degrees centigrade must be not less
32 than eight hundred sixty thousandths (0.860) and not greater than
33 eight hundred seventy-five thousandths (0.875).

34 2. Its index of refraction at twenty degrees (20°) centigrade
35 must not be less than one and four hundred sixty-eight thousandths
36 (1.468) and not greater than one and four thousand seven hundred
37 twenty-five ten thousandths (1.4725).

38 3. Its iodine absorption number must not be less than three hun-
39 dred forty (340).

40 4. The undissolved (unpolymerized) residue or treatment of ten
41 (10) cubic centimeters with forty (40) cubic centimeters of a sul-
42 phuric acid containing twenty per cent (20%) of the fuming acid
43 must not exceed ten per cent (10%) by volume of the sample.

44 5. The initial boiling point must not be lower than one hundred
45 fifty degrees (150°) centigrade under ordinary atmospheric pressure,
46 and ninety-five per cent (95%) by volume must distill below one
47 hundred sixty-six degrees (166°) centigrade.

48 6. The residue left after evaporation over a steam bath must
49 not exceed two per cent (2%).

50 7. Mineral oil must not be present.

51 *Paint.* "Paint" shall include white lead in oil or any compound
52 intended for the same use, paste or semi-paste, and liquid or mixed
53 paint ready for use, or any compound intended for the same purpose.

[C. C. 1550, 1554, 1555, 1556, 1562.]

Sec. 173. **Labeling Paints.**

1 All paint offered or exposed for sale or sold in package or wrapped

2 form shall be labeled on each package or container as provided in sec-
3 tions sixteen (16) to nineteen (19), inclusive, except that in listing
4 the ingredients and the percentage of each in the total contents of
5 any paint, all substances, other than coloring matter may be treated
6 as one hundred per cent (100%), in which case the description or
7 trade name of such coloring matter, with its chemical analysis, shall
8 appear on the label in the same manner as provided in said sections.

[C. C. 1549, 1551, modified.]

Sec. 174. Labeling Oils.

1 All linseed oil or oil of turpentine offered or exposed for sale
2 or sold in package or wrapped form shall be labeled on each package
3 or container as provided in section sixteen (16), except that the label
4 shall be printed with ordinary bold-faced type in capital letters not
5 less than five-line pica in size.

[C. C. 1557, 1563.]

Sec. 175. Labeling Substitutes for Oils.

1 Any compound or mixture consisting of linseed oil (raw or
2 boiled) and any other product, or any compound or mixture consist-
3 ing of oil of turpentine and any other product, or any product which
4 is intended to be used as a substitute for linseed oil (raw or boiled)
5 or for oil of turpentine, which is offered or exposed for sale or sold
6 in package or wrapped form shall be labeled on each package or con-
7 tainer as provided in sections sixteen (16) to nineteen (19), inclu-
8 sive, except that the label shall be printed with ordinary bold-faced
9 type in capital letters not less than five-line pica in size and the words
10 "substitute for linseed oil" or "substitute for oil of turpentine", as the

11 case may be, shall also appear upon the label in the same manner
12 prescribed for other items.

[C. C. 1558, 1564.]

CHAPTER 17.

STANDARD WEIGHTS AND MEASURES.

Sec. 176. **Standard Established.**

1 The weights and measures which have been presented by the
2 commissioner to the federal bureau of standards and approved,
3 standardized, and certified by said bureau in accordance with the laws
4 of congress of the United States shall be the standard weights and
5 measures throughout the state.

[C. C. 1570, modified.]

Sec. 177. **Length and Surface Measure.**

1 The unit or standard measure of length and surface from which
2 all other measures of extension shall be derived and ascertained,
3 whether they be lineal, superficial, or solid, shall be the standard yard
4 secured in accordance with the provisions of the preceding section.
5 It shall be divided into three (3) equal parts called feet, and each
6 foot into twelve (12) equal parts called inches, and for the measure
7 of cloths and other commodities commonly sold by the yard it may
8 be divided into halves, quarters, eighths, and sixteenths. The rod,
9 pole, or perch shall contain five and a half ($5\frac{1}{2}$) such yards, and the
10 mile, one thousand seven hundred sixty (1,760) such yards.

[C. C. 1571, modified.]

Sec. 178. **Land Measure.**

1 The acre for land measure shall be measured horizontally and
2 contain ten (10) square chains and be equivalent in area to a rect-

3 angle sixteen (16) rods in length and ten (10) rods in breadth, six
4 hundred and forty (640) such acres being contained in a square mile.
5 The chain for measuring land shall be twenty-two (22) yards long,
6 and be divided into one hundred (100) equal parts, called links.

[C. C. 1571.]

Sec. 179. Weight.

1 The units or standards of weight from which all other weights
2 shall be derived and ascertained shall be the standard avoirdupois and
3 troy weights secured in accordance with the provisions of section one
4 hundred seventy-six (176). The avoirdupois pound, which bears
5 to the troy pound the ratio of seven thousand (7,000) to five thousand
6 seven hundred sixty (5,760), shall be divided into sixteen (16) equal
7 parts called ounces; the hundredweight shall consist of one hundred
8 (100) avoirdupois pounds, and twenty hundredweight shall consti-
9 tute a ton. The troy ounce shall be equal to the twelfth part of a
10 troy pound.

[C. C. 1572, part new.]

Sec. 180. Liquids.

1 The unit or standard measure of capacity for liquids from which
2 all other measures of liquids shall be derived and ascertained shall
3 be the standard gallon secured in accordance with the provisions of
4 section one hundred seventy-six (176). The gallon shall be divided
5 by continual division by the number two (2) so as to make half gal-
6 lons, quarts, pints, half pints, and gills. The barrel shall consist of
7 thirty-one and a half (31½) gallons, and two (2) barrels shall con-
8 stitute a hogshead.

[C. C. 1574, part new.]

Sec. 181. Dry Measure.

1 The unit or standard measure of capacity for substances not
2 liquids from which all other measures of such substances shall be
3 derived and ascertained shall be the standard half-bushel secured in
4 accordance with the provisions of section one hundred seventy-six
5 (176). The peck, half-peck, quarter-peck, quart, pint, and half-pint,
6 measures for measuring commodities which are not liquids, shall be
7 derived from the half-bushel by successively dividing the cubic inch
8 capacity of that measure by two (2).

[C. C. 1573, modified.]

Sec. 182. Bottomless Measures.

1 Bottomless dry measures shall not be used unless they conform
2 in shape to the United States standard dry measures.

[C. C. 1583.]

Sec. 183. Sales of Dry Commodities to Be by Weight.

1 All dry commodities unless bought or sold in package or wrapped
2 form shall be bought or sold only by the standard weight or measure
3 herein established, or by numerical count, unless the parties other-
4 wise agree in writing, except as provided in the four (4) following
5 sections.

[C. C. 1581, modified.]

Sec. 184. Drugs and Section Comb Honey Exempted.

1 The requirements of the preceding section shall not apply to
2 drugs or section comb honey.

[C. C. 1581, modified.]

Sec. 185. Bushel Measured by Avoirdupois Weight.

1 When any of the commodities enumerated in this section shall be

2 sold by the bushel or fractional part thereof, except when sold as
 3 provided in the two (2) following sections, the measure shall be de-
 4 termined by avoirdupois weight and shall be computed as follows:

5	<i>Commodities</i>	<i>Pounds</i>
6	Apples	48
7	Apples, dried	24
8	Alfalfa seed	60
9	Barley	48
10	Beans, green, unshelled.....	56
11	Beans, Dried	60
12	Beans, Lima	56
13	Beets	56
14	Blue grass seed.....	14
15	Bran	20
16	Bromus inermis	14
17	Broom corn seed.....	50
18	Buckwheat	48
19	Carrots	50
20	Castor beans, shelled.....	50
21	Charcoal	20
22	Cherries	40
23	Clover seed	60
24	Coal	80
25	Coke	40
26	Corn on the cob (field).....	70
27	Corn in the ear, unhusked (field).....	75
28	Corn, shelled (field).....	56

29	Corn meal	48
30	Cucumbers	48
31	Emmer	40
32	Flaxseed	56
33	Grapes, with stems.....	40
34	Hempseed	44
35	Hickory nuts, hulled.....	50
36	Hungarian grass seed.....	50
37	Kaffir corn	56
38	Lime	80
39	Millet Seed	50
40	Oats	32
41	Onions	52
42	Onion top sets.....	28
43	Onion bottom sets.....	32
44	Orchard grass seed.....	14
45	Osage orange seed.....	32
46	Parsnips	45
47	Peaches	48
48	Peaches, dried	33
49	Peanuts	22
50	Pears	45
51	Peas, green, unshelled.....	50
52	Peas, dried	60
53	Plums	48
54	Popcorn on the cob.....	70
55	Popcorn, shelled	56

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56	Potatoes	60
57	Quinces	48
58	Rape seed	50
59	Redtop seed	14
60	Rutabagas	60
61	Rye	56
62	Salt	80
63	Sand	130
64	Shorts	20
65	Sorghum saccharatum seed.....	50
66	Spelt	40
67	Sweet corn	50
68	Sweet potatoes	50
69	Timothy seed	45
70	Tomatoes	50
71	Turnips	55
72	Walnuts, hulled	50
73	Wheat	60
74	All root crops not specified above.....	50

[C. C. 1575, modified.]

Sec. 186. Sale of Certain Fruits and Vegetables by Dry Measure.

- 1 Blackberries, blueberries, cranberries, currants, gooseberries,
- 2 raspberries, cherries, strawberries, and similar berries, also onion
- 3 sets in quantities of one (1) peck or less, may be sold by the quart,
- 4 pint, or half-pint, dry measure.

[C. C. 1580.]

Sec. 187. Sale of Fruits and Vegetables in Climax Baskets.

1 Grapes, other fruits and vegetables may be sold in climax bas-
2 kets; but when said commodities are sold in such manner and the
3 containers are labeled with the net weight of the contents in accord-
4 ance with the provisions of section sixteen (16), all the provisions
5 of the chapter relative to labeling foods shall be deemed to have been
6 complied with.

[C. C. 1580.]

Sec. 188. Berry Boxes and Climax Baskets.

1 Berry boxes sold, used, or offered or exposed for sale shall have
2 an interior capacity of one (1) quart, pint, or half-pint dry measure.
3 Climax baskets sold, used, or offered or exposed for sale shall be of
4 the standard size fixed below:

5 1. Two-quart basket: length of bottom piece, nine and one-half
6 ($9\frac{1}{2}$) inches; width of bottom piece, three and one-half ($3\frac{1}{2}$) inches;
7 thickness of bottom piece, three-eighths ($\frac{3}{8}$) of an inch; height of
8 basket, three and seven-eighths ($3\frac{7}{8}$) inches, outside measurement;
9 top of basket, length eleven (11) inches, and width five (5) inches,
10 outside measurement; basket to have a cover five (5) by eleven (11)
11 inches, when a cover is used.

12 2. Four-quart basket: length of bottom piece, twelve (12) inches;
13 width of bottom piece, four and one-half ($4\frac{1}{2}$) inches; thickness of
14 bottom piece, three-eighths ($\frac{3}{8}$) of an inch; height of basket, four
15 and eleven-sixteenths ($4\frac{11}{16}$) inches, outside measurement; top of
16 basket, length fourteen (14) inches, width six and one-fourth ($6\frac{1}{4}$)
17 inches, outside measurement; basket to have cover six and one-fourth
18 ($6\frac{1}{4}$) inches by fourteen (14) inches, when cover is used.

19 3. Twelve-quart basket: length of bottom piece, sixteen (16)
20 inches; width of bottom piece, six and one-half ($6\frac{1}{2}$) inches; thick-
21 ness of bottom piece, seven-sixteenth ($\frac{7}{16}$) inch, outside measure-
22 ment; top of basket, length nineteen (19) inches, width nine (9)
23 inches, outside measurement; basket to have cover nine (9) inches
24 by nineteen (19) inches, when cover is used.

[C. C. 1580.]

Sec. 189. **Hop Boxes.**

1 The standard box used in packing hops shall be thirty-six (36)
2 inches long, eighteen (18) inches wide, and twenty-three and one-
3 fourth ($23\frac{1}{4}$) inches deep, inside measurement.

[C. C. 1578.]

Sec. 190. **Milk Bottles.**

1 The standard bottle used for the sale of milk and cream shall be
2 of a capacity of one-half ($\frac{1}{2}$) gallon, three (3) pints, one (1) quart,
3 one (1) pint, one-half ($\frac{1}{2}$) pint, one (1) gill, filled full to the bottom
4 of the lip.

[C. C. 1584.]

Sec. 191. **Flour.**

1 A barrel of flour shall consist of one hundred ninety-six (196)
2 pounds avoirdupois, and one-fourth ($\frac{1}{4}$) barrel consisting of forty-
3 nine (49) pounds shall be deemed a sack of flour.

[C. C. 1576.]

Sec. 192. **Mason Work or Stone.**

1 The perch of mason work of stone shall consist of twenty-five
2 (25) feet, cubic measure.

[C. C. 1579.]

Sec. 193. Sales to Be by Standard Weight or Measure.

1 All commodities bought or sold by weight or measure shall be
2 bought or sold only by the standard established by this chapter, unless
3 the vendor and vendee otherwise agree. Sales by weight shall be by
4 avoirdupois weight unless troy weight is agreed upon by the vendor
5 and vendee.

[C. C. 1581, modified.]

CHAPTER 18.**SALES OF CERTAIN COMMODITIES FROM BULK.****Sec. 194. Sales of Coal, Charcoal, and Coke.**

1 No person shall sell, offer or expose for sale any coal, charcoal,
2 or coke in any other manner than by weight, or represent any of
3 said commodities as being the product of any county, state, or terri-
4 tory, except that in which mined or produced, or represent that said
5 commodities contain more British thermal units than are present
6 therein.

[C. C. 1585.]

Sec. 195. Delivery Tickets Required.

1 No person shall deliver any of said commodities without each
2 such delivery being accompanied by duplicate delivery tickets, on
3 each of which shall be written in ink or other indelible substance, dis-
4 tinctly expressed in pounds, the gross weight of the load, the tare of
5 the delivering vehicle, and the net amount in weight of the commod-
6 ity, with the names of the purchaser and the dealer from whom pur-
7 chased.

[C. C. 1585.]

Sec. 196. Disposition of Delivery Tickets.

1 One (1) of said duplicate tickets shall be delivered to the vendee
2 and the other one (1) shall be returned to the vendor. Upon demand
3 by the commissioner the person in charge of the load shall surrender
4 one (1) of said duplicate tickets to him. If the commissioner desires
5 to retain said ticket he shall deliver a commissioner's weight slip to
6 the vendee or his agent.

[C. C. 1585.]

Sec. 197. Sales Without Delivery.

1 When the vendee carries away the commodity purchased, a de-
2 livery ticket, showing the actual number of pounds received by him
3 shall be issued to him by the vendor.

[C. C. 1585.]

Sec. 198. Sales of Hay or Straw by Bale.

1 No person shall sell, offer or expose for sale any bales of hay or
2 straw without first attaching thereto a plain and conspicuous state-
3 ment of the minimum net weight contained in such bales; but nothing
4 in this section shall be construed to require a statement of weight on
5 each bale where hay or straw is sold by the ton and a ticket showing
6 the gross, tare, and net weight accompanies the delivery.

[C. C. 1582, modified.]

Sec. 199. Inspection of Loaded Vehicles.

1 The commissioner may stop any wagon, auto truck, or other ve-
2 hicle loaded with any commodity being bought, offered or exposed for
3 sale, or sold, and compel the person having charge of the same to
4 bring the load to a scale designated by the commissioner and weighed
5 for the purpose of determining the true net weight of the commodity.

[C. C. 1585, 1587.]

CHAPTER 19.**STATE AND CITY SEALERS.****Sec. 200. State Sealer.**

1 The commissioner shall designate one (1) of his assistants to
2 act as state sealer of weights and measures. All weights and meas-
3 ures sealed by him shall be impressed with the letters "Iowa".

[C. C. 1569.]

Sec. 201. Preservation of Standards.

1 The commissioner shall maintain the state standards in good
2 order and shall take all necessary precautions for their safekeeping.
3 He shall submit them once in ten (10) years to the national bureau
4 of standards for certification.

[C. C. 1569.]

Sec. 202. Testing Weights and Measures.

1 Upon written request of any citizen, firm, or corporation, city,
2 town, or county, or educational institution of the state made to the
3 commissioner, a test or calibration of any weights, measures, weigh-
4 ing or measuring devices, and instruments or apparatus to be used
5 as standards shall be made.

[C. C. 1569.]

Sec. 203. Sealing Milk Bottles Not Required.

1 The state sealer shall not be required to seal bottles for milk or
2 cream, but they shall be inspected from time to time in order to ascer-
3 tain whether they are standard.

[C. C. 1584.]

Sec. 204. Sealer for Cities and Towns.

1 A sealer of weights and measures may be appointed in any city

2 or town by the council, who shall hold his office during its pleasure,
3 and may obtain from the commissioner such standard weights and
4 measures as the council may deem necessary.

[C. C. 1595.]

Sec. 205. Duties of City Sealer.

1 Each sealer in cities and towns shall take charge of and provide
2 for the safekeeping of the town or city standards, and see that the
3 weights, measures, and all apparatus used for determining the quan-
4 tity of commodities used throughout the town or city, agree with the
5 standards in his possession.

[C. C. 1595.]

Sec. 206. Expenses.

1 All expenses directly incurred in furnishing the several cities
2 and towns with standards, or in comparing those that may be in their
3 possession, shall be borne by said cities and towns.

[C. C. 1596.]

CHAPTER 20.

PUBLIC SCALES.

Sec. 207. Public Scale Defined.

1 For the purposes of this chapter every scale or weighing device
2 for the use of which a charge is made or compensation is derived shall
3 be deemed to be a public scale.

[C. C. 1586, 1599.]

Sec. 208. License Required.

1 Every person who shall use or display for use any public scale
2 shall secure a license for said scale from the commissioner.

[C. C. 1586.]

Sec. 209. Fee—Expiration of License.

1 The license fee shall be three dollars (\$3.00) per annum and each
2 license shall expire on December thirtieth of each year.

[C. C. 1586.]

Sec. 210. Form of License.

1 The license shall be in the form of a metal plate bearing the words
2 “Licensed by the Food and Drug Department, State of Iowa, No.
3” Each plate shall be numbered consecutively and bear the
4 year for which the license is granted.

[C. C. 1586.]

Sec. 211. License to Be Displayed—Removal—Penalty.

1 The license plate shall be displayed prominently on the front of
2 the scale and the defacing or wrongful removal of such plate shall be
3 punished as provided in chapter two (2) of this title. Absence of
4 license plate shall be prima facie evidence that the weighing device
5 is being operated contrary to law.

[C. C. 1586.]

Sec. 212. Oath of Weighmasters.

1 All persons keeping public scales, before entering upon their
2 duties as weighmasters, shall be sworn before some person having
3 authority to administer oaths, to keep their scales correctly balanced,
4 to make true weights, and to render a correct account to the person
5 having weighing done.

[C. C. 1599.]

Sec. 213. Weighmasters to Keep Registers.

1 Weighmasters are required to make true weights and keep a cor-
2 rect register of all weighing done by them, giving the amount of each

3 weight, date thereof, and the name of the person or persons for whom
4 done, and give, upon demand, to any person having weighing done, a
5 certificate showing the weight, date, and for whom weighed.

[C. C. 1600.]

Sec. 214. Penalty.

1 Any weighmaster violating any of the provisions of the two (2)
2 preceding sections, shall be guilty of a misdemeanor, and punished as
3 provided in chapter two (2) of this title, and be liable to the person
4 injured for all damages sustained.

[C. C. 1601.]

CHAPTER 21.

INSPECTION OF WEIGHTS AND MEASURES.

Sec. 215. Duty to Inspect.

1 The commissioner shall make an inspection of all weights and
2 measures wherever the same are kept for use in connection with the
3 sale of any commodity sold by weight or measurement, or where the
4 price to be paid for producing any commodity is based upon the weight
5 or measurement thereof; and when complaint is made to the commis-
6 sioner that any false or incorrect weights or measures are being made
7 under said conditions he shall have the same inspected as soon as the
8 duties of his office will permit.

[C. C. 1587, 1588.]

Sec. 216. Inspection Fees.

1 An inspection fee shall be charged the person owning or operating
2 the scale so inspected in accordance with the following schedule:
3 Scales with a five hundred (500) pounds' capacity up to and including
4 four thousand (4,000) pounds' capacity, one dollar (\$1.00) each;

5 scales over four thousand (4,000) pounds' capacity up to and including
6 twenty-one thousand (21,000) pounds' capacity, three dollars (\$3.00)
7 each; scales over twenty-one thousand (21,000) pounds' capacity not
8 including railroad track scales, five dollars (\$5.00) each; railroad track
9 scales, ten dollars (\$10.00) each; all hopper or automatic scales, two
10 dollars (\$2.00) each.

[C. C. 1587.]

Sec. 217. Payment by Party Complaining.

1 When such inspection shall be made upon the complaint of any
2 person other than the owner of the scale, and upon examination the
3 scale is found by the commissioner to be accurate for weighing, the
4 inspection fee for such inspection shall be paid by the person making
5 complaint.

[C. C. 1587.]

Sec. 218. Limitation on Number of Inspections.

1 No person shall be required to pay more than two (2) inspection
2 fees for any one (1) scale in any one (1) year unless additional inspec-
3 tions are made at the request of the owner of said scale.

[C. C. 1587.]

Sec. 219. Confiscation and Condemnation of Scales.

1 The commissioner may se'ize without warrant and confiscate any
2 incorrect scales, weights or measures, or any weighing apparatus or
3 part thereof which do not conform to the state standards or upon
4 which the license fee has not been paid. If any weighing or measur-
5 ing apparatus or part thereof be found out of order the same may be
6 tagged by the commissioner "Condemned until repaired," which tag

7 shall not be altered or removed until said apparatus is properly re-
8 paired.

[C. C. 1590.]

Sec. 220. Possession of False Weights or Measures.

1 If any person engaged in the purchase or sale of any commodity
2 by weight or measurement, or in the employment of labor where the
3 price thereof is to be determined by weight or measurement of the
4 articles upon which such labor is bestowed, has in his possession any
5 inaccurate scales, weights, or measures or other apparatus for deter-
6 mining the quantity of any commodity which do not conform to the
7 standard weights and measures, he shall be punished as provided in
8 chapter two (2) of this title.

[C. C. 1589.]

Sec. 221. Transactions by False Weights or Measures.

1 Any person shall be deemed to have violated the provisions of this
2 chapter and shall be punished as provided in chapter two (2) of this
3 title:

4 1. If such person sell, trade, deliver, charge for or claim to have
5 delivered to a purchaser an amount of any commodity which is less
6 in weight or measure than that which is asked for, agreed upon,
7 claimed to have been delivered, or noted on the delivery ticket.

8 2. If such person make settlement for or enter credit, based upon
9 any false weight or measurement, for any commodity purchased.

10 3. If such person make settlement for or enter credit, based upon
11 any false weight or measurement, for any labor where the price for
12 producing or mining is determined by weight or measure.

13 4. If such person record a false weight or measurement upon the

14 weight ticket or book.

[C. C. 1593.]

Sec. 222. Reasonable Variations—Small Packages.

1 In enforcing the provisions of the preceding section reasonable
2 variations shall be permitted and exemptions as to small packages
3 shall be established by rules of the commissioner.

[C. C. 1593.]

Sec. 223. Power of Cities and Towns Limited.

1 Commodities weighed upon any scale bearing the inspection card,
2 issued by the commissioner, shall not be required to be reweighed by
3 any ordinance of any city or town or city under special charter or
4 under the commission form of government, nor shall their sale, at the
5 weights so ascertained, and because thereof, be, by such ordinance,
6 prohibited or restricted.

[C. C. 1586.]

Code Commissioners' Bill No. 65

Subject: DEPARTMENT OF AGRICULTURE—COUNTY AND DISTRICT FAIRS—WEATHER AND CROP SERVICE

Senate File No..... Referred to Committee on
 House File No.....
 By Date.....

A BILL FOR

An act to amend, revise and codify chapter one (1), sections sixteen hundred thirty-two (1632) to sixteen hundred forty (1640), inclusive, and chapters three (3) and four (4), of title eight (8) of the compiled code of Iowa, relating to the department of agriculture, county and district fairs or agricultural societies, farmers' institutes and short courses, and weather and crop service.

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

That chapter one (1) of title eight (8) of the compiled code of Iowa is amended, revised and codified to read as follows:

CHAPTER 1.

STATE BOARD OF AGRICULTURE.

Section 1. Object.

1 The state department of agriculture shall be for the promotion
 2 of agriculture, horticulture, forestry, animal industry, manufactures
 3 and industrial and domestic arts and science, and education therein.
 4 therein.

[C. C. 1613.]

Sec. 2. Bequests.

1 The department of agriculture may take and hold property by
 2 gifts, devise or bequests. The president, secretary and treasurer of

3 the board of agriculture shall have charge and control of the same,
4 subject to the action of the board, and shall give bonds as required
5 in case of executors, to be approved by the board and filed with the
6 secretary of state.

[C. C. 1621.]

Sec. 3. Board of Agriculture.

1 Said department shall be managed by the state board of agricul-
2 ture which shall consist:

3 1. Of the following ex officio members: The governor of the state,
4 the president of the state college of agriculture and mechanic arts,
5 the state food and drug commissioner, and the president of the live
6 stock sanitary board.

7 2. Of the following elective members: The president and vice
8 president of the board, and one (1) director from each congressional
9 district, to be elected as hereinafter provided.

10 3. Of the secretary and treasurer of the board.

[C. C. 1614, modified.]

Sec. 4. Agricultural Convention.

1 An agricultural convention shall be held, annually, at the capitol,
2 on the second Wednesday of December. Said convention shall be com-
3 posed of:

4 1. The members of the state board of agriculture.

5 2. The president or secretary of each county or district agri-
6 cultural society entitled to receive aid from the state, or a regularly
7 elected delegate therefrom accredited in writing, who shall be a resi-
8 dent of the county.

9 3. One (1) delegate, resident of the county, to be appointed by
10 the board of supervisors in counties where there are no such societies
11 or when such society fails to report to the secretary of said depart-
12 ment of agriculture as a basis for state aid.

13 4. The president, or an accredited representative, of the state
14 horticultural society.

15 5. The president, or an accredited representative, of the state
16 dairy association.

17 6. The president, or an accredited representative, of the Iowa
18 swine breeders' association.

19 7. The president, or an accredited representative, of each farm-
20 ers' institute organized under chapter three (3) of this title, which
21 has been organized at least one (1) year and has, through its presi-
22 dent and secretary or executive committee, reported to the secretary
23 of said board not later than November first, that an institute was
24 held according to law, the date thereof, and the names and postoffice
25 addresses of its officers.

[C. C. 1615, modified.]

Sec. 5. Voting Power.

1 On all questions arising for determination by the convention, each
2 member present shall be entitled to but one (1) vote, and no proxies
3 shall be recognized by the convention.

[C. C. 1615.]

Sec. 6. Convention to Elect Officers—Terms—Vacancies.

1 Said convention shall elect a president and vice president of the
2 board, who shall hold office for one (1) year; also a successor to each
3 congressional district director on the board whose term expires at

4 the adjournment of said convention. Should a vacancy occur in the
5 office of an elective member after the adjournment of the convention,
6 the board shall fill the same, but such appointments shall terminate
7 at the convening of the next annual convention, which convention
8 shall immediately fill the vacancy for the unexpired term. The term
9 of a director on the board for a full term, which shall be two (2)
10 years, shall begin on the day following the adjournment of the con-
11 vention. The term of a director who is elected by the convention to
12 fill a vacancy shall begin immediately on his election.

[C. C. 1616, modified.]

Sec. 7. Elective Members—Compensation.

1 The elective members of the board, for attending the meetings
2 of the board, and for the special work pertaining to the holding of the
3 state fair, shall be allowed ten dollars (\$10.00) per day and actual
4 and necessary traveling and hotel expenses, the claim for which shall
5 be verified and paid from the state fair receipts.

[C. C. 1624.]

Sec. 8. General Duties of Board.

1 Said board shall:

2 1. Have general supervision of the several branches, bureaus, and
3 offices embraced in said department.

4 2. Carry out the objects of the creation and maintenance of the
5 department.

6 3. Investigate all subjects relating to improved methods, appli-
7 ances and machinery relative to agriculture and related subjects, in-
8 cluding diversification of crops.

9 4. Investigate reports of the prevalence of diseases among do-
10 mestic animals and of destructive insects and fungus disease, and
11 recommend remedial measures for the prevention of damage there-
12 from.

[C. C. 1617, modified.]

Sec. 9. Experiment Station to Cooperate With Department.

1 The Iowa agricultural experiment station shall cooperate with
2 the department of agriculture in carrying on the above investigations.

[C. C. 1617.]

Sec. 10. Executive Committee—Meetings.

1 The president, vice president, and secretary shall constitute an
2 executive committee, which shall transact such business as may be
3 delegated to it by the board of agriculture. The president may call
4 meetings of the board when the interests of the department require it.

[C. C. 1618.]

Sec. 11. Secretary.

1 The board shall elect a secretary of said department who shall
2 hold office for one (1) year and perform the following duties:

3 1. Keep a complete record of the annual agricultural convention
4 and of all meetings of the board.

5 2. Draw all warrants on the treasurer of the board and keep a
6 correct account thereof.

7 3. Compile and superintend the printing, by the state, of the
8 annual report of the state department of agriculture, entitled "The
9 Iowa Year Book of Agriculture."

10 4. Such other duties as the board may direct.

[C. C. 1627, modified.]

Sec. 12. Iowa Year Book.

1 “The Iowa Year Book of Agriculture” shall include the annual
2 report of the food and drug commissioner, the state dairy association,
3 the Iowa agricultural experiment station, the live stock sanitary board,
4 the Iowa weather and crop service, or such part thereof as the docu-
5 ment editor may approve, and such other reports and statistics as
6 the board may direct, which shall be published by the state.

[C. C. 1627, modified.]

Sec. 13. Statistics for Year Book.

1 The secretary of said board shall cause to be delivered to each
2 county auditor before the first week in January of each year the
3 blanks to be used by the assessors and county auditor for the proper
4 return, as to each person whose property is listed, of statistics of the
5 previous year as to the number of acres, average and total yield of
6 corn, oats, wheat, and such other crops and information as may be
7 in their possession which may be called for relative to agriculture,
8 agricultural production, agricultural labor, live stock, and poultry and
9 egg production, for publication in the Iowa year book of agriculture.

[C. C. 1629.]

Sec. 14. Duty of Assessor.

1 The assessor shall require each person whose property is listed
2 to make answers to such inquiries as may be necessary to enable him
3 to return the foregoing statistics to the county auditor on or before
4 the fifteenth day of April. Said auditor shall tabulate the same by
5 townships, and forward the returns thereof to the secretary of the
6 state board of agriculture not later than the tenth day of May.

[C. C. 1629.]

Sec. 15. Salary of Secretary.

1 The secretary shall receive as salary such compensaion as may
2 be fixed and allowed by the board from the funds derived from the
3 state fair, but said salary shall not be increased more than four hun-
4 dred dollars (\$400.00) in any one (1) year, and, in no event, be more
5 than four thousand dollars (\$4,000.00).

[C. C. 1622.]

Sec. 16. Treasurer.

1 The board shall elect a treasurer of the board for a term of one
2 (1) year who shall:

3 1. Keep a correct account of the receipts and disbursements of
4 all moneys belonging to the department.

5 2. Make payments on all warrants signed by the president and
6 secretary, except in payment of premiums.

7 3. Execute a bond, to be approved by the board, for the faithful
8 performance of his duties.

[C. C. 1623.]

Sec. 17. Salary of Treasurer.

1 The treasurer shall receive such annual compensation for his
2 services as the board may fix, not exceeding two hundred fifty dollars
3 (\$250.00), and necessary traveling, hotel and other expenses.

[C. C. 1623.]

Sec. 18. State Fair and Grounds.

1 The board shall have full control of the state fair grounds and
2 improvements thereon belonging to the state, with requisite powers
3 to hold annual fairs and exhibits of the productive resources and in-
4 dustries of the state. It may prescribe all necessary rules pertaining

5 thereto. The board may delegate the management of the state fair
6 to the executive committee and two (2) or more additional members
7 of the board; and for special work pertaining to the fair it may employ
8 an assistant secretary and such clerical assistance as may be deemed
9 necessary. All expenditures connected with the fair, including the
10 per diem and expenses of the managers thereof, shall be recorded
11 separately and paid from the state fair receipts.

[C. C. 1619.]

Sec. 19. Street Railways on State Fair Grounds.

1 Said board of agriculture shall have the power to authorize or
2 forbid the construction of street railways within the state fair
3 grounds, and may define the motive power by which the cars thereon
4 shall be propelled.

[C. C. 1619.]

Sec. 20. Premium List for State Fair.

1 The premium list and rules of exhibition shall be determined and
2 published by the board prior to the first day of May in each year.

[C. C. 1620.]

Sec. 21. Nonliability of State.

1 The state shall not be liable for the payment of any premiums
2 offered by the state board of agriculture, nor for any expenses or lia-
3 bilities incurred by said board, except, as expressly provided for in
4 this chapter.

[C. C. 1625.]

Sec. 22. State Farmers' Institute.

1 In connection with the annual convention, either preceding or
2 following the day on which the officers are elected, the board may

3 hold a state farmers' institute, for the discussion of practical and
4 scientific topics relating to the various branches of agriculture, the
5 substance of which shall be published in the annual report of the
6 board.

[C. C. 1626.]

Sec. 23. Financial Report by State Accountant.

1 Prior to the annual convention of the department of agriculture,
2 the state accountant shall examine and report to the executive council
3 upon all financial business of the department of agriculture. Such
4 report shall be edited as provided by law and included in the biennial
5 expense report of the executive council.

[C. C. 1630, modified.]

Sec. 24. Terms Defined.

1 Where the words "board of directors of the state agricultural so-
2 ciety" occur in this code, the same shall be construed to mean "the
3 state board of agriculture", and the words "state society" and "state
4 agricultural society" shall be construed to mean "the department of
5 agriculture", where the context so indicates.

[C. C. 1631.]

Sec. 25. Appropriation.

1 The following sums, or so much thereof as may be necessary, are
2 hereby annually appropriated:

3 1. For the support of the office of the department of agriculture,
4 twenty-four hundred dollars (\$2,400.00).

5 2. For insurance and improvements of buildings on the state fair
6 grounds, one thousand dollars (\$1,000.00).

7 The auditor of state shall, on the order of said department signed
8 by the president and secretary thereof, draw warrants on said appro-
9 priation in such amounts and at such times as the board shall deem
10 necessary.

[C. C. 1625.]

That sections sixteen hundred thirty-two (1632) to sixteen hundred
forty (1640), inclusive, of the compiled code of Iowa are amended, revised
and codified to read as follows:

Sec. 26. Terms Defined.

1 The term "fair" as used in this chapter means a bona fide annual
2 exhibition of live stock, agricultural, dairy, and kindred products, and
3 farm implements. The term "agricultural society" means a county
4 or district fair or agricultural society incorporated under the laws
5 of this state for the purpose of holding such fair.

[C. C. 1636.]

Sec. 27. Powers of Society.

1 Any such society may, annually, offer and award premiums to
2 further the interest and education in, and to encourage the improve-
3 ment of, live stock, agricultural products, implements and mechanical
4 devices, articles of domestic industry and such other articles as it
5 may think proper, and so regulate the amount thereof and the classi-
6 fication as to induce general competition.

[C. C. 1632.]

Sec. 28. Control of Grounds.

1 During the time a fair is being held, no ordinance or resolution
2 of any city or town shall in any way impair the authority of the so-

3 ciety, but it shall have sole and exclusive control over and manage-
4 ment of such fair.

[C. C. 1640.]

Sec. 29. Permits.

1 The president of any such society may grant a written permit to
2 such persons as he thinks proper, to sell fruit, provisions, and other
3 articles not prohibited by law, under such regulations as the board
4 of directors may prescribe.

[C. C. 1639.]

Sec. 30. Appointment of Police.

1 The president of any such society may appoint such number of
2 special police as he may deem necessary. Such officers are hereby
3 vested with the powers and charged with the duties, of peace officers.

[C. C. 1640.]

Sec. 31. Removal of Obstructions.

1 All shows, swings, booths, tents, carriages or any other thing
2 that may obstruct the grounds of such society or the driveways thereof,
3 may be removed from said grounds on the order of the president.

[C. C. 1640.]

Sec. 32. Refusal to Remove Obstructions.

1 Any person owning, occupying or using any such obstruction who
2 shall refuse or fail to remove the same when ordered to do so by the
3 president shall be liable to a fine of not less than five dollars (\$5.00)
4 nor more than one hundred dollars (\$100.00) for every such offense.

[C. C. 1640.]

Sec. 33. Publication of Financial Statement.

1 Each such society shall annually publish in one (1) newspaper

2 of the county an itemized list of the awards paid, and a financial
3 statement of receipts and disbursements for the current year.

[C. C. 1634.]

Sec. 34. State Aid.

1 Any such society shall be entitled to receive aid from the state
2 treasury if it files with the secretary of the state department of agri-
3 culture, on or before November first of each year, a sworn statement
4 which shall show :

5 1. The actual amount paid by it in cash premiums at its fair for
6 the current year, which statement must correspond with its published
7 offer of premiums.

8 2. That no part of said amount was paid for speed events, or to
9 secure games or amusements, and that no gambling devices, sales of
10 intoxicating liquors or other violations of law were permitted on its
11 grounds.

12 3. A full and accurate statement of the receipts and expenditures
13 of the society for said current year and other statistical data relative
14 to exhibits and attendance for said year.

15 4. A copy of the published list of awards and financial statement
16 published as required by law, together with proof of such publication.

[C. C. 1633, 1634.]

Sec. 35. Amount Allowed as State Aid.

1 The amount allowed to such society as state aid shall be seventy
2 per cent (70%) of the first one thousand dollars (\$1,000.00) and sixty
3 per cent (60%) of all sums over one thousand dollars (\$1,000.00)
4 paid in cash by the society for premiums at its annual fair for the
5 current year, except that the total aid shall not in any one (1) year

6 exceed fifteen hundred (\$1,500.00) to any one (1) society.

[C. C. 1633.]

Sec. 36. Payment of State Aid.

1 The auditor of state shall issue his warrant to any such society
2 for the amount due as state aid, less one hundred dollars (\$100.00),
3 provided the secretary of the state department of agriculture certifies
4 to said auditor that said society has complied with the law relative
5 thereto and that a named amount is due said society. Said auditor
6 shall issue a like warrant for said one hundred dollars (\$100.00), pro-
7 vided the said secretary certifies that said society had an accredited
8 delegate in attendance at the annual state agriculture convention.

[C. C. 1635.]

Sec. 37. County Aid.

1 The board of supervisors of the county in which any such society
2 is located may pay to such society from the general fund of the county,
3 a sum not exceeding one hundred dollars (\$100.00) for each one thou-
4 sand (1,000) inhabitants of the county, and in no case exceeding one
5 thousand dollars (\$1,000.00) to any one (1) society in any one (1)
6 year, for the sole purpose of fitting up or purchasing fair grounds
7 for said society, provided such society shall be the owner, in fee simple,
8 or the lessee, of at least ten (10) acres of land for fair ground pur-
9 poses, and shall own buildings and improvements thereon, of at least
10 two thousand dollars (\$2,000.00) in value.

[C. C. 1637.]

Sec. 38. Additional County Aid.

1 The board of supervisors may submit to the legal voters of the
2 county, at a general or special election, the proposition to purchase,

3 for county or district fair purposes, real estate exceeding one thou-
4 sand dollars (\$1,000.00) in value. Notice of such election shall be
5 published in one (1) of the official newspapers of the county for four
6 (4) weeks previous to such election.

[C. C. 1637.]

Sec. 39. Purchase and Management.

1 Should a majority of the votes cast be in favor of such propo-
2 sition, the board shall make the authorized purchase and pay for the
3 same out of the general fund. Title shall be taken in the name of the
4 county. The board of supervisors shall place such real estate under
5 the control and management of an incorporated county or district fair
6 society, as long as an annual county or district fair is maintained by
7 such corporation on said real estate. Said corporation is authorized
8 to erect and maintain buildings and make such other improvements
9 on said real estate as is necessary, but the county shall not be liable
10 for such improvements or the expenditures therefor.

[C. C. 1637.]

Sec. 40. Termination of Rights of Society.

1 The right of said society to the control and management of said
2 real estate may be terminated by the board of supervisors whenever
3 well conducted agricultural fairs are not annually held thereon.

[C. C. 1637.]

Sec. 41. Tax Aid.

1 In cases contemplated by the three (3) preceding sections, the
2 board of supervisors may, annually, levy a tax sufficient to produce
3 in any one (1) year an amount not to exceed the sum of one thousand
4 dollars (\$1,000.00). Said money shall be expended only for the erec-

5 tion and repair of buildings or other permanent improvements on the
6 fair grounds or for the payment of debts contracted in the erection or
7 repair thereof.

[C. C. 1637, modified.]

Sec. 42. Shares of Stock to County.

1 Shares of nonassessable stock shall be issued to the county at par
2 value for the amount of money received by said society under the pre-
3 ceding section.

[C. C. 1637.]

Sec. 43. Report to Supervisors.

1 Each society receiving an appropriation from the county shall,
2 through its secretary, make to the board of supervisors a detailed
3 statement, accompanied with vouchers, showing the legal disburse-
4 ment of all moneys so received.

[C. C. 1638.]

Sec. 44. Board of Supervisors to Appoint Delegate.

1 The board of supervisors may appoint a delegate to the annual
2 state agricultural convention in those cases where any such resident
3 society has failed to report to the secretary of the state department
4 of agriculture, as provided by law, as a basis for receiving state aid.
5 Such delegate shall be a resident of the county. Said secretary shall
6 shall promptly report such failure to the county auditor.

[C. C. 1633.]

That chapter three (3) of title eight (8) of the compiled code of Iowa
is amended, revised and codified to read as follows:

CHAPTER 3.

FARMERS' INSTITUTES AND SHORT COURSES.

Sec. 45. State Aid to Farmers' Institutes.

1 Farmers' institutes shall be entitled to state aid only under the
2 following conditions:

3 1. The institute must be organized by at least forty (40) farmers
4 of the county and have a president, secretary, treasurer and executive
5 committee of not less than three (3) members other than said first
6 named officers.

7 2. It must hold for not less than two (2) days each year an insti-
8 tute, devoted to farm and kindred subjects.

9 3. It must file with the secretary of the state department of agri-
10 culture on or before the first day of June of each year a sworn, item-
11 ized report of such institute, which report must show the organization
12 of such institute, the fact that such institute was held, the purposes
13 for which held, and the purposes for which the money used by it was
14 expended.

[C. C. 1645.]

Sec. 46. Duty of Secretary.

1 The secretary of said department of agriculture, on receipt of
2 such report, if the same is sufficient and filed within the time named,
3 shall certify to the auditor of state that all of said conditions have
4 been complied with by said institute and that a named amount is due
5 said institute as state aid.

[C. C. 1645.]

Sec. 47. Auditor to Draw Warrant.

1 The auditor of state, on receipt of such certificate, shall draw a
2 warrant in favor of the county treasurer of the county where such
3 institute is located for the amount specified in said certificate, not in
4 any case to exceed seventy-five dollars (\$75.00) for any one (1) year.

[C. C. 1645.]

Sec. 48. Farmers' Institute Fund.

1 Said money shall constitute a farmers' institute fund and shall
2 remain in the hands of the county treasurer. No warrant shall be
3 drawn thereon, except on a written order signed by a majority of the
4 members of the executive committee of said institute. No officer of
5 any such institute shall receive any part of said fund as compensation
6 for services as such officer.

[C. C. 1645, 1646.]

Sec. 49. Division of Fund.

1 If there be, in a county, two (2) or more institutes claiming right
2 to said fund under this chapter, the board of supervisors shall equit-
3 ably divide said fund among such institutes as may be legally entitled
4 thereto, but in no case shall more than three (3) institutes be held in
5 one (1) year in any county under the provisions of this chapter.

[C. C. 1646.]

Sec. 50. Appropriation.

1 There is hereby appropriated, annually, from any unappropriated
2 funds in the state treasury a sum not exceeding seventy-five dollars
3 (\$75.00) for such institute work in each county.

[C. C. 1645.]

Sec. 51. State Aid for Short Courses in Agriculture.

1 Organizations for the purpose of holding what is known as a
2 short course in agriculture and domestic science shall be entitled to
3 state aid under the following conditions:

4 1. The organization must be formed by at least one hundred
5 (100) citizens of a county, which has no county or district fair re-
6 ceiving state aid as provided in the preceding chapter of this title, or
7 in which county a county fair is not held in the year in question.

8 2. Such organization must have a president, secretary, treasurer,
9 and an executive committee of not less than five (5) members.

10 3. Such short course must hold a session of four (4) or more
11 days at some place within the county and give a program designed to
12 promote the science of agriculture and domestic science.

13 4. Said organization, through one (1) of said named officers,
14 shall file a sworn statement with the secretary of the state depart-
15 ment of agriculture, setting forth the facts showing compliance with
16 all the foregoing conditions and an itemized list of cash premiums
17 paid by it at said short course.

[C. C. 1647.]

Sec. 52. Duty of Secretary.

1 The secretary of the department of agriculture, on receipt of
2 said statement, shall, if it complies with the foregoing requirements,
3 certify to the auditor of state that said organization has fully com-
4 plied with all said conditions and that a named amount is due it as
5 state aid.

[C. C. 1647.]

Sec. 53. Payment of State Aid.

1 The state auditor, on receipt of such certificate, shall draw a war-
2 rant in favor of the president, secretary or treasurer of said organ-
3 ization for a sum equal to forty per cent (40%) of the amount so paid
4 in premiums, but in no case exceeding two hundred dollars (\$200.00)
5 in any one (1) county. In all counties where no regular farmers'
6 institute is held and where a short course is held, the money appro-
7 priated for such farmers' institute shall be payable on account of such
8 short course upon proof being made as provided in the second preced-
9 ing section.

[C. C. 1647, 1648.]

Sec. 54. Appropriation.

1 There is hereby appropriated out of any unappropriated funds in
2 the state treasury a sum sufficient to pay the amount contemplated by
3 the last preceding section.

[C. C. 1647.]

That chapter four (4) of title eight (8) of the compiled code of Iowa
is amended, revised and codified to read as follows:

CHAPTER 4.**WEATHER AND CROP SERVICE.****Sec. 55. Weather and Crop Service.**

1 The state weather and crop service bureau shall cooperate with
2 the national weather bureau for the purpose of collecting and dissem-
3 inating weather and crop statistics and meteorological data, and of
4 promoting knowledge of meteorological science and the climatology
5 of the state.

[C. C. 1649.]

Sec. 56. Supervision—Director.

1 Said bureau shall be under the supervision of the state board of
2 agriculture. The central station at the seat of government shall be
3 under the charge of a director and an assistant who shall be appointed
4 by the governor on the recommendation of said board. Said assistant
5 shall be an officer of the national weather bureau, if one be detailed
6 for that purpose.

[C. C. 1649, 1650.]

Sec. 57. Duties of Director.

1 The director shall:

2 1. Cooperate with said board of agriculture in establishing volun-
3 teer stations in one (1) or more places in each county, and appoint
4 observers thereat.

5 2. Supervise such stations, receive reports of meteorological
6 events and crop conditions and tabulate the same for permanent
7 record.

8 3. Issue weekly weather and crop bulletins from April first to
9 October first of each year.

10 4. Edit and cause to be published a monthly weather and crop
11 review, containing meteorological and agricultural matter of public
12 interest.

13 5. Make an annual report to the governor reviewing and sum-
14 marizing the result of the service for the year. Said report may
15 include articles on meteorological science and climatology, and ex-
16 tracts from approved works thereon.

17 6. Cooperate with farmers' institute organizations in providing

18 speakers for them on agricultural and kindred topics.

[C. C. 1651, 1652.]

Sec. 58. Printing of Crop Review and Reports.

1 Each monthly weather and crop review and annual report of the
2 director shall be printed by the state.

[C. C. 1651, 1652, modified.]

Sec. 59. Appropriation.

1 There is appropriated, out of any unappropriated money in the
2 state treasury, the sum of thirty-seven hundred dollars (\$3,700.00),
3 annually, to be drawn and expended upon the order of the president
4 and secretary of the department of agriculture, for the service pro-
5 vided in this chapter, including the salary of the director.

[C. C. 1653.]

Code Commissioners' Bill No. 66

Subject: FARM ASSOCIATIONS

Senate File No..... Referred to Committee on
House File No.....
By Date.....

A BILL FOR

An act to amend, revise and codify sections sixteen hundred fifty-seven (1657), sixteen hundred sixty (1660), sixteen hundred sixty-one (1661), sixteen hundred seventy (1670), sixteen hundred seventy-one (1671), sixteen hundred seventy-three (1673), sixteen hundred seventy-five (1675), sixteen hundred seventy-six (1676), sixteen hundred seventy-seven (1677), sixteen hundred seventy-eight (1678), and chapters eight (8) and nine (9), of title eight (8) of the compiled code of Iowa, relating to farm improvement associations, Iowa corn and small grain growers' association, Iowa state dairy association, Iowa beef cattle producers' association, and poultry associations.

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

That section sixteen hundred fifty-seven (1657) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Articles—Recording.

1 Said articles may include other provisions which are not incon-
2 sistent with the provisions of this chapter. Said articles shall be
3 recorded by the county recorder of deeds without fee.

[C. C. 1657, modified.]

That section sixteen hundred sixty (1660) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 2. Funds Advanced by Federal Government.

1 The president and secretary of said association shall, prior to

2 the time of advancing any funds, as herein provided, certify to the
3 board of supervisors the amount, if any, advanced to said association
4 by the government of the United States for the ensuing year in aid
5 of its objects.

[C. C. 1660.]

That sections sixteen hundred sixty-one (1661) and sixteen hundred
seventy (1670) of the compiled code of Iowa are amended, revised and
codified to read as follows:

Sec. 3. Funds—How Expended.

1 The treasurer of said corporation shall receive all funds ad-
2 vanced or belonging to it and pay out the same only on bills allowed
3 by the board of directors, such allowance to be certified to by the
4 president or secretary.

[C. C. 1661.]

That section sixteen hundred seventy-one (1671) of the compiled code
of Iowa is amended, revised and codified to read as follows:

Sec. 4. Iowa Corn and Small Grain Growers' Association.

1 The organization now existing in, and incorporated under the
2 laws of, this state and known as the Iowa corn and small grain grow-
3 ers' association, shall be entitled to the benefit of this chapter by filing
4 each year with the secretary of state verified proofs of its organization
5 and of the names of its president, vice president, secretary and treas-
6 urer, and that five hundred (500) persons are bona fide members of
7 said association.

[C. C. 1671, modified.]

That section sixteen hundred seventy-three (1673) of the compiled
code of Iowa is amended, revised and codified to read as follows:

Sec. 5. Executive Committee.

1 The business of said association shall be transacted by an execu-
2 tive committee which shall consist of:

- 3 1. The president and secretary of said association.
- 4 2. The dean of agriculture of the Iowa state college of agricul-
5 ture and mechanic arts.
- 6 3. The professor of agronomy of said college.
- 7 4. The secretary of the state board of agriculture.

[C. C. 1673.]

That section sixteen hundred seventy-five (1675) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 6. Salaries and Expenses.

1 All salaries and expenses incurred by the association in carrying
2 out the provisions of this chapter shall be made from the appropria-
3 tion provided therefor, but only after bills therefor have been ap-
4 proved by the executive committee of said association and audited by
5 the state board of audit.

[C. C. 1675.]

That sections sixteen hundred seventy-six (1676), sixteen hundred seventy-seven (1677) and sixteen hundred seventy-eight (1678) of the compiled code of Iowa are amended, revised and codified to read as follows:

Sec. 7. Iowa State Dairy Association.

1 The organization known as the Iowa state dairy association shall
2 be entitled to the benefits of this chapter by filing each year with the
3 secretary of state verified proofs of its organization, the names of its
4 president, vice president, secretary and treasurer and that five hun-
5 dred (500) persons are bona fide members of said association.

[C. C. 1676, modified.]

Sec. 8. Duty of Association.

- 1 Said association, through its executive committee, shall:
- 2 1. Cause inspection to be made of dairy products, farms, cattle,
3 barns, and other buildings, appliances, and methods used or employed
4 in connection with the dairy industry of the state.
- 5 2. Promote dairy test associations, shows, and sales.
- 6 3. Publish a breeders' directory.
- 7 4. Furnish such general instruction and assistance, either by in-
8 stitutes or otherwise, as it may deem proper to advance the general
9 interests of said industry.

[C. C. 1677.]

Sec. 9. Executive Committee.

- 1 Said association shall conduct its business through an executive
2 committee which shall consist of:
- 3 1. The president and secretary of said association.
- 4 2. The dean of the division of agriculture of the Iowa state col-
5 lege of agriculture and mechanic arts.
- 6 3. The professor of dairying of said college.
- 7 4. The food and drug commissioner.

[C. C. 1677.]

Sec. 10. Inspectors and Instructors.

- 1 It may employ two (2) or more competent persons who shall
2 devote their entire time to such inspection and instruction under the
3 direction of the said executive committee, and who shall hold office
4 at the pleasure of the committee, and receive a salary not to exceed
5 two thousand dollars (\$2,000.00) per annum, each, and actual ex-
6 penses while engaged in such work. The officers of said association

7 shall serve without compensation, but shall receive their necessary
8 expenses while engaged in the business of the association. Said sal-
9 ary and expenses shall be paid from the appropriation provided
10 therefor.

[C. C. 1678.]

That chapter eight (8) of title eight (8) of the compiled code of Iowa
is amended, revised and codified to read as follows:

CHAPTER 8.

BEEF CATTLE PRODUCERS' ASSOCIATIONS.

Sec. 11. Iowa Beef Cattle Producers' Association.

1 The Iowa beef cattle producers' association now existing in, and
2 incorporated under, the laws of this state shall be entitled to the bene-
3 fit of this chapter by filing, each year, with the secretary of state
4 verified proof of the names of its president, vice president, secretary
5 and treasurer, and that five hundred (500) persons are bona fide mem-
6 bers of said association.

[C. C. 1680, modified.]

Sec. 12. Duties of Association.

1 It shall be the duty of the Iowa beef cattle producers' association:
2 1. To aid in the promotion of the beef cattle industry of the state.
3 2. To provide for the practical and scientific instruction in the
4 breeding and raising of beef cattle.
5 3. To provide for the inspection of herds, premises and appli-
6 ances, methods and feed-stuffs used in the business of feeding.
7 4. To make demonstrations in the feeding of beef cattle and pub-
8 lish suggestions beneficial to such business.

9 5. To aid and promote beef cattle feeding contests, shows and
10 sales, and publish a breeders' directory.

[C. C. 1681.]

Sec. 13. Executive Committee.

1 The said association shall act through an executive committee
2 to be composed of:

3 1. The dean of the department of agriculture of the Iowa state
4 state college of agriculture and mechanic arts.

5 2. The professor of animal husbandry of the said college.

6 3. The secretary of the state department of agriculture.

7 4. The president and secretary of the said association.

[C. C. 1681.]

Sec. 14. Inspectors and Instructors—Salary.

1 Said board may employ two (2) or more competent persons who
2 shall devote their entire time, under the direction of said board, in
3 carrying out the provisions of this chapter. Such inspectors and
4 instructors shall hold office at the pleasure of the board and shall each
5 receive a salary not to exceed two thousand dollars (\$2,000.00) per
6 annum and actual expenses while engaged in the work. The officers
7 of said association shall serve without compensation, but shall receive
8 their necessary expenses, while engaged in the business of the asso-
9 ciation. Said salaries and expenses shall be paid from the appro-
10 priation provided therefor.

[C. C. 1682.]

That chapter nine (9) of title eight (8) of the compiled code of Iowa
is amended, revised and codified to read as follows:

CHAPTER 9.

POULTRY ASSOCIATIONS.

Sec. 15. State Aid.

1 Each poultry association shall be entitled to annual state aid
2 under the following conditions:

3 1. The association shall be composed of at least fifteen (15) bona
4 fide poultry raisers or dealers in poultry, residing in any one (1)
5 county.

6 2. The membership of such association must be open to all per-
7 sons on an equal basis, with a minimum membership fee of twenty-
8 five cents (25c), or a maximum fee not exceeding one dollar (\$1.00).

9 3. Said association shall have a president, vice president, secre-
10 tary, treasurer, and a board of directors of at least three (3) persons
11 other than said officers.

12 4. The annual income in cash of said association, exclusive of
13 state aid, shall be at least one hundred dollars (\$100.00).

14 5. Said association shall hold a bona fide poultry show, for the
15 year in question, of not less than two (2) working days.

16 6. Said association shall, on or before the second Wednesday in
17 December of each year, file with the secretary of the state board of
18 agriculture a sworn statement showing compliance with the foregoing
19 conditions, and, in detail, the manner in which its funds for the pre-
20 ceding twelve (12) months have been expended.

[C. C. 1683, 1684, 1686.]

Sec. 16. Duty of Secretary.

1 The secretary of the department of agriculture, on receipt of such

2 statement, if the same shows compliance with said conditions and is
3 filed within said time, and said expenditures appear to be bona fide,
4 shall, after the time for filing such statement has expired, certify to
5 the auditor of state that said association has complied with all con-
6 ditions imposed by this chapter and is entitled to state aid as herein
7 provided.

[C. C. 1684.]

Sec. 17. Payment of State Aid.

1 The auditor of state, on receipt of said statement, shall issue his
2 warrant to the treasurer of said association for one hundred dollars
3 (\$100.00).

[C. C. 1684.]

Sec. 18. Division of State Aid.

1 If more than one (1) such association from the same county is
2 entitled to state aid, said one hundred dollars (\$100.00) shall be rat-
3 ably divided among such associations and the state auditor shall di-
4 vide the warrants accordingly.

[C. C. 1685.]

Sec. 19. Appropriation.

1 There is appropriated, annually, from any unappropriated funds
2 in the state treasury a sum not exceeding one hundred dollars
3 (\$100.00) in any one (1) year for such poultry association work in
4 each county.

[C. C. 1684.]

Sec. 20. State-wide Poultry Show.

1 An annual state-wide poultry show is hereby authorized, and the
2 sum of five hundred dollars (\$500.00) is hereby appropriated, an-

3 nually, from any unappropriated funds in the state treasury, payable
4 as hereinafter provided.

[C. C. 1687.]

Sec. 21. Location of State-wide Poultry Show.

1 At the state poultry show, a convention shall be held to determine
2 the place of holding the next state show, but such show shall not be
3 held oftener than once in three (3) years in the same city or town.
4 Each association that has complied with the provisions of this chapter,
5 for county aid, shall be entitled to send one (1) delegate, who shall
6 have one (1) vote on all questions that arise. The officers of the local
7 association conducting the show shall preside at the convention.

[C. C. 1688, 1690.]

Sec. 22. Management of State-wide Show.

1 The state show shall be conducted or managed by the officers of
2 the local poultry association of the place at which such show is held.

[C. C. 1689.]

Sec. 23. Statement of Expenditures.

1 The said local poultry association, through its treasurer, shall,
2 upon the adjournment of said state-wide poultry show, file with the
3 secretary of the state department of agriculture a sworn statement
4 which shall show the time and place of holding such show and an item-
5 ized statement of all expenditures on account thereof, and the specific
6 purposes for which the same were expended.

[C. C. 1684, 1689, modified.]

Sec. 24. Duty of Secretary.

1 The secretary of said department of agriculture, on receipt of
2 such statement, if the same is, in his judgment, sufficient, and the

3 expenditures bona fide, shall certify to the auditor of state that such
4 state-wide poultry show has been held under the management of such
5 local association. Said certificate shall show the amount of the bona
6 fide expenditures on account of such convention.

[C. C. 1684, 1689, modified.]

Sec. 25. Payment of State Aid.

1 The auditor of state, on receipt of such certificate shall issue his
2 warrant to the treasurer of said association for the amount of said
3 expenditures, but in no case shall such warrant exceed five hundred
4 dollars (\$500.00) in any one (1) year.

[C. C. 1684, 1689, modified.]

Code Commissioners' Bill No. 67.

Subject: HORTICULTURE—FOREST RESERVATION

Senate File No..... Referred to Committee on
 House File No.....
 By Date.....

A BILL FOR

An act to amend, revise and codify chapter ten (10), and sections seven-
 teen hundred one (1701), seventeen hundred five (1705) and seven-
 teen hundred eleven (1711), of title eight (8) of the compiled code
 of Iowa, relating to the state horticultural society, the annual state
 horticultural exposition, and fruit tree and forest reservations.

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

That chapter ten (10) of title eight (8) of the compiled code of Iowa
 is amended, revised and codified to read as follows:

CHAPTER 10.

STATE HORTICULTURAL SOCIETY.

Section 1. Horticultural Society—Meetings and Officers.

1 The Iowa state horticultural society shall hold meetings each year
 2 for the transaction of business at such times at it may fix. The
 3 officers and board of directors shall be chosen as provided for in the
 4 constitution of the society for the period and in the manner prescribed
 5 therein; any vacancies may be filled by appointment by the board of
 6 directors for unexpired terms.

[C. C. 1691, modified.]

Sec. 2. Affiliated Societies.

1 The society shall encourage the affiliation with itself of societies

2 organized for the purpose of furthering any horticultural or forestry
3 interests of the state. Each such society, when recognized in the con-
4 stitution of the state society as having affiliated standing, shall be
5 entitled to one (1) member on the board of directors of the state
6 society, to be chosen at such time and in such manner as may be pre-
7 scribed in the constitution and by-laws of the affiliated society.

[C. C. 1692, modified.]

Sec. 3. State Horticultural Exposition.

1 The state horticultural society is directed to hold annually at
2 such time and in such place in Iowa as it may select, a horticultural
3 exposition, including manufactured plant products, with practical and
4 scientific demonstrations of approved methods of crop production,
5 grading, packing, marketing, and the establishment of standard mar-
6 ket grades pertaining to horticulture. It may delegate to its execu-
7 tive committee, consisting of the president, secretary and treasurer
8 of said society, the duty and power to make and execute all plans for
9 the holding of such exposition.

[C. C. 1696.]

Sec. 4. Assistant Secretary.

1 Said society through its board of directors, is authorized and
2 empowered to appoint and fix the compensation of an assistant secre-
3 tary and such clerical and other labor as may be needed to carry out
4 the provisions of the preceding section.

[C. C. 1696.]

Sec. 5. Annual Report.

1 The secretary shall make an annual report to the governor, con-
2 taining the proceedings of the society, and the affairs of the annual

3 exposition, with an itemized account showing all the expenditures, and
4 the purpose for which the same were made during the year, the gen-
5 eral condition of horticultural interests throughout the state, together
6 with such statements and recommendations as he may think useful.
7 Said report shall be published by the state, under the supervision of
8 the society, on or before the fifteenth day of February of each year.

[C. C. 1693, 1697.]

Sec. 6. Appropriation.

1 There is appropriated, annually, out of any unappropriated funds
2 in the state treasury the following sums:

3 1. Eight thousand dollars (\$8,000.00) for the purpose of holding
4 the annual state horticultural exposition and all expenses connected
5 therewith. Warrants therefor shall be issued from time to time by
6 the auditor of state, on the order of the president and secretary of
7 said society, but no such warrant shall be issued until said president
8 and secretary shall certify to the auditor of state that the same is
9 actually necessary for disbursement.

10 2. Four thousand dollars (\$4,000.00) for the use and benefit of
11 said society, which shall be paid on the warrant of the auditor of state,
12 upon the order of the president of said society, in such sums and at
13 such times as may be for the interests of said society.

[C. C. 1695, 1698.]

That section seventeen hundred one (1701) of the compiled code of
Iowa is amended, revised and codified to read as follows:

Sec. 7. Forest Reservation.

1 A forest reservation shall contain not less than two hundred
2 (200) growing forest trees on each acre. If the area selected is a

3 forest containing the required number of growing forest trees, it shall
4 be accepted as a forest reservation under the provisions of this chap-
5 ter. If the area selected is a forest containing less than two hundred
6 (200) forest trees to the acre, or if it is a grove, the owner or owners
7 thereof shall have planted, cultivated and otherwise properly cared
8 for the number of forest trees necessary to bring the total number
9 of growing trees to not less than two hundred (200) on each acre,
10 during a period of not less than two (2) years before it can be ac-
11 cepted as a forest reservation within the meaning of this chapter.
12 No ground upon which any farm buildings stand shall be recognized
13 as part of any such reservation.

[C. C. 1701, modified.]

That section seventeen hundred five (1705) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 8. Fruit Tree Reservation.

1 A fruit tree reservation shall contain on each acre, at least forty
2 (40) apple trees, or seventy (70) other fruit trees, growing under
3 proper care and annually pruned and sprayed. Such reservation may
4 be claimed as such, under this chapter, for a period of eight (8) years
5 after planting.

[C. C. 1705.]

That section seventeen hundred eleven (1711) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 9. Duty of County Auditor.

1 It shall be the duty of the county auditor in every county to keep

- 2 a record of all forest and fruit tree reservations within his county;
- 3 and to make report of the same to the secretary of the Iowa state
- 4 horticultural society on or before June fifteenth of each year.

[C. C. 1711, modified.]

Code Commissioners' Bill No. 68

Subject: ANIMAL INDUSTRY

Senate File No..... Referred to Committee on
 House File No.....
 By Date.....

A BILL FOR

An act to amend, revise and codify chapters twelve (12) to eighteen (18), inclusive, of title eight (8) of the compiled code of Iowa, relating to the commission of animal health, state veterinary surgeon, veterinary medicine, infectious and contagious diseases among animals, hog cholera serum, virus and other biological products, and the use and disposal of the dead bodies of animals.

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

That chapter thirteen (13) of title eight (8) of the compiled code of Iowa is amended, revised and codified to read as follows:

CHAPTER —.**VETERINARY MEDICINE AND SURGERY.****Section 1. License Required.**

1 No person shall engage in the practice of veterinary medicine
 2 unless he shall have obtained from the board of veterinary medical
 3 examiners, as provided by this chapter, a license to so practice.

[C. C. 1715, modified; see State v. McCoy, 149 Iowa, 500.]

Sec. 2. Board of Veterinary Medical Examiners.

1 The board of veterinary medical examiners shall consist of the
 2 three (3) members of the live stock sanitary board who are veteri-
 3 narians

[C. C. 1716, modified.]

Sec. 3. Temporary Board.

1 Until the expiration of the term of office of the present state
2 veterinary surgeon, said board shall consist of said state veterinary
3 surgeon and of the two (2) members of the live stock sanitary board
4 who are veterinarians, of which board the state veterinary surgeon
5 shall be secretary.

[C. C. 1716, modified.]

Sec. 4. Powers of Board.

1 The board shall have power:

2 1. To make all needful regulations for its government and the
3 proper discharge of its duties in accordance with this chapter.

4 2. To administer oaths and take testimony concerning all mat-
5 ters within its jurisdiction.

6 3. To revoke any certificate issued by it when it is shown that
7 the same was procured by false representations, or when good cause
8 for revocation has arisen since the issuance of such certificate.

9 4. To fix the time and place of its meetings.

[C. C. 1718, 1719.]

Sec. 5. Secretary and Treasurer.

1 The state veterinarian shall receive all fees collected hereunder,
2 for which he shall be liable on his official bond.

[C. C. 1724, modified.]

Sec. 6. Meetings—Quorum.

1 The board shall meet at least once a year, and oftener if neces-
2 sary, at the seat of government, for the purpose of holding examina-
3 tions. A majority shall constitute a quorum

[C. C. 1719, modified.]

Sec. 7. Issuance of Licenses.

1 Applicants to practice veterinary medicine, surgery and dentistry
2 shall be granted license by the board to so practice, but only when the
3 applicant:

- 4 1. Is at least twenty-one (21) years of age, and of good character.
- 5 2. Is a graduate of a four-year high school course.
- 6 3. Is a graduate of a recognized veterinary college or veterinary
7 department of a university or agricultural college.
- 8 4. Passes the examination required by said board.

[C. C. 1720, modified.]

Sec. 8. Reexaminations.

1 In case an applicant fails in his examination, he shall, without
2 charge, be permitted to take a subsequent examination within any
3 period not exceeding twelve (12) months thereafter without paying
4 any additional examination fee. After the expiration of twelve
5 (12) months such applicant shall pay the regular examination fee.

[C. C. 1721.]

Sec. 9. Form of License.

1 All licenses shall be signed by the members of the board, and shall
2 entitle the holder thereof to practice veterinary medicine until such
3 license is revoked.

[C. C. 1720, modified.]

Sec. 10. Recording License.

1 The holder of such license shall, prior to entering into practice
2 thereunder, file the same for record with the county recorder of the
3 county where the holder resides.

[C. C. 1720, modified.]

Sec. 11. Reciprocal Agreements.

1 For the purpose of recognizing licenses to practice veterinary
2 medicine which have been issued in other states, said examining board
3 is authorized to establish reciprocal relations with the duly consti-
4 tuted and proper authorities of such other states.

[C. C. 1720, 1723.]

Sec. 12. Reciprocal Disabilities.

1 When the laws of such other states, or the rules of such author-
2 ities place any requirement or disability upon a person licensed under
3 this chapter, or on any person holding a diploma from the veter-
4 inary department of the college of agriculture and mechanic arts
5 of this state which affect the rights of said persons to be licensed
6 or to practice in said other states, then the same requirement or dis-
7 ability shall be placed upon any person licensed in said state or holding
8 a diploma from any veterinary college situated therein, when applying
9 for a license to practice in this state.

[C. C. 1720, 1723.]

Sec. 13. Foreign Licenses Recognized.

1 After the reciprocal relations are entered into, said board may,
2 in lieu of the examination herein provided for, issue a license to prac-
3 tice veterinary medicine, on the basis of a certificate of registration
4 or license issued by the duly constituted and proper authorities of
5 another state with which such reciprocal relations exist; provided
6 such certificate of registration or license has been issued by such other
7 state on requirements substantially equivalent to those required in
8 this state at the time of the issuance of such certificate of registration
9 or license.

[C. C. 1720, modified.]

Sec. 14. License Fees.

1 The following fees shall be collected by said examining board:

2 1. For a license to practice veterinary medicine, issued upon an
3 examination given by the examining board, twenty-five dollars
4 (\$25.00), which shall be paid in advance to the secretary of the board.

5 2. For a license to practice veterinary medicine, issued upon the
6 basis of a certificate of registration or license issued in another state,
7 fifty dollars (\$50.00), unless a larger fee is exacted by said other state
8 from any graduate of a veterinary college of this state, in which case
9 such larger fee shall be exacted.

[C. C. 1720, 1724, modified.]

Sec. 15. Record of Licenses.

1 The board shall keep a record of all licensed veterinary prac-
2 titioners in the state, which shall show in each case whether the
3 license was issued on an examination by the board, or on the basis
4 of a certificate of registration, or license issued by the authorities of
5 another state, and such other facts as the board may deem advisable
6 to record.

[C. C. 1724, modified.]

Sec. 16. Veterinary Medicine and Surgery Defined.

1 For the purpose of this chapter the following classes of persons
2 shall be deemed to be engaged in the practice of veterinary medicine:

3 1. All persons practicing veterinary medicine, surgery or den-
4 tistry, or any of the branches thereof.

5 2. All persons who profess to be veterinarians, or who profess
6 to assume the duties incident to the practice of veterinary medicine.

7 3. All persons who make a practice of prescribing, or who do

8 prescribe and furnish medicine for the ailments of domestic animals.

9 4. All persons who publicly profess to heal or cure the ailments
10 of domestic animals.

11 5. All persons who go from place to place and sell or offer for
12 sale articles or drugs or combinations thereof, under the representa-
13 tion that the same will cure or prevent ailments in domestic animals,
14 and who administer such articles, drugs or combinations thereof.

15 6. All persons who diagnose ailments of domestic animals, and
16 sell or offer for sale articles, drugs, or combinations thereof for the
17 prevention or cure of such ailments.

[C. C. 1726, modified.]

Sec. 17. Prima Facie Evidence.

1 The opening of an office or place of business for the practice of
2 veterinary medicine, the announcing to the public in any way the in-
3 tention to practice veterinary medicine, the use of a sign, card, device
4 or advertisement as a practitioner of veterinary medicine, or as a
5 person skilled in such practice, shall be prima facie evidence of en-
6 gaging in the practice of veterinary medicine.

[New.]

Sec. 18. Nonapplicability of Statute.

1 Nothing in this chapter shall be construed to apply to commis-
2 sioned veterinarians in the army of the United States or to veteri-
3 narians regularly employed by the United States department of agri-
4 culture, not engaged in private practice, or to persons who dehorn
5 cattle or castrate domestic animals, or gratuitously treat diseased
6 animals.

[C. C. 1726, modified.]

Sec. 19. Unlawful Use of Title.

1 No person, unless licensed under the provisions of this chapter,
2 shall use the designation "Licensed Veterinarian" nor advertise or
3 represent himself in such a manner as to lead the public to believe
4 that he is a licensed veterinarian.

[C. C. 1727, modified.]

Sec. 20. Unlawful Use of Degree.

1 No person shall use any veterinary degree or abbreviation for the
2 same unless such degree has been conferred upon him by an institu-
3 tion of learning recognized by the state board of education.

[C. C. 1727, modified.]

Sec. 21. Penalty.

1 Any person who violates any provision of this chapter shall be
2 fined not less than twenty-five dollars (\$25.00) nor more than one
3 hundred dollars (\$100.00), or imprisoned in the county jail for a
4 period of not exceeding thirty (30) days for each offense.

[C. C. 1728.]

Sec. 22. Duty of County Attorney.

1 It shall be the duty of the county attorney of the county in which
2 violation occurs to conduct all prosecutions against violators of this
3 chapter.

[C. C. 1728.]

That chapters twelve (12) and fourteen (14) of title eight (8) of the compiled code of Iowa are amended, revised and codified to read as follows:

CHAPTER —.

LIVE STOCK SANITARY BOARD.

Sec. 23. Live Stock Sanitary Board.

1 The commission of animal health shall hereafter be known as
2 the live stock sanitary board.

[C. C. 1729, modified.]

Sec. 24. Present Members of Board.

1 Each member of the said commission as it now exists shall con-
2 tinue as a member of the live stock sanitary board until the expira-
3 tion of his present term of office, or until such date as is hereafter
4 provided for such termination.

[C. C. 1729, modified.]

Sec. 25. Term of Office Extended.

1 The term of office of the present state veterinary surgeon, who
2 shall hereafter be known as the state veterinarian, is hereby extended
3 to the first day of July, nineteen hundred twenty-one (1921).

4 The term of office of the present incumbent on said board who
5 is a veterinarian other than the state veterinarian, and whose term
6 of office expires on June thirtieth, nineteen hundred twenty-two
7 (1922), is hereby extended to the first day of July, nineteen hundred
8 twenty-three (1923).

9 The terms of office of the present incumbents on said board who
10 are stockraisers, and whose terms of office expire on June thirtieth,
11 nineteen hundred twenty (1920) and June thirtieth, nineteen hun-
12 dred twenty-two (1922), respectively, are hereby extended to the first
13 day of July, nineteen hundred twenty-one (1921) and nineteen hun-
14 dred twenty-three (1923), respectively

[C. C. 1729, modified.]

Sec. 26. Organization of Board.

1 The live stock sanitary board shall consist of:

2 1. Three (3) graduates of some regularly established and recog-
3 nized veterinary college, who are engaged in practice, who shall serve
4 for four (4) years.

5 2. Four (4) experienced stock raisers, who shall serve for two
6 (2) years.

[C. C. 1712, 1729, modified.]

Sec. 27. Appointment.

1 Prior to the final adjournment of each regular session of the
2 general assembly the governor shall, with the approval of two-thirds
3 ($\frac{2}{3}$) of the senate, appoint successors to those members of the board
4 whose terms will expire on July first of the year of appointment.

[C. C. 1729, modified.]

Sec. 28. Compensation of Board—Expenses.

1 The members of said board who are veterinarians shall receive
2 the sum of two hundred dollars (\$200.00) per year as members of
3 said board and as members of the board of veterinary medical exam-
4 iners. The members of said board who are stockraisers shall each
5 receive the sum of one hundred dollars (\$100.00) per year. Each
6 member, including the members of said examining board, and the state
7 veterinarian shall also receive their actual and necessary traveling,
8 hotel and other expenses incurred in the discharge of their duties.

[C. C. 1717, 1730, modified.]

Sec. 29. State Veterinarian—Qualifications—Appointment—Duties.

1 The state veterinarian shall, after the expiration of the term of
2 office of the present incumbent, be appointed by the live stock sanitary

3 board, and hold office during its pleasure. He shall be a graduate
4 of some regularly established and recognized veterinary college. He
5 shall be secretary of the board of veterinary medical examiners, and
6 executive officer and secretary of the live stock sanitary board.

[C. C. 1712-1714, 1729, modified.]

Sec. 30. Meetings.

1 The board shall meet at the seat of government in January and
2 July of each year, and at such other times and places as it may deem
3 necessary.

[C. C. 1731, modified.]

Sec. 31. Powers of Board.

1 Said board shall:

2 1. Protect the health of the domestic animals of the state.

3 2. Make all rules necessary and proper for carrying out the pur-
4 pose of law relative to infectious and contagious diseases among ani-
5 mals, and for the suppression and prevention of such diseases and
6 the spread thereof among such animals in, or being driven or trans-
7 ported through, or brought into, the state.

8 3. Provide for quarantining against animals thus diseased, or
9 that have been exposed to others so diseased, whether within or with-
10 out the state.

11 4. Determine and employ the most efficient and practical means
12 for the prevention, suppression, control and eradication of dangerous,
13 contagious or infectious diseases among domestic animals.

14 5. Establish, maintain, enforce and regulate such quarantine and
15 other measures relating to the movements and care of diseased ani-
16 mals and their products, the disinfection of suspected yards, buildings

17 and articles, and the destruction of animals, as it may deem necessary.

18 6. Have the right, through any member thereof, or through any
19 authorized agent of the board, to enter any place where any domestic
20 animal is at the time located, or where it has been kept, or where the
21 carcass of such animal may be, for the purpose of examining it in
22 any way that may be necessary to determine whether it was or is the
23 subject of any contagious or infectious disease.

24 7. Regulate or prohibit the arrival in, and departure from the
25 state, of animals infected or exposed to any contagious disease; and
26 in case of violation of any such regulation or prohibition, may detain
27 any animal at its owner's cost.

28 8. Regulate or prohibit the bringing of domestic animals into
29 the state which, in its opinion, for any reason may injure the health
30 of live stock therein.

31 9. Cooperate with and arrange for assistance from the United
32 States department of agriculture in performing its duties.

33 10. Appoint such assistants as may be required, and fix the com-
34 pensation thereof, and purchase such supplies and materials as may
35 be necessary, from the funds provided in this chapter.

36 11. Appoint one (1) or more veterinarians in each county as
37 assistants, and fix the compensation thereof.

[C. C. 1731-1733, 1736, 1739, 1744, 1746.]

Sec. 32. Assistant Veterinarians—Powers.

1 Assistant veterinarians appointed by said board shall have power,
2 under the direction of the board, to perform all acts necessary to
3 carry out the provisions of law relating to infectious and contagious

4 diseases among animals, and shall be furnished, by the board, with
5 all necessary supplies and materials.

[C. C. 1733.]

Sec. 33. Oaths—Power to Administer.

1 All members of the board, the state veterinarian, and all assist-
2 ant veterinarians appointed by the board shall have power to admin-
3 ister all oaths and affirmations required in the enforcement of the
4 chapter of this title relating to infectious and contagious diseases
5 among animals.

[C. C. 1733.]

Sec. 34. Adoption of Rules—Approval—Publication.

1 All rules adopted by the board shall be recorded in its minutes,
2 and one (1) week's published notice thereof shall be given by publi-
3 cation of the same in at least two (2) daily papers, of general circu-
4 lation, and published in this state, except in such cases as the board
5 may deem to demand immediate action.

[C. C. 1731, 1736, modified.]

Sec. 35. Rules to Harmonize With Federal Rules.

1 Rules adopted by the board regarding interstate shipments of
2 live stock shall not be in conflict with the rules of the federal bureau
3 of animal industry, except there be an outbreak of a malignant or
4 contagious disease in any locality, state or territory, in which event
5 the board shall have the right to place an embargo on such locality,
6 state or territory.

[C. C. 1732.]

Sec. 36. Enforcement of Rules.

1 The state veterinarian and all assistant veterinarians shall en-

2 force all rules of the board, and in so doing may call to their assistance
3 any peace officer.

[C. C. 1731, 1733.]

Sec. 37. Report.

1 The board shall, on or before August fifteenth of each year pre-
2 ceding the convening of the general assembly, make a detailed report
3 to the governor, in such form as he may require, covering the last
4 preceding biennial period.

[New.]

Sec. 38. State Veterinary Department to Assist.

1 The dean and director of the veterinary division of the Iowa
2 state college of agriculture and mechanic arts is authorized to use
3 the equipment and facilities of said department in assisting the live
4 stock sanitary board in carrying out the duties of said board.

[New.]

Sec. 39. Appropriation.

1 There is hereby appropriated, annually, out of any unappropri-
2 ated funds in the state treasury, the sum of one hundred thousand
3 dollars (\$100,000.00) for the purpose of carrying out the provisions
4 of this chapter and the following chapter relating to infectious and
5 contagious diseases among animals.

[C. C. 1734.]

Sec. 40. State Veterinarian—Compensation—Expenses.

1 Until such time as the state veterinary surgeon ceases to be a
2 member of said board, he shall receive the salary and expenses and
3 perform the duties now provided by law.

[New.]

That chapters fifteen (15) and sixteen (16) of title eight (8) of the compiled code of Iowa are amended, revised and codified to read as follows:

CHAPTER —.

INFECTIOUS AND CONTAGIOUS DISEASES AMONG ANIMALS.

Sec. 41. **Quarantining or Killing Animal.**

1 The live stock sanitary board is hereby given power to quarantine
2 or to kill any domestic animal which is infected with any contagious
3 or infectious disease, but no cattle infected with tuberculosis shall
4 be killed, without the owner's consent, unless there shall be sufficient
5 funds to pay for such cattle, after the payment of all other claims, in
6 the appropriation made for that purpose.

[C. C. 1736, 1738, 1741, modified.]

Sec. 42. **Inspection—Certificate.**

1 No person shall bring into this state, except to public live stock
2 markets where federal inspection of live stock is maintained, any live
3 stock for work, breeding or dairy purposes, unless such animals have
4 been examined and found free from any contagious or infectious
5 disease.

[C. C. 1737, modified.]

Sec. 43. **Certificate of Freedom From Disease.**

1 Freedom from disease shall be established by a certificate of
2 health signed by a veterinarian acting under the jurisdiction of the
3 federal bureau of animal industry, or by any veterinarian acting
4 under the approval, order or direction of the live stock sanitary board.

[C. C. 1737.]

Sec. 44. **Certificate Attached to Bill of Lading.**

1 A copy of such certificate shall be attached to the way bill accom-

2 panying the shipment, and a copy thereof shall be mailed to the secre-
3 tary of the live stock sanitary board.

[C. C. 1737, modified.]

Sec. 45. Intrastate Shipments.

1 All stock, except for immediate slaughter, must, when required
2 by the live stock sanitary board, be inspected and accompanied by the
3 aforesaid certificate when shipped from a point in this state to a
4 point of destination in this state where federal inspection is not
5 maintained.

[C. C. 1737, modified.]

Sec. 46. Testing and Examination of Herds.

1 The owner of a herd may apply to the live stock sanitary board
2 for a testing and examination of his herd for tuberculosis. The board
3 shall grant the application when satisfied that the applicant intends
4 to maintain his herd and has applied for such examination for the
5 sole purpose of detecting the presence of such disease and freeing his
6 herd therefrom.

[C. C. 1740, modified.]

Sec. 47. Application Blank—Expense of Test.

1 A blank for such application shall be furnished by the board,
2 which shall include an agreement on the part of the person making
3 the said application that he will conform to and abide by the rules
4 laid down by said board, and follow the instructions of said board de-
5 signed to prevent the reinfection of the herd, and suppress the dis-
6 ease, or prevent the spread thereof. The party making the applica-
7 tion, after agreeing to the rules of the board, shall not be required to
8 pay the expenses of said test or examination.

[C. C. 1740, 1743.]

Sec. 48. Appraisal.

1 Before being tested, such animals shall be appraised at their cash
2 value for breeding, dairy or beef purposes by a representative of the
3 board, or a representative of the United States bureau of animal
4 industry, or both together, with the owner. The expense of such
5 appraisal shall be paid by the state. If these can not agree as to the
6 amount of the appraisal, there shall be appointed three (3) competent
7 and disinterested men, one (1) by the board, one (1) by the owner, and
8 the third by the first two (2) appraisers, to appraise such animals,
9 which appraisal shall be final. The expense of said latter appraisal
10 shall be paid by the owner.

[C. C. 1740, modified.]

Sec. 49. Presence of Tuberculosis—Procedure.

1 If, after such examination, tubercular animals are found, the said
2 board shall have authority to order such disposition of them as it
3 considers most desirable and economical. If the board deems that a
4 due regard for the public health warrants it, said board may enter
5 into a written agreement with the owner, subject to such conditions
6 as the board may prescribe, for the separation and quarantine of such
7 diseased animal. Subject to such conditions, the diseased animal may
8 continue to be used for breeding purposes.

[C. C. 1740, 1742.]

Sec. 50. Compensation Paid Owner.

1 If it is deemed advisable to slaughter an animal reacting to the
2 tuberculin test, the owner shall be paid from any funds in the state
3 treasury not otherwise appropriated, a sum equal to one-third ($\frac{1}{3}$)
4 of the difference between the proceeds from the sale of the salvage

5 which the owner receives and the appraised value of the animal; but
6 the state shall not pay to the owner a sum in excess of eighty dollars
7 (\$80.00) for any pure-bred animal and forty dollars (\$40.00) for
8 any grade.

[C. C. 1740, modified.]

Sec. 51. Pedigree.

1 The pedigree of pure-bred cattle shall be proved by certificate
2 of registry from the herd books where registered.

[C. C. 1740.]

Sec. 52. Limitation on Right to Receive Pay.

1 No compensation shall be paid to the owner of an animal, except
2 in case of foot and mouth disease, killed on account of disease unless
3 the owner has owned such animal in the state for at least six (6)
4 months prior to the condemnation.

[C. C. 1740.]

Sec. 53. Examination by Board on Its Own Motion.

1 Said board may, at any time on its own motion, make an exam-
2 ination of any herd, and in case animals are destroyed, the appraise-
3 ment and payment shall be made as above provided.

[C. C. 1740.]

Sec. 54. Foot and Mouth Disease—Dourine.

1 All live stock killed, either on account of what is known as "foot
2 and mouth" disease, or "dourine", shall be appraised in the same
3 manner as prescribed for the appraisalment of live stock killed on
4 account of tuberculosis. The state shall, on the approval of the execu-
5 tive council, pay one-half ($\frac{1}{2}$) of the appraised value thereof from
6 any funds in the state treasury not otherwise appropriated.

[C. C. 1770, 1776, modified.]

Sec. 55. Accrediting Approved Herds.

1 The board may formally certify to the freedom from tuberculosis
2 of all such herds of cattle as meet the requirements of their rules.

[C. C. 1743.]

Sec. 56. Tuberculin.

1 The board shall have control of the sale, distribution and use
2 of all tuberculin used in the state, and shall formulate regulations for
3 its distribution and use. Only such persons as are authorized by
4 the board, and any licensed veterinarian of the state, shall be entitled
5 to apply a tuberculin test.

[C. C. 1744, modified.]

Sec. 57. Exceptions.

1 No provision of this chapter pertaining to tuberculosis shall be
2 applicable to cattle to be kept or sold for feeding purposes only, nor
3 to transportation of same.

[C. C. 1745.]

Sec. 58. Duty of Local Boards of Health.

1 All local boards of health shall assist the live stock sanitary board
2 in the prevention; suppression, control and eradication of contagious
3 and infectious diseases among domestic animals, whenever requested
4 so to do by the secretary or any member of the live stock sanitary
5 board.

[C. C. 1747.]

Sec. 59. Misdemeanors.

1 The following acts shall be deemed misdemeanors and punished
2 accordingly:

3 1. Wilfully opposing or obstructing a member of the live stock
4 sanitary board, or any officer or assistant of said board, in the dis-
5 charge of any duty imposed by this or the preceding chapter, or by
6 any duly adopted rule of said board.

7 2. Knowingly making any false representation as to the purpose
8 for which a shipment of stock is being or will be made, with intent
9 to avoid or prevent an inspection of such stock for the purpose of
10 determining whether such stock is free from disease.

[C. C. 1748, partly new.]

Sec. 60. Penalties.

1 Any person who shall, except as otherwise provided, violate any
2 provision of this chapter, or any rule adopted thereunder by the live
3 stock sanitary board, shall be punished by a fine of not less than one
4 hundred dollars (\$100.00) nor more than one thousand dollars
5 (\$1,000.00), or by imprisonment in the county jail for not more than
6 one (1) year.

[C. C. 1749, 1750, modified.]

Sec. 61. Sale or Exposure of Infected Animals.

1 Every owner or person having charge of any animal, knowing
2 the same to have any infectious or contagious disease, who shall sell
3 or barter the same for breeding, dairy, work or feeding purposes, or
4 knowingly permit such animal to run at large or come in contact with
5 any other animal or animals, shall be punished by imprisonment in
6 the county jail for not less than ten (10) nor more than thirty (30)
7 days, or by a fine of not less than twenty-five dollars (\$25.00) nor
8 more than one hundred dollars (\$100.00).

[C. C. 1735, modified.]

Sec. 62. Glanders.

1 Every owner or person having care and control of a horse or
2 other animal having the glanders, who shall knowingly permit such
3 animal to run at large or be driven upon any highway, or who shall
4 sell or in any manner dispose of the same to any person, and every
5 keeper of a public barn who shall knowingly permit any horse or
6 other animals having such disease to be stabled in such barn, shall
7 be punished by a fine of not less than twenty-five dollars (\$25.00)
8 nor more than one hundred dollars (\$100.00), or by imprisonment
9 in the county jail for not less than ten (10) or more than thirty (30)
10 days.

[C. C. 1738.]

Sec. 63. Person Defined.

1 The term "person", as employed in this chapter, shall include
2 persons, firms, partnerships, corporations and transportation com-
3 panies.

[New.]

That chapter seventeen (17) of title eight (8) of the compiled code of Iowa is amended, revised and codified to read as follows:

CHAPTER —.**HOG CHOLERA SERUM AND OTHER BIOLOGICAL PRODUCTS.****Sec. 64. Manufacture of Biological Products.**

1 The live stock sanitary board shall have the power to make such
2 rules governing the manufacture, sale and distribution of serum and
3 other biological products for use on domestic animals, as it deems
4 necessary to maintain the potency and purity of such serum or prod-
5 ucts.

[C. C. 1778.]

Sec. 65. Inspection.

1 It shall cause all plants manufacturing such serum or products
2 in this state, and all distributing agencies representing foreign manu-
3 facturers who are doing business within this state under a state per-
4 mit, to be so inspected as to insure full compliance with the rules
5 of the board.

[C. C. 1778.]

Sec. 66. Application for Permit to Sell.

1 All persons, before selling or offering for sale within this state
2 any hog-cholera serum, or virus, shall first make application to
3 the said board for permission to sell the same in the state, which
4 application shall give the name of the applicant and his place of busi-
5 ness, and be accompanied with such other information and samples
6 of products as may be required by the board.

[C. C. 1778.]

Sec. 67. Issuance of Permit—Fee.

1 If the board is satisfied that said applicant is proper and reliable,
2 and will comply with the regulations of the board, it shall, upon the
3 payment of fifteen dollars (\$15.00), issue to him a permit to sell said
4 serum, or virus within the state for a period of one (1) calendar year
5 or part thereof.

[C. C. 1778.]

Sec. 68. Permit for Distributing Agency.

1 A permit shall be granted by the board to a distributing agency
2 for the distribution of hog-cholera serum and hog-cholera virus
3 on the same terms and subject to the same provisions as govern the
4 granting of original permits.

[C. C. 1778.]

Sec. 69. Reports.

1 All permit holders under this chapter shall make such written
2 reports to the board as it may, from time to time, require.

[C. C. 1779.]

Sec. 70. Revocation of Permit.

1 The board may revoke a permit at any time for the violation of
2 the terms and conditions on which it was issued.

[C. C. 1778.]

Sec. 71. Limitation on Sale.

1 No hog-cholera serum or other biological products shall be sold,
2 or offered for sale or use, or be used in this state which have not been
3 produced at a plant holding a valid United States government license
4 for the manufacture and sale of hog-cholera serum or biological prod-
5 ucts at the time said hog-cholera serum or other biological products
6 were made.

[C. C. 1778, 1782.]

Sec. 72. Virus—Sale and Distribution—Reports.

1 No person shall distribute or sell virulent blood or virus from
2 cholera-infected hogs except to holders of permits to use the same.

[C. C. 1779.]

Sec. 73. Permit to Use.

1 No person shall use or administer virulent blood or virus from
2 cholera-infected hogs unless he has a written permit from the said
3 board to so use it. Permits shall be issued by such board to only
4 such persons as present satisfactory evidence that they are qualified
5 to safely use or administer the same. Such permits may be canceled
6 by said board for any cause which it may deem sufficient.

[C. C. 1779.]

Sec. 74. Permit to Nonveterinarians.

1 Permits issued to those who are not licensed veterinarians shall
2 only authorize the holder to use and administer such blood and virus
3 on his own animals, and on premises owned or leased by him, and the
4 permit shall so state.

[New.]

Sec. 75. Seizure for Examination.

1 The board, or its duly qualified deputies or assistants, is hereby
2 authorized to seize, at any time or place, for examination, samples
3 of any serum and other biological products and virus used and kept
4 for use or for sale within this state.

[C. C. 1780.]

Sec. 76. Destruction of Serum.

1 The board shall have power to seize, condemn or destroy any
2 serum or virus which it deems to be unsafe.

[C. C. 1780.]

Sec. 77. Penalty.

1 Any person who violates any of the preceding provisions of this
2 chapter, or any of the rules of said board, legally promulgated, or
3 hinders any inspector in the discharge of his duty, or removes or
4 defaces the labels of the bottles or packages of any of the products
5 mentioned in this chapter, or changes the contents from the original
6 container except for immediate use, shall be fined in a sum not less
7 than one hundred dollars (\$100.00) nor more than five hundred dol-
8 lars (\$500.00), or imprisoned not less than thirty (30) nor more than
9 one hundred fifty (150) days.

[C. C. 1781, 1782.]

Sec. 78. Nonapplication of Statute.

1 This chapter shall not apply to the manufacture of hog-cholera
 2 serum in the state biological laboratory, or by the United States de-
 3 partment of agriculture.

[C. C. 1783.]

Sec. 79. Person Defined.

1 The term "person" as employed in this chapter shall include
 2 firms, partnerships, companies and corporations.

[New.]

That chapter eighteen (18) of title eight (8) of the compiled code of Iowa is amended, revised and codified to read as follows:

CHAPTER —.**USE AND DISPOSAL OF DEAD BODIES.****Sec. 80. Scope of Chapter.**

1 This chapter shall not apply to disposal of the dead body of an
 2 animal fit for human consumption.

[New.]

Sec. 81. Disposal of Dead Animals—License.

1 No person shall engage or continue in the business of disposing
 2 of the bodies of dead animals without first obtaining from the live
 3 stock sanitary board a license so to do as provided in this chapter.

[C. C. 1784.]

Sec. 82. Definition.

1 Any person who shall obtain from any other person the dead body
 2 of any animal for the purpose of obtaining the hide, skin or grease
 3 from such dead animal in any way whatsoever shall be deemed to

4 have engaged in the business of disposing of the bodies of dead
5 animals.

[C. C. 1785.]

Sec. 83. Application for License—Fee.

1 Application for such license shall be made to said board on forms
2 provided by it, which application shall set forth the name and resi-
3 dence of the applicant, his proposed place of business, and the par-
4 ticular method which he proposes to employ in disposing of such dead
5 bodies, and such other information as the board may require. Said
6 application shall be accompanied by a fee of twenty-five dollars
7 (\$25.00).

[C. C. 1786, 1787, 1793, modified.]

Sec. 84. Inspection of Place—Certificate.

1 On receipt of such application, the state veterinarian shall at
2 once, either in person or by an authorized assistant veterinarian, in-
3 spect the building in which the applicant proposes to conduct such
4 business. If said inspector finds that said building complies with the
5 requirements of this chapter, and with the rules of the board, and that
6 the applicant is a responsible and suitable person, he shall so certify
7 in writing to such specific findings, and deliver the same to the ap-
8 plicant.

[C. C. 1787.]

Sec. 85. Issuance of License—Fee.

1 On the presentation of the foregoing certificate to the live stock
2 sanitary board, and the additional payment of twenty-five dollars
3 (\$25.00), said board shall issue a license to said applicant to conduct

4 said business, at the place specified in the application, for one (1)
5 calendar year.

[C. C. 1786, 1787, modified.]

Sec. 86. Record of Licenses.

1 The board shall keep a record of all licenses applied for or issued,
2 which shall show the date of application and by whom made, the cause
3 of all rejections, the date of issue, to whom issued, the date of expira-
4 tion, and the location of the licensed business.

[New.]

Sec. 87. Inspection Revealing Unsuitable Place.

1 Should said inspector find that said building does not comply with
2 the requirements of this chapter, or with the rules of the board, he
3 shall notify the applicant wherein the same fails to so comply. If
4 within a reasonable time thereafter, to be fixed by the inspector, the
5 specified defects are remedied, the inspector shall make a second in-
6 spection, and proceed therewith as in case of an original inspection.
7 Not more than two (2) inspections need be made under one (1)
8 application.

[C. C. 1787, modified.]

Sec. 88. No Return of Application Fee.

1 In case such applicant is refused a license, no part of the fees
2 paid by him shall be repaid.

[C. C. 1787.]

Sec. 89. Renewal of License.

1 An original license shall be renewed for each subsequent calendar
2 year on the payment of twenty-five dollars (\$25.00), provided the
3 holder, in the opinion of the board, remains responsible and suitable

4 to carry on said business, and the place of business continues to com-
5 ply with this chapter and the rules of the board as they then exist.

[C. C. 1786, 1787, modified.]

Sec. 90. Disposal Plants—Specifications.

1 Each place for the carrying on of said business shall, to the satis-
2 faction of the state veterinarian, be provided with concrete or cement
3 floors and adequate drainage, be thoroughly sanitary and adapted to
4 carrying on the business.

[C. C. 1788.]

Sec. 91. Manner and Time of Disposing of Bodies.

1 The following requirements shall be observed in the disposal of
2 such bodies:

3 1. Cooking vats or tanks shall be air-tight, except proper escapes
4 for live steam.

5 2. Steam shall be so disposed of as not to cause unnecessary
6 annoyance or create a nuisance.

7 3. The skinning and dismembering of bodies shall be done within
8 said building.

9 4. The building shall be so situated and arranged, and the busi-
10 ness therein so conducted as not to interfere with the comfortable
11 enjoyment of life and property.

12 5. Such portions of bodies as are not entirely consumed by cook-
13 ing or burning shall be disposed of by burying as hereafter provided,
14 or in such manner as the state veterinarian may direct.

15 6. In case of disposal by burying, the burial shall be to such
16 depth that no part of such body shall be nearer than four (4) feet
17 to the natural surface of the ground, and every part of such body

18 shall be covered with quicklime, and by at least four (4) feet of earth.

19 7. All bodies shall be disposed of within twenty-four (24) hours
20 after death.

[C. C. 1788.]

Sec. 92. Rules.

1 Said board shall make such reasonable rules for the carrying on
2 and conducting of such business as it may deem advisable, and all
3 persons engaging in such business shall comply therewith.

[C. C. 1789.]

Sec. 93. Annual Inspection—Revocation of License.

1 The state veterinarian, in person or by an assistant, shall inspect
2 each place licensed under this chapter at least once each year, and
3 as often as he deems necessary, and shall see that the licensee con-
4 ducts the business in conformity to this chapter and to the rules made
5 by the board. For a failure or refusal by any licensee to obey the
6 provisions of this chapter or said rules, the board shall suspend or
7 revoke the license held by such licensee.

[C. C. 1792.]

Sec. 94. Blanks.

1 Said board shall provide all necessary blanks for the proper and
2 methodical execution of their powers and duties.

[C. C. 1793.]

Sec. 95. Transportation of Dead Animals.

1 Any person holding a license under the provisions of this chapter
2 may haul and transport the carcasses of animals that have died from
3 disease, except those prohibited by the live stock sanitary board, in

4 a covered wagon bed or tank which is water-tight, and is so con-
5 structed that no drippings or seepings from such carcasses can escape
6 from such wagon bed or tank, and said carcasses shall not be moved
7 from said wagon bed or tank except at the place of final disposal. The
8 board may prescribe additional requirements governing the construc-
9 tion of such vehicles and such transportation not inconsistent with
10 the above.

[C. C. 1794.]

Sec. 96. Dead Bodies—Duty to Dispose of.

1 No person caring for or owning live stock that have died shall
2 allow the carcasses to lie about his premises. Such carcasses shall
3 be disposed of within twenty-four (24) hours after such death by
4 cooking, burying or burning as provided in this chapter, or by dis-
5 posing of them, within said time, to a person licensed to so dispose
6 of them.

[C. C. 1795.]

Sec. 97. Penalty.

1 A violation of any of the provisions of this chapter shall be pun-
2 ished by a fine of not less than fifty dollars (\$50.00) nor more than
3 five hundred dollars (\$500.00) or by imprisonment in the county jail
4 for not less than ten (10) nor more than ninety (90) days.

[C. C. 1796.]

Sec. 98. Appropriation.

1 The expense attending the inspection provided for in this chap-
2 ter shall be paid from any unappropriated funds in the state treasury.

[New.]

Sec. 99. Person Defined.

- 1 The term "person" as employed in this chapter includes persons,
- 2 firms, partnerships, companies and corporations.

[New.]

Code Commissioners' Bill No. 69.

Subject: REGISTRATION OF ANIMALS

Senate File No..... Referred to Committee on
 House File No.....
 By Date.....

A BILL FOR

An act to amend revise and codify chapter nineteen (19) of title eight (8) of the compiled code of Iowa, relating to registration of animals.

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

That chapter nineteen (19) of title eight (8) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Stallions and Jacks—Enrollment—Certificate of Soundness.

1 No person shall offer for sale or for public service any stallion or
 2 jack over two (2) years old unless he shall have caused said animal to
 3 be enrolled with the secretary of the state department of agriculture,
 4 and shall have procured from such secretary a certificate of enroll-
 5 ment and soundness as provided in this chapter.

[C. C. 1802, modified.]

Sec. 2. Prior Certificate of Enrollment.

1 Where state certificate of enrollment has heretofore been issued
 2 by the state board of agriculture an additional state certificate of
 3 enrollment shall not be required, but certificate of soundness shall be
 4 secured as hereinbefore provided.

[C. C. 1805.]

Sec. 3. Application.

1 Application for such enrollment and certificate shall set forth,
2 under oath, the name, age, and color, and ownership of said animal
3 and be accompanied by the pedigrees, if any, of such animal, and by
4 an affidavit of the state veterinarian or of an assistant veterinarian
5 appointed by the live stock sanitary board that such animal has been
6 examined by him and is free from hereditary, infectious, contagious
7 and transmissible disease and unsoundness.

[C. C. 1802, 1803, modified.]

Sec. 4. Issuance of Certificate.

1 Upon receipt of such application and accompanying papers, said
2 secretary shall, if satisfied that the same is reliable, make such enroll-
3 ment and issue to the applicant a certificate of enrollment and sound-
4 ness, which shall be valid until January first following its issuance.
5 The certificate shall show whether the animal is a registered or grade
6 animal.

[C. C. 1803, modified.]

Sec. 5. Animals Recognized as Registered.

1 No animal shall be recognized as registered unless he has been
2 recorded in some stud book recognized by the state department of
3 agriculture.

[C. C. 1802.]

Sec. 6. Renewal of Certificate.

1 The holder of a certificate shall, between January first and April
2 first of each year, if said animal is retained for sale or for public
3 service, apply for renewal of such certificate of soundness, and the
4 same shall be renewed on presentation of an affidavit of soundness

5 as hereinbefore provided.

[C. C. 1803, modified.]

Sec. 7. Diseases Which Disqualify.

• 1 No certificate of soundness shall be granted for an animal afflicted
2 with glanders, farcy, maladie du coit (dourine), coital exanthema,
3 urethral gleet, mange, melanosis, blindness, cataract or periodic oph-
4 thalmia (Moon blindness).

[C. C. 1804.]

Sec. 8. Diseases Which Do Not Disqualify.

1 A certificate of soundness may be granted when an animal is
2 afflicted with any of the following diseases, unless such diseases appear
3 to be aggravated, or in a serious form: Amaurosis, laryngeal hemi-
4 plegia (roaring or whistling), pulmonary emphysema (heaves, broken
5 wind), bog spavin, bone spavin, ringbone, sidebone, navicular disease,
6 curb, with curby formation of hock, chorea (St. Vitus' dance), crampi-
7 ness, shivering, string halt. In cases where stallions or jacks possess
8 any of the above-named unsoundnesses in an aggravated or serious
9 form, or if it is determined that any stallion or jack is transmitting
10 any of said unsoundnesses, the department of agriculture may, upon
11 investigation and examination, revoke any certificate of soundness of
12 such stallion or jack if it considers him so unsound as to be unfit for
13 breeding purposes.

[C. C. 1804.]

Sec. 9. Certificate When Animal Diseased—Advertisements.

1 Certificates issued under the last preceding section shall distinctly
2 specify the diseases with which the animal is afflicted. All adver-
3 tisements of an animal so afflicted shall enumerate in large type, or

4 prominent writing, the diseases with which the animal is afflicted.

[C. C. 1804.]

Sec. 10. Posting Certificates.

1 The said certificate of enrollment and soundness, or a true copy
2 thereof, shall be kept posted upon the door or stall of the stable where
3 such animal is usually kept, and where such animals are advertised,
4 each and every advertisement shall contain a copy of such certificate or
5 the substance thereof.

[C. C. 1805.]

Sec. 11. Advertisement of Grade Animals.

1 Every advertisement of a grade stallion or jack over two (2)
2 years of age, either by handbills or in newspapers, must have the
3 words "grade stallion" (or jack) in type at least one (1) inch in
4 height immediately preceding the name of the stallion, and said adver-
5 tisement shall contain a substantial copy of the certificate of sound-
6 ness of said animal.

[C. C. 1805.]

Sec. 12. Examination on Complaint.

1 Complaint may be made to said secretary that a stallion or jack
2 is diseased. The secretary shall determine whether an examination
3 of said animal is reasonably necessary. If he so determines he shall
4 notify the owner accordingly, and require him to select some recog-
5 nized graduate or licensed veterinarian to represent him in the exam-
6 ination. The veterinarian selected by the owner and the state veter-
7 inarian, or his authorized assistant, shall select a third veterinarian,
8 and the three (3) shall jointly examine said animal.

[C. C. 1806.]

Sec. 13. Secretary to Appoint Examiners.

1 Should the owner neglect for ten (10) days after being so notified
2 to appoint an examiner, the secretary of the department of agricul-
3 ture shall appoint such examiner, who shall proceed as though ap-
4 pointed by the owner.

[New.]

Sec. 14. Decision.

1 The examiners shall determine whether said animal is afflicted
2 with a disease which would prevent the issuance of a certificate of
3 soundness, or any other disease in such a serious or aggravated form
4 as to render the animal unfit for breeding purposes. A decision by a
5 majority of the examiners shall be certified to the secretary of the de-
6 partment of agriculture and shall be final.

[C. C. 1806, modified.]

Sec. 15. Revocation of Certificate.

1 If the decision is to the effect that such animal is afflicted as spe-
2 cified in the preceding section, the said secretary shall not issue a cer-
3 tificate of soundness, and if one has been issued he shall immediately
4 revoke the same and notify the owner accordingly.

[C. C. 1806, modified.]

Sec. 16. Expense.

1 If the examiners find that said animal is eligible to receive or
2 retain a certificate of soundness, the reasonable costs of the exam-
3 ination shall be paid from the registration funds collected under this
4 chapter; otherwise such costs shall be collected from the owner.

[C. C. 1806.]

Sec. 17. Transfer of Certificate—Fee.

1 When the holder of a certificate sells or otherwise transfers the
2 title to such animal, he shall indorse on the certificate a transfer
3 thereof to the new owner, and file the certificate, accompanied by a
4 fee of fifty cents (50c), with the secretary, who shall thereupon issue
5 a new certificate to the purchaser.

[C. C. 1807.]

Sec. 18. Blindness—Examination—Certificate.

1 The owner of any blind stallion or jack may, upon application,
2 have the same examined at his own expense by a board of three (3)
3 examiners, one (1) to be the state veterinarian or his duly authorized
4 assistant, one (1) to be selected by the owner of the animal, who shall
5 be a graduate or licensed veterinarian, and one (1) veterinarian to be
6 selected by these two (2), and if upon examination and proof fur-
7 nished, a majority of said board declare that such blindness was caused
8 by accident or disease not transmissible, then upon affidavit of said
9 board or a majority thereof, the secretary of the state board of agri-
10 culture shall be authorized to issue a state certificate.

[C. C. 1813.]

Sec. 19. Fee.

1 The secretary shall collect a fee of one dollar (\$1.00) for each cer-
2 tificate of soundness and for each annual renewal thereof. All fees
3 provided in this chapter shall go into the treasury of the department
4 of agriculture.

[C. C. 1802, modified.]

Sec. 20. False Affidavit.

1 Any veterinarian who knowingly makes a false affidavit as to the

2 disease or freedom from disease, or soundness or unsoundness of any
3 animal examined by him shall be guilty of perjury, and his license to
4 practice shall be revoked.

[C. C. 1803, modified.]

Sec. 21. False Pedigrees—Penalty for Publishing.

1 Any person who shall fraudulently represent any animal, horse,
2 cattle, sheep, swine, goat or poultry to be registered, or any person
3 who shall post or publish or cause to be posted or published any false
4 pedigree or certificate of soundness, or shall use any stallion or jack
5 over two (2) years old for public service, or sell, exchange or transfer
6 any stallion or jack over two (2) years old, representing such animal
7 to be registered, without first having obtained the certificate of enroll-
8 ment and certificate of soundness as provided in this chapter, or who
9 shall violate any of the preceding provisions of this chapter, shall be
10 punished by a fine of not more than one hundred dollars (\$100.00), or
11 imprisoned in the county jail not exceeding thirty (30) days, or by
12 both fine and imprisonment.

[C. C. 1812.]

Sec. 22. Person Defined.

1 The term "person" as employed in this chapter shall include per-
2 sons, firms, partnerships and corporations.

[C. C. 1802, modified.]

Code Commissioners' Bill No. 70.

Subject: LIEN FOR SERVICE OF STALLIONS AND JACKS

Senate File No..... Referred to Committee on
House File No.....
By Date.....

A BILL FOR

An act to amend, revise and codify chapter twenty (20) of title eight (8) of the compiled code of Iowa, relating to the lien for services of stallions and jacks.

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

That chapter (20) of title eight (8) of the compiled code of Iowa is amended, revised and codified to read as follows:

CHAPTER —.

LIEN FOR SERVICES OF ANIMALS.

Section 1. Lien on Progeny of Stallion or Jack.

1 The owner or keeper of a stallion or jack kept for public service
2 who has complied with the provisions of the preceding chapter of this
3 title shall have a prior lien upon the progeny of such stallion or jack to
4 secure the amount due such owner or keeper for the service of such
5 stallion or jack resulting in said progeny, but where such owner or
6 keeper misrepresents such stallion or jack by false pedigree, no lien
7 shall be obtained.

[C. C. 1814, modified.]

Sec. 2. Limitation of Lien.

1 Said lien shall remain in force for a period of six (6) months from
2 the birth of said progeny and shall not be enforced thereafter.

[C. C. 1815.]

Sec. 3. Foreclosure of Lien.

1 The lien may be foreclosed as provided for the foreclosure of
2 chattel mortgages, and for such purpose the owner of the progeny
3 shall be considered as the mortgagor and the holder of the lien the
4 mortgagee.

[C. C. 1816, 1817, modified.]

Code Commissioners' Bill No. 71.

Subject: ESTRAYS AND TRESPASSING ANIMALS

Senate File No..... Referred to Committee on
 House File No.....
 By Date.....

A BILL FOR

An act to amend, revise and codify chapter twenty-two (22) of title eight (8) of the compiled code of Iowa, relating to neglected, disabled and abandoned animals, animals running at large, estrays and dogs.

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

That chapter twenty-two (22) of title eight (8) of the compiled code of Iowa is amended, revised and codified to read as follows:

CHAPTER —

ESTRAYS AND TRESPASSING ANIMALS.

Section 1. Definition of Terms.

1 As used in this chapter:

2 1. "Owner" when used with reference to animals, means any per-
 3 son in possession or entitled to the present possession thereof, or hav-
 4 ing care or charge of them, or holding the legal title to them.

5 2. "Owner" when used with reference to lands, means the person
 6 having title thereto, or the lessee or occupant thereof.

7 3. "Stock" means cattle, horses, mules and asses.

8 4. "Animal" means all animals which may be distrained under
 9 this chapter.

10 5. "Trespassing stock or animals" means those unlawfully upon
11 land, or running at large contrary to law or police regulations.

[C. C. 1821.]

Sec. 2. Restraint of Animals.

1 Animals shall be restrained by the owners thereof from running
2 at large as follows:

3 1. Stallions, jacks, bulls, swine, sheep and goats at all times.

4 2. All other animals at all times unless permitted to run at large
5 by vote of the people of the county as provided in this code.

[C. C. 1822-1824, modified.]

Sec. 3. Trespass on Lawfully Fenced Land.

1 Any animal trespassing upon land fenced as provided by law may
2 be distrained by the owner of such land, and held for all damages done
3 thereon by it, unless it escaped from adjoining land in consequence of
4 the neglect of such land owner to maintain his part of a lawful par-
5 tion fence.

[C. C. 1823.]

Sec. 4. Neglect to Maintain Partition Fence.

1 The owner of the land from which such animal escaped shall also
2 be liable for such damages if it escaped therefrom in consequence of
3 his neglect to maintain his part of a lawful partition fence, or if the
4 trespassing animal was not lawfully upon his land, and he had knowl-
5 édge thereof.

[C. C. 1823.]

Sec. 5. Trespass on Unfenced Land.

1 If there be no lawful partition fence, and the line thereof has not
2 been assigned either by the fence viewers or by agreement of the

3 parties, any animal trespassing across such partition line shall not be
4 distrained, nor shall there be any liability therefor.

[C. C. 1823.]

Sec. 6. Trespass on Highway.

1 Animals which are unlawfully running at large on the highway
2 may be distrained by the owner of the adjoining land and held for
3 damages done by them and for the costs provided in this chapter.

[C. C. 1824.]

Sec. 7. Animals Under Control.

1 Stock shall not be considered as running at large so long as it is
2 upon unfenced lands and under the immediate care and efficient control
3 of the owner, or upon the public roads, for travel or driving thereon,
4 under like care and control.

[C. C. 1824, modified.]

Sec. 8. Action in Lieu of Distrain.

1 Instead of distraining trespassing stock or animals, the injured
2 person may recover all damages caused thereby in an action against
3 the owner thereof, and may join therein the owner of the land from
4 which it escaped, if he is liable therefor, and all or any of the different
5 owners of the stock or animals who have not paid their proportion of
6 the damages or costs.

[C. C. 1825, 1826.]

Sec. 9. Action When Stock Is Released or Has Escaped.

1 If distrained stock or animals escape or are released without the
2 consent of the distraining party, he may recover his damages as
3 above provided, with costs, and the costs of distraint made prior to
4 such escape or release.

[C. C. 1825.]

Sec. 10. Release on Payment of Ratable Share.

1 If there is more than one (1) owner of distrained stock or ani-
2 mals, each may pay his ratable share of the damages and costs, and
3 release his animals.

[C. C. 1826.]

Sec. 11. Procedure on Distrain.

1 The person distraining animals shall, within twenty-four (24)
2 hours after such distrain, Sunday not included, notify the owner of
3 the animals of such distrain and of the actual amount of damages and
4 costs caused by such animal. If the said owner fails to satisfy such
5 damages and costs within twenty-four (24) hours after such notifica-
6 tion, the person distraining shall immediately notify the township
7 clerk and demand that the township trustees appear upon the premises
8 where the damages occurred and assess the damages.

[C. C. 1822, 1827, modified.]

Sec. 12. Constable in Lieu of Clerk.

1 If for any reason the township clerk cannot act, the notice pro-
2 vided for in the preceding section may be given to any constable of the
3 township, who shall proceed as the clerk is directed to proceed.

[New.]

Sec. 13. Clerk to Notify Trustees.

1 The township clerk shall immediately fix a time for the assessment
2 of such damages and notify the trustees and the owner of the animal
3 accordingly.

[New.]

Sec. 14. Appointee in Lieu of Trustee.

1 If for any reason one (1) or more trustees shall be unable to act,

2 the township clerk shall appoint one (1) or more disinterested citizens
3 in place of such trustees.

[C. C. 1827, modified.]

Sec. 15. Tender of Damages and Costs.

1 The owner of the animals may tender to the person suffering dam-
2 age an amount less than that demanded by claimant, as damages and
3 costs, and if such tender be refused, and the final assessment of dam-
4 ages be no more than such tender, then all costs, and compensation
5 for keeping the stock accruing after such tender, shall be paid by the
6 person distraining the animals.

[New.]

Sec. 16. Assessment of Damages.

1 The trustees, or a majority thereof, shall meet on the premises
2 where the damages occurred at the time fixed and assess the damages
3 and costs and file their written report with the township clerk, who
4 shall record the same. Said assessment shall be final unless appealed
5 from.

[C. C. 1827-1829, modified.]

Sec. 17. Failure to Pay Damages—Notice of Sale.

1 If the owner of the distrained animals neglects for two (2) days
2 after such assessment to pay the amount thereof, the township clerk
3 shall at once post up in three (3) conspicuous places in the township a
4 notice of the time and place at which he will sell said animals, describ-
5 ing them. The place of sale shall be at the place of distraint. The
6 sale shall be between the hours of one (1) and three (3) o'clock p. m.
7 and on a day not less than five (5) nor more than ten (10) days after
8 the posting.

[C. C. 1827, modified.]

Sec. 18. Sale.

1 The clerk shall, at the time and place named in said notice, sell
2 the animals at public sale to the highest bidder for cash, but only such
3 number of animals shall be sold as is necessary to satisfy the damages
4 and costs. Animals unsold shall be at once returned to the owner, and
5 also the surplus remaining, if any, out of any sold.

[C. C. 1827, modified.]

Sec. 19. Appeal—Time—Bond—Amount.

1 Any person aggrieved by the assessment made by the trustees
2 may appeal to the district court by filing with the township clerk,
3 within four (4) days after the report of the trustees is filed with such
4 clerk, an appeal bond with sureties to be approved by said clerk and
5 conditioned to pay all damages and costs.

[C. C. 1828, modified.]

Sec. 20. Appeal Bonds—Amount.

1 Appeal bonds shall be in the following amounts:

2 1. When the appeal is taken by the person distraining the ani-
3 mals, twice the value of the animals, as fixed by the clerk.

4 2. When the appeal is taken by the owner of the distrained ani-
5 mals, twice the value of the animals, so fixed, or twice the amount of
6 damages and costs in those cases where the value of the animals ex-
7 ceeds the amount of the damages claimed.

[C. C. 1828, modified.]

Sec. 21. Appeal by Claimant—Effect—Avoidance.

1 When an appeal is thus taken by the person distraining the stock
2 the animals shall be held for the satisfaction of such judgment as may
3 be rendered on appeal, except as provided in the next section.

[C. C. 1828.]

Sec. 22. Release Pending Appeal.

1 The owner of said stock or animals may release the same at any
 2 time before judgment by filing with the township clerk before the
 3 appeal is certified, or with the clerk of the district court thereafter, a
 4 bond with sufficient sureties to be approved by the clerk with whom
 5 filed, conditioned to pay all damages and costs recovered in said cause
 6 on appeal. The clerk receiving such bond shall file the same, and
 7 forthwith certify the fact to the person having charge of the dis-
 8 trained stock or animals, who shall thereupon release the same to the
 9 owner.

[C. C. 1828.]

Sec. 23. Appeal by Owner—Effect.

1 Where the owner appeals and files a bond, as herein provided, it
 2 shall operate as a supersedeas, and the distrained stock or animals
 3 shall be released to him.

[C. C. 1828.]

Sec. 24. Transcript—Clerk to File.

1 Within five (5) days after the taking of the appeal, the township
 2 clerk shall make out a certified transcript of the record of the finding
 3 of the trustees, and file the same, together with the notice of appeal,
 4 if in writing, and the bond, with the clerk of the district court.

[C. C. 1828.]

Sec. 25. Escape or Release—Recapture.

1 If any distrained animal escape, or is unlawfully released, the in-
 2 jured person may recapture the same. If the recapture is effected
 3 before the day of sale as already fixed in the notice, the sale shall pro-
 4 ceed under such notice. If the recapture is effected after the day of

5 sale has passed, the township clerk shall issue new notices of sale and
6 proceed anew.

[C. C. 1829.]

Sec. 26. Unlawful Release.

1 Any person who releases any animal, distrained as provided in
2 this chapter, without the consent of the person distraining the same,
3 shall be guilty of a misdemeanor.

[C. C. 1830.]

Sec. 27. Estray Defined.

1 An estray is:

2 1. Any animal unlawfully running at large, or any animal tres-
3 passing within a lawful inclosure in a county in which animals have
4 been permitted by vote of the people to run at large, the ownership of
5 which, in either case, can not, with reasonable inquiry in the neighbor-
6 hood, be ascertained.

7 2. Any animal which has been abandoned by its owner.

[C. C. 1831, modified.]

Sec. 28. Taking Up Estray.

1 Any resident of a county may take up an estray when the same is
2 on his premises. He may also take up an estray which is upon the
3 premises of any other person when such other person had knowledge
4 that such estray was on his premises and fails for five (5) days to take
5 up such estray.

[C. C. 1831, 1832, modified.]

Sec. 29. Procedure on Taking Up Estray.

1 A person taking up an estray shall, within five (5) days there-
2 after, post up, for ten (10) days, a written notice in three (3) of the

3 most public places in the township, which notice shall be signed by
4 him and shall embrace:

- 5 1. A full description of said animal.
- 6 2. The time and place of taking up such estray.

[C. C. 1833, modified.]

Sec. 30. Proof of Service.

1 Immediately after the expiration of said ten (10) days of post-
2 ing, the person taking up the estray shall, unless such estray has been
3 previously claimed by the owner, file with a justice of the peace in the
4 township in which the estray was taken up, or, in case there is no
5 justice in the township, then with the next nearest justice in the
6 county, his affidavit which shall show:

- 7 1. The time and place of taking up such estray.
- 8 2. The time and places of posting said notice, together with a copy
9 of said notice.
- 10 3. That said animal remains unclaimed.
- 11 4. Whether the marks or brands of said animal have been altered
12 to his knowledge, either before or after the same was taken up.

[C. C. 1833, modified.]

Sec. 31. Justice to Record Return.

1 The justice shall record such return in his docket and at once for-
2 ward the same to the county auditor, together with the fees due to
3 such auditor in order to enable him to perform his duty.

[C. C. 1833, 1835, modified.]

Sec. 32. Record and Posting by County Auditor.

1 The county auditor shall record the affidavit in the estray book in

2 his office and cause a copy thereof to be posted at the door of the
3 courthouse.

[C. C. 1833.]

Sec. 33. Publication.

1 If the estray is stock, the auditor shall cause the affidavit to be
2 published once each week for three (3) weeks in some newspaper in
3 the county.

[C. C. 1834.]

Sec. 34. Fees and Expenses.

1 The person taking up an estray shall pay to the justice of the
2 peace, with whom the affidavit is filed, the legal fees due the said
3 justice, and the legal fees due to the county auditor for entering said
4 affidavit in the estray book, and posting and publishing the same,
5 which amounts, together with the compensation provided by law,
6 shall be refunded to the person taking up such estray by the owner
7 thereof in case the animal is restored to the owner.

[C. C. 1835, modified.]

Sec. 35. Two or More Estrays—Procedure.

1 If two (2) or more estrays are taken up at the same time by the
2 same person, they shall be included in one (1) notice and affidavit and
3 but one (1) fee shall be paid therefor, and if only a part of the stock
4 thus included is restored to the owner, a proportionate amount of such
5 fees and expenses shall be refunded.

[C. C. 1835.]

Sec. 36. Property Vests When.

1 If the estray be stock, and be not claimed by the owner within one
2 (1) year, or, being any other domestic animal, be not claimed by the

3 owner within six (6) months from the time it is taken up, the property
4 therein shall vest in the taker-up, if he has complied with the provi-
5 sions of this chapter.

[C. C. 1836.]

Sec. 37. Recovery by Owner.

1 At any time before the property in the estray vests in the person
2 who has taken it up, the owner shall be entitled to recover possession
3 of it on paying to the person who has taken it up:

- 4 1. The compensation to which he is entitled by law.
- 5 2. The fees and expenses which the taker-up has paid in advance.
- 6 3. Any reward which has been offered by the owner.
- 7 4. A reasonable allowance for the expenses of keeping such estray,
8 taking into account the use which the person taking up has had of it,
9 which latter allowance shall be made by the court before whom a
10 proceeding to recover the animal shall be brought in the event the
11 owner and the taker-up cannot agree with reference thereto.

[C. C. 1837.]

Sec. 38. Former Owner—Rights After Vesting of Title.

1 At any time within six (6) months after the property in an estray
2 has vested in the taker-up, the former owner shall be entitled to re-
3 ceive from the taker-up, on demand, the value of the estray, not in-
4 cluding any increased value which has accrued since it was taken up,
5 after deducting therefrom the compensation, reward, fees and ex-
6 penses referred to in the preceding section; or the taker-up may, at his
7 option, elect to surrender the estray, if still in his possession, in which
8 case the owner must pay such compensation, reward, fees and ex-
9 penses.

[C. C. 1838.]

Sec. 39. Lawful Use of Estray.

1 Any person legally taking up an estray may use or work it, if he
2 does so with care and moderation, and does not abuse or injure it.
3 Estrays adapted thereto may be bred and milked by the taker-up.

[C. C. 1839.]

Sec. 40. Unlawful Use of Estray.

1 Any person who unlawfully takes up any estray, or takes up any
2 estray and fails to comply with any of the provisions of this chapter,
3 or uses or works it in any manner contrary to this chapter, or works
4 it before having it appraised, or keeps it out of the county for more
5 than five (5) days at any one (1) time before he acquires a title to
6 it, shall be liable to the owner of the estray for double the amount of
7 any injury to the estray.

[C. C. 1839, modified.]

Sec. 41. Escape or Death of Estray—Nonliability of Taker-up.

1 If any estray, legally taken up, escapes from the finder or die
2 without any fault on his part, he shall not be liable for the loss.

[C. C. 1840.]

Sec. 42. Penalty Against Finder.

1 If any person shall sell, trade or take out of the state any estray
2 before the legal title shall have vested in him, he shall forfeit to the
3 owner double its value, and shall also be guilty of a misdemeanor.

[C. C. 1841.]

Sec. 43. Transfer of Estrays.

1 The personal representatives of a taker-up shall succeed to all
2 the rights of such taker-up. The county auditor may authorize the
3 taker-up or his personal representative to transfer an estray to another

4 person who shall take the place of his predecessor.

[C. C. 1841, modified.]

Sec. 44. **Sale of Estrays.**

1 When an estray has damaged property and is taken up by the
2 owner of such property, such owner, instead of proceeding against said
3 animal as an estray as hereinbefore provided, may proceed against it
4 as provided for the distraint and sale of animals, the ownership of
5 which is known.

[New.]

Sec. 45. **Notice.**

1 In cases contemplated by the last preceding section, a notice of
2 the taking up and the amount of the claim for damages shall be served
3 on the unknown owner by two (2) publications of a notice in at least
4 two (2) of the official newspapers of the county, which notice shall:

5 1. Be signed by the taker-up, with his postoffice address.

6 2. Be addressed to the unknown owner.

7 3. Contain a full description of the animal, including all marks or
8 brands thereon.

9 4. Specify the time and place of the taking up, and the amount of
10 damages and costs claimed.

11 5. Notify the unknown owner that unless he appears within six
12 (6) months and pays said damages and all legal costs, said taker-up
13 will apply to the township clerk for an assessment of damages caused
14 by said animal and costs, and will take proceedings for the sale of such
15 animal for the payment thereof.

[New.]

Sec. 46. Assessment of Damages and Costs.

1 At any time after six (6) months from the date of the last pub-
2 lication, or at any time after the owner appears and fails to pay said
3 damages and costs, the taker-up may apply to the township clerk for
4 an assessment of his damages and costs, and all subsequent proceed-
5 ings shall be as provided in case of distraint of stock, the ownership of
6 which is known. The legal fees for publishing said notice shall be in-
7 cluded in the assessment of costs.

[New.]

Sec. 47. Owner Discovered.

1 Should the taker-up mentioned in the preceding section discover
2 the owner of said animal prior to the expiration of said six (6) months,
3 he shall immediately serve written notice upon such owner of the
4 taking up of said animal and of the amount of his said claim, and
5 unless the owner discharges said claim within twenty-four (24) hours
6 such taker-up shall proceed in the same manner as provided in case of
7 the distraint of animals the ownership of which is known.

[New.]

Sec. 48. Penalty Against Officer.

1 Any officer who fails to perform the duties enjoined upon him in
2 this chapter in relation to estrays, shall be fined not less than five dol-
3 lars (\$5.00) nor more than fifty dollars (\$50.00).

[C. C. 1842, modified.]

Sec. 49. Bond to Release.

1 Before any property held under this chapter is sold under dis-
2 traint, or before the title to an stray vests in the taker-up, it may be
3 released at once upon the owner giving to the distrainor or taker-up a

4 bond, with sureties, to be approved by the township clerk, justice of
5 the peace or county auditor, before whom the matter is then pending,
6 conditioned to pay to the holder of the property, within twenty (20)
7 days after such approval, all costs, damages and compensation to
8 which he is entitled. In case the obligee in said bond is compelled to
9 begin action on such bond, the court may tax a reasonable attorney's
10 fee in favor of such obligee.

[C. C. 1843, modified.]

Sec. 50. Compensation and Fees.

1 The compensation for services under this chapter shall be as
2 follows:

3 1. For distraining stock, fifty cents (50c) for each head not ex-
4 ceeding two (2), and twenty-five cents (25c) for each additional head
5 taken on one (1) distraint.

6 2. For distraining each stallion, jack or bull, one dollar (\$1.00);
7 for distraining each boar or buck, fifty cents (50c).

8 3. For distraining any other animals, twenty-five cents (25c)
9 each, not exceeding four (4), and ten cents (10c) for each additional
10 head.

11 4. For keeping stock, fifty cents (50c) a day, from the time the
12 same is taken up.

13 5. For keeping any other animals, twenty-five cents (25c) a day
14 from the time the same is taken up.

15 6. For posting notices and selling male animals, the same fees as
16 are allowed constables for like services upon execution.

17 7. For taking up as an estray one (1) head of stock, fifty cents
18 (50c), and twenty-five cents (25c) for each additional head at one (1)
19 time.

20 8. For taking up any other kind of estray animals, fifteen cents
21 (15c) each.

22 9. To the justice of the peace, for all services in each case of
23 taking up estrays, fifty cents (50c).

24 10. To the county auditor, for all services in each case of estrays,
25 including posting and publishing notice, but not including the fee of
26 the printer, fifty cents (50c).

27 11. To the township clerk, for posting notices, twenty-five cents
28 (25c), and services not otherwise provided for, the same fees as are
29 allowed in assessing damages done by trespassing animals, with ten
30 cents (10c) mileage each way.

31 12. To the township clerk, ten cents (10c) per each hundred (100)
32 words entered of record, the same fees for a copy thereof, and in addi-
33 tion twenty-five cents (25c) for his certificate thereto, and fifty cents
34 (50c) for filing and approving any bond.

[C. C. 1844, modified.]

Sec. 51. Neglected Animals.

1 Any person may take charge of any animal when the owner fails
2 to properly take care and provide for it, and may furnish the same
3 with proper care, either on his own premises or on the premises of the
4 owner, and the reasonable value of such care may be collected by him
5 of the said owner.

[C. C. 1845, 1846, modified.]

Sec. 52. Disabled Animals Killed.

1 The sheriff, constable, police officer, officer of any society for the
2 prevention of cruelty to animals, or any magistrate shall destroy any
3 animal disabled and unfit for further use.

[C. C. 1847.]

Sec. 53. Restraint on Dogs—Registration.

1 No dog shall be permitted to be at large on premises other than
2 the premises of the owner or person harboring such dog, between sun-
3 set and sunrise:

- 4 1. Unless it has been registered by the county auditor.
- 5 2. Unless it wears a collar bearing a proper registration number.
- 6 3. Unless accompanied by a person competent to control it.

[C. C. 1848, 1849, modified.]

Sec. 54. Killing of Trespassing Dogs.

1 Any dog found at large contrary to the provisions of the preceding
2 section shall be deemed a trespasser, and may be lawfully killed by
3 the owner, agent, employee or occupant of the lands upon which such
4 trespass is taking place.

[C. C. 1850.]

Sec. 55. Registration Fee.

1 A registration fee of fifty cents (50c) shall be charged by the
2 county auditor who shall furnish a suitable tag bearing the registra-
3 tion number to be placed upon the collar of such dog.

[C. C. 1849.]

Sec. 56. Removal of Registration Number.

1 Any person who shall remove such registration number tag from
2 the collar of a dog owned by any other person, without the express
3 authority of the owner of such dog, shall be fined not less than ten
4 dollars (\$10.00) nor more than one hundred dollars (\$100.00) and
5 stand committed until the fine and costs are paid, not to exceed thirty
6 (30) days.

[C. C. 1849.]

Sec. 57. Application of Statute.

1 Nothing in the last four (4) preceding sections shall be deemed to
2 apply to dogs owned or harbored within the limits of cities and incor-
3 porated towns wherein municipal regulations have been enacted rela-
4 tive to the running at large of dogs.

[C. C. 1850.]

Sec. 58. When Lawful to Kill Dogs.

1 It shall be lawful for any person to kill any dog caught in the act
2 of worrying, maiming or killing any sheep or lamb, or other domestic
3 animal, or any dog attacking or attempting to bite any person. The
4 owner of any dog shall be liable to the party injured for all damages
5 done, except when the party is doing an unlawful act. The provisions
6 of this section shall not apply to any damage done by a dog affected
7 with hydrophobia.

[C. C. 1851.]

Code Commissioners' Bill No. 72

Subject: CONTESTING ELECTIONS—VOTER WITNESS

Senate File No..... Referred to Committee on
House File No.....
By Date.....

A BILL FOR

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.

- 1 The court may require any person called as a witness, who voted
- 2 at such election, to answer touching his qualifications as a voter, and,
- 3 if he was not a qualified voter in the county where he voted, then to
- 4 answer for whom he voted.

[C. C. 591, modified. See Commissioners' Bill No. 73.]

Code Commissioners' Bill No. 73

Subject: EXAMINATION OF WITNESSES

Senate File No..... Referred to Committee on
 House File No.....
 By Date.....

A BILL FOR

An act to amend, revise and codify sections twenty-eight (28), fifty-three hundred seventy-five (5375), sixty-two hundred thirty-eight (6238), and seventy-three hundred nineteen (7319) of the compiled code of Iowa, relating to the attendance of witnesses, and the compulsory giving of testimony and production of evidence.

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

That sections fifty-three hundred seventy-five (5375), sixty-two hundred thirty-eight (6238), and seventy-three hundred nineteen (7319) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Criminating Questions.

1 When the matter sought to be elicited would tend to render a
 2 witness criminally liable, or to expose him to public ignominy, he is
 3 not compelled to answer, except as otherwise provided.

[C. C. 7319.]

Sec. 2. Exceptions.

1 In the following cases no witness shall be excused from giving
 2 testimony, or from producing any evidence, upon the ground that his
 3 testimony or such evidence would tend to render him criminally liable
 4 or expose him to public ignominy:

5 1. In prosecutions against gaming, betting, lotteries, and dealing
6 in options.

7 2. In prosecutions for creating, entering into or becoming a
8 member of, or a party to, any pool, trust, agreement, contract, com-
9 bination, confederation or understanding with any other corporation,
10 partnership, association or individual to regulate or fix the price of
11 any article of merchandise or commodity, or to fix or limit the amount
12 or quantity of any article, commodity or merchandise to be manufac-
13 tured, mined, produced or sold in this state.

14 3. In prosecutions for keeping gambling houses.

15 4. In prosecutions or proceedings for violations of the statutes
16 relating to intoxicating liquors, including proceedings wherein a peace
17 officer is examined as to his knowledge of violations of such statutes.

[C. C. 934, 999, 7319, modified.]

18 5. In prosecutions for the violation of the statutes relating to elec-
19 tions.

[C. C. 541, modified.]

20 6. In prosecutions for making, soliciting or receiving contribu-
21 tions for political purposes by or to any political committee, party or
22 candidate or representative thereof.

[C. C. 5375.]

23 7. In actions wherein an election is contested and the matter
24 sought to be elicited relates to the qualification of the witness as a
25 voter, or consists of a statement by the witness as to the candidate
26 for whom the witness voted when the witness was not a qualified voter.

[C. C. 591.]

27 8. In actions for damages for violation of the laws regulating
28 common carriers.

[C. C. 5186.]

29 9. In prosecutions for violations of the statutes relating to the
30 free transportation of persons by common carriers of passengers.

[C. C. 5222.]

31 10. In investigations by the board of railroad commissioners into
32 the manner and method pursued by common carriers, subject to their
33 jurisdiction, in conducting their business.

[C. C. 5188.]

34 11. In examinations or investigations conducted by any commit-
35 tee of the general assembly.

[C. C. 1853.]

36 12. In prosecutions against public officers for unlawfully open-
37 ing, or divulging the contents of, sealed bids.

[C. C. 683.]

38 13. In proceedings auxiliary to executions.

[C. C. 7759.]

39 14. In examinations by the board of control of state institutions,
40 or by a committee thereof, of the affairs of any institution under the
41 control of said board.

[C. C. 1903.]

42 15. In any action or investigation in relation to any public work
43 or public contract.

[C. C. 6238, modified.]

Sec. 3. Immunity From Prosecution.

1 No person compelled under the preceding section to testify or

2 produce evidence tending to incriminate him or to expose him to pub-
3 lic ignominy shall be prosecuted for any crime which such testimony
4 or evidence tends to prove or to which the same relates. This section
5 shall not exempt any person from prosecution for perjury.

[C. C. 541, 591, 683, 934, 999, 1853, 1903, 5186, 5188, 5222,
5375, 6238, 7319, 7759, modified.]

That section twenty-eight (28) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 4. Witnesses—Attendance Compulsory.

1 Whenever a committee of either house, or a joint committee of
2 both, is charged with an investigation requiring the personal attend-
3 ance of witnesses, any person may be compelled to appear before such
4 committee as a witness, by serving an order upon him, which service
5 shall be made in the manner required in case of a subpoena in a civil
6 action in the district court, such order stating the time and place he
7 is required to appear, signed by the presiding officer of the house ap-
8 pointing the committee, and attested by its acting secretary or clerk;
9 or, in case of a joint committee, signed and attested by such officers
10 of either house.

[C. C. 28, modified.]

Code Commissioners' Bill No. 74

Subject: LIMITED PARTNERSHIP—UNIFORM LAW

Senate File No..... Referred to Committee on
House File No.....
By Date.....

A BILL FOR

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.

1 A limited partnership is a partnership formed by two (2) or
2 more persons under the provisions of this chapter, having as members
3 one (1) or more general partners and one (1) or more limited part-
4 ners. The limited partners as such shall not be bound by the obli-
5 gations of the partnership.

[New.]

Sec. 2. Formation.

1 Two (2) or more persons desiring to form a limited partnership
2 shall sign and acknowledge a certificate and record the same in the
3 office of the county recorder of the county in which the principal place
4 of business is located. Said certificate shall state:

- 5 1. The name of the partnership.
- 6 2. The character of the business.

- 7 3. The location of the principal place of business.
- 8 4. The name and place of residence of each member ; general and
9 limited partners being respectively designated.
- 10 5. The term for which the partnership is to exist.
- 11 6. The amount of cash and a description of and the agreed value
12 of the other property contributed by each limited partner.
- 13 7. The additional contributions, if any, agreed to be made by
14 each limited partner and the times at which or events on the happen-
15 ing of which they shall be made.
- 16 8. The time, if agreed upon, when the contribution of each lim-
17 ited partner is to be returned.
- 18 9. The share of the profits or the other compensation by way of
19 income which each limited partner shall receive by reason of his con-
20 tribution.
- 21 10. The right, if given, of a limited partner to substitute an as-
22 signee as contributor in his place, and the terms and conditions of
23 the substitution.
- 24 11. The right, if given, of the partners to admit additional lim-
25 ited partners.
- 26 12. The right, if given, of one (1) or more of the limited partners
27 to priority over other limited partners, as to contributions or as to
28 compensation by way of income, and the nature of such priority.
- 29 13. The right, if given, of the remaining general partner or part-
30 ners to continue the business on the death, retirement or insanity of
31 a general partner.
- 32 14. The right, if given, of a limited partner to demand and re-

33 ceive property other than cash in return for his contribution.

[New.]

Sec. 3. Sufficiency of Certificate.

1 A limited partnership is formed if there has been substantial
2 compliance in good faith with the requirements of the last preceding
3 section.

[New.]

Sec. 4. Business Which May Be Carried On.

1 A limited partnership may carry on any business which a part-
2 nership without limited partners may carry on.

[New.]

Sec. 5. Nature of Contribution.

1 The contributions of a limited partner may be cash or other prop-
2 erty, but not services.

[New.]

Sec. 6. Partnership Name.

1 The surname of a limited partner shall not appear in the part-
2 nership name:

- 3 1. Unless it is also the surname of a general partner, or
- 4 2. Unless, prior to the time when the limited partner became
- 5 such, the business had been carried on under a name in which his
- 6 surname appeared.

[New.]

Sec. 7. Violation—Effect.

1 A limited partner whose name appears in a partnership name
2 contrary to the provisions of the last preceding section is liable as a
3 general partner to partnership creditors who extend credit to the

4 partnership without actual knowledge that he is not a general partner.

[New.]

Sec. 8. Liability for False Statements.

1 If the certificate contains a false statement, one who suffers loss
2 by reliance on such statement may hold liable any party to the cer-
3 tificate who knew the statement to be false:

4 1. At the time he signed the certificate, or

5 2. Subsequently, but within a sufficient time before the statement
6 was relied upon to enable him to cancel or amend the certificate, or
7 to file a petition for its cancellation or amendment as hereinafter pro-
8 vided.

[New.]

Sec. 9. Limited Partner Not Liable to Creditors.

1 A limited partner shall not become liable as a general partner
2 unless, in addition to the exercise of his rights and powers as a limited
3 partner, he takes part in the control of the business.

[New.]

Sec. 10. Additional Limited Partners.

1 After the formation of a limited partnership, additional limited
2 partners may be admitted upon filing an amendment to the original
3 certificate in accordance with the requirements of sections forty-eight
4 (48) to fifty-two (52), inclusive.

[New.]

Sec. 11. Rights, Powers and Liabilities of General Partners.

1 A general partner shall have all the rights and powers and be
2 subject to all the restrictions and liabilities of a partner in a part-
3 nership without limited partners, except that without the written

- 4 consent or ratification of the specific act by all the limited partners,
 5 a general partner or all of the general partners have no authority:
- 6 1. To do any act in contravention of the certificate.
 - 7 2. To do any act which would make it impossible to carry on the
 8 ordinary business of the partnership.
 - 9 3. To confess a judgment against the partnership.
 - 10 4. To possess partnership property, or assign their rights in spe-
 11 cific partnership property, for other than a partnership purpose.
 - 12 5. To admit a person as a general partner.
 - 13 6. To admit a person as a limited partner, unless the right so to
 14 do is given in the certificate.
 - 15 7. To continue the business with partnership property on the
 16 death, retirement or insanity of a general partner, unless the right
 17 so to do is given in the certificate.

[New.]

Sec. 12. Rights of Limited Partners.

- 1 A limited partner shall have the same rights as a general partner:
- 2 1. To have the partnership books kept at the principal place of
 3 business of the partnership, and at all times to inspect and copy any
 4 of them.
 - 5 2. To have on demand true and full information of all things
 6 affecting the partnership, and a formal account of partnership affairs
 7 whenever circumstances render it just and reasonable.
 - 8 3. To have dissolution and winding up by decree of court.

[New.]

Sec. 13. Right to Receive Profits and Income.

- 1 A limited partner shall have the right to receive a share of the

2 profits or other compensation by way of income, and to the return
3 of his contribution as hereinafter provided.

[New.]

Sec. 14. Mistake—Effect.

1 A person who has contributed to the capital of a business con-
2 ducted by a person or partnership erroneously believing that he has
3 become a limited partner in a limited partnership, is not, by reason
4 of his exercise of the rights of a limited partner, a general partner
5 with the person or in the partnership carrying on the business, or
6 bound by the obligations of such person or partnership; provided that
7 on ascertaining the mistake he promptly renounces his interest in the
8 profits of the business, or other compensation by way of income.

[New.]

Sec. 15. One Person Both General and Limited Partner.

1 A person may be a general partner and a limited partner in the
2 same partnership at the same time.

[New.]

Sec. 16. Partner Holding Dual Relation.

1 A person who is a general, and also at the same time a limited
2 partner, shall have all the rights and powers and be subject to all
3 the restrictions of a general partner; except that, in respect to his
4 contribution, he shall have the rights against the other members which
5 he would have had if he were not also a general partner.

[New.]

Sec. 17. Transactions With Limited Partner.

1 A limited partner may loan money to and transact other business
2 with the partnership, and, unless he is also a general partner, receive

3 on account of resulting claims against the partnership, with general
4 creditors, a pro rata share of the assets. No limited partner, in re-
5 spect to any such claim, shall:

6 1. Receive or hold as collateral security any partnership prop-
7 erty, or

8 2. Receive from a general partner or the partnership any pay-
9 ment, conveyance, or release from liability, if at the time the assets
10 of the partnership are not sufficient to discharge partnership liabili-
11 ties to persons not claiming as general or limited partners.

[New.]

Sec. 18. Violation—Effect.

1 The receiving of collateral security, or a payment, conveyance,
2 or release in violation of the provisions of the last preceding section
3 is a fraud on the creditors of the partnership.

[New.]

Sec. 19. Relation of Limited Partners Inter Se.

1 Where there are several limited partners the members may agree
2 that one (1) or more of the limited partners shall have a priority over
3 other limited partners as to the return of their contributions, as to
4 their compensation by way of income, or as to any other matter. If
5 such an agreement is made it shall be stated in the certificate, and in
6 the absence of such a statement all the limited partners shall stand
7 upon equal footing.

[New.]

Sec. 20. Compensation of Limited Partner.

1 A limited partner may receive from the partnership the share of
2 the profits or the compensation by way of income stipulated for in

3 the certificate; provided, that after such payment is made, whether
4 from the property of the partnership or that of a general partner, the
5 partnership assets are in excess of all liabilities of the partnership
6 except liabilities to limited partners on account of their contributions
7 and to general partners.

[New.]

Sec. 21. Withdrawal or Reduction of Limited Partner's Contribution.

1 A limited partner shall not receive from a general partner or out
2 of partnership property any part of his contribution:

3 1. Until all liabilities of the partnership, except liabilities to
4 general partners and to limited partners on account of their contri-
5 butions, have been paid or there remains property of the partnership
6 sufficient to pay them.

7 2. Until the consent of all members is had, unless the return of
8 the contribution may be rightfully demanded under the provisions of
9 the next section.

10 3. Until the certificate is canceled or so amended as to set forth
11 the withdrawal or reduction.

[New.]

Sec. 22. Return of Contribution.

1 Subject to the provisions of the last preceding section a limited
2 partner may rightfully demand the return of his contribution:

3 1. On the dissolution of a partnership, or

4 2. When the date specified in the certificate for its return has
5 arrived, or

6 3. After he has given six (6) months' notice in writing to all other
7 members, if no time is specified in the certificate either for the return

8 of the contribution or for the dissolution of the partnership.

[New.]

Sec. 23. Contribution Payable in Cash.

1 In the absence of any statement in the certificate to the contrary
2 or the consent of all members, a limited partner, irrespective of the
3 nature of his contribution, has only the right to demand and receive
4 cash in return for his contribution.

[New.]

Sec. 24. Dissolution.

1 A limited partner may have the partnership dissolved and its
2 affairs wound up:
3 1. When he rightfully but unsuccessfully demands the return of
4 his contribution, or
5 2. When the other liabilities of the partnership have not been
6 paid, or the partnership property is insufficient for their payment as
7 required by subsection one (1) of section twenty-one (21) and the
8 limited partner would otherwise be entitled to the return of his con-
9 tribution.

[New.]

Sec. 25. Liability of Limited Partner to Partnership.

1 A limited partner is liable to the partnership:
2 1. For the difference between his contribution as actually made
3 and that stated in the certificate as having been made.
4 2. For any unpaid contribution which he agreed in the certificate
5 to make in the future at the time and on the conditions stated in the
6 certificate.

[New.]

Sec. 26. Limited Partner Held as Trustee.

1 A limited partner holds as trustee for the partnership:

2 1. Specific property stated in the certificate as contributed by
3 him, but which was not contributed or which has been wrongfully
4 returned.

5 2. Money or other property wrongfully paid or conveyed to him
6 on account of his contribution.

[New.]

Sec. 27. Liability of Limited Partner—Waiver.

1 The liabilities of a limited partner as set forth in the two (2) pre-
2 ceding sections can be waived or compromised only by the consent
3 of all members; but a waiver or compromise shall not affect the right
4 of a creditor of a partnership, who extended credit or whose claim
5 arose after the filing and before a cancellation or amendment of the
6 certificate, to enforce such liabilities.

[New.]

Sec. 28. Continuing Liability of Limited Partner.

1 When a contributor has rightfully received the return in whole
2 or in part of the capital of his contribution, he is nevertheless liable
3 to the partnership for any sum, not in excess of such return with
4 interest, necessary to discharge its liabilities to all creditors who ex-
5 tended credit or whose claims arose before such return.

[New.]

Sec. 29. Limited Partner's Interest in Partnership.

1 A limited partner's interest in the partnership is personal prop-
2 erty, and is assignable.

[New.]

Sec. 30. Substituted Limited Partner.

1 A substituted limited partner is a person admitted to all the rights
2 of a limited partner who has died or has assigned his interest in a
3 partnership.

[New.]

Sec. 31. Rights of Assignee.

1 An assignee, who does not become a substituted limited partner,
2 has no right to require any information or account of the partnership
3 transactions or to inspect the partnership books; he is only entitled
4 to receive the share of the profits or other compensation by way of
5 income, or the return of his contribution, to which his assignor would
6 otherwise be entitled.

[New.]

Sec. 32. Assignee's Right to Become Substituted Limited Partner.

1 An assignee shall have the right to become a substituted limited
2 partner if all the members (except the assignor) consent thereto or
3 if the assignor, being thereunto empowered by the certificate, gives
4 the assignee that right.

[New.]

Sec. 33. When Assignee Becomes Substituted Limited Partner.

1 An assignee becomes a substituted limited partner when the cer-
2 tificate is appropriately amended as hereinafter provided.

[New.]

Sec. 34. Right of Substituted Limited Partner.

1 The substituted limited partner has all the rights and powers,
2 and is subject to all the restrictions and liabilities of his assignor,

3 except those liabilities of which he was ignorant at the time he became
4 a limited partner and which could not be ascertained from the cer-
5 tificate.

[New.]

Sec. 35. Liability of Assignor.

1 The substitution of the assignee as a limited partner does not
2 release the assignor from liability to the partnership under sections
3 eight (8) and twenty-five (25) to twenty-eight (28), inclusive.

[New.]

Sec. 36. Effect of Retirement, Death or Insanity of a General Partner.

1 The retirement, death or insanity of a general partner dissolves
2 the partnership, unless the business is continued by the remaining
3 general partners:

- 4 1. Under a right so to do stated in the certificate, or
- 5 2. With the consent of all members.

[New.]

Sec. 37. Death of Limited Partner.

1 On the death of a limited partner his executor or administrator
2 shall have all the rights of a limited partner for the purpose of settling
3 his estate, and such power as the deceased had to constitute his as-
4 signee a substituted limited partner.

[New.]

Sec. 38. Liability of Estate of Limited Partner.

1 The estate of a deceased limited partner shall be liable for all his
2 liabilities as a limited partner.

[New.]

Sec. 39. Rights of Creditors of Limited Partner.

1 On due application to a court of competent jurisdiction by any
2 judgment creditor of a limited partner, the court may charge the
3 interest of the indebted limited partner with payment of the unsatis-
4 fied amount of the judgment debt; and may appoint a receiver, and
5 make all other orders, directions, and inquiries which the circum-
6 stances of the case may require. The remedies conferred by this sec-
7 tion shall not be deemed exclusive of others which may exist.

[New.]

Sec. 40. Redemption.

1 The interest may be redeemed with the separate property of any
2 general partner, but may not be redeemed with partnership property.

[New.]

Sec. 41. Exemptions.

1 Nothing in this chapter shall be held to deprive a limited partner
2 of his statutory exemption.

[New.]

Sec. 42. Distribution of Assets.

1 In settling accounts after dissolution the liabilities of the part-
2 nership shall be entitled to payment in the following order:

3 1. Those to creditors, in the order of priority as provided by
4 law, except those to limited partners on account of their contribu-
5 tions, and to general partners.

6 2. Those to limited partners in respect to their share of the prof-
7 its and other compensation by way of income on their contributions.

8 3. Those to limited partners in respect to the capital of their con-
9 tributions.

- 10 4. Those to general partners other than for capital and profits.
 11 5. Those to general partners in respect to profits.
 12 6. Those to general partners in respect to capital.

[New.]

Sec. 43. Share in Partnership Assets.

1 Subject to any statement in the certificate or to subsequent agree-
 2 ment, limited partners share in the partnership assets in respect to
 3 their claims for capital, and in respect to their claims for profits or
 4 for compensation by way of income on their contributions, respective-
 5 ly, in proportion to the respective amounts of such claims.

[New.]

Sec. 44. Cancellation of Certificate.

1 The certificate shall be cancelled when the partnership is dis-
 2 solved or all limited partners cease to be such.

[New.]

Sec. 45. Amendment of Certificate.

1 A certificate shall be amended:

- 2 1. When there is a change in the name of the partnership or in
 3 the amount or character of the contribution of any limited partner.
 4 2. When a person is substituted as a limited partner.
 5 3. When an additional limited partner is admitted.
 6 4. When a person is admitted as a general partner.
 7 5. When a general partner retires, dies or becomes insane, and
 8 the business is continued under section thirty-six (36).
 9 6. When there is a change in the character of the business of the
 10 partnership.
 11 7. When there is a false or erroneous statement in the certificate.

12 8. When there is a change in the time as stated in the certificate
13 for the dissolution of the partnership or for the return of a contri-
14 bution.

15 9. When a time is fixed for the dissolution of the partnership, or
16 the return of a contribution, no time having been specified in the cer-
17 tificate, or

18 10. When the members desire to make a change in any other
19 statement in the certificate in order that it shall accurately represent
20 the agreement between them.

[New.]

Sec. 46. Requirements for Amendment of Certificate.

1 The writing to amend a certificate shall:

2 1. Conform to the requirements of the second section of this
3 chapter as far as necessary to set forth clearly the change in the cer-
4 tificate which it is desired to make.

5 2. Be signed and sworn to by all members, and an amendment
6 substituting a limited partner or adding a limited or general partner
7 shall be signed also by the member to be substituted or added, and
8 when a limited partner is to be substituted, the amendment shall also
9 be signed by the assigning limited partner.

[New.]

Sec. 47. Requirement for Cancellation of Certificate.

1 The writing to cancel a certificate shall be signed by all members.

[New.]

Sec. 48. Petition for Cancellation or Amendment.

1 A person desiring the cancellation or amendment of a certificate
2 may petition the district court to direct a cancellation or amendment

3 in those cases where any person designated in the two (2) preceding
4 sections as a person who must execute the writing, refuses to do so.

[New.]

Sec. 49. Order of Court.

1 If the court finds that the petitioner has a right to have the writ-
2 ing executed by a person who refuses to do so, it shall order the county
3 recorder in the office where the certificate is recorded to record the
4 cancellation or amendment of the certificate; and where the certificate
5 is to be amended, the court shall also cause to be filed for record in
6 said office a certified copy of its decree setting forth the amendment.

[New.]

Sec. 50. Consummation of Cancellation or Amendment.

1 A certificate is amended or canceled when there is filed for record
2 in the office of the county recorder:

3 1. A writing in accordance with the provisions of sections forty-
4 six (46) or forty-seven (47), or

5 2. A certified copy of the order of court in accordance with the
6 provisions of section forty-nine (49).

[New.]

Sec. 51. Amended Certificate.

1 After the certificate is duly amended in accordance with sections
2 forty-six (46) to fifty (50), inclusive, the amended certificate shall
3 thereafter be for all purposes the certificate provided for by this
4 statute.

[New.]

Sec. 52. Parties to Actions.

1 A contributor, unless he is a general partner, is not a proper

2 party to proceedings by or against a partnership, except where the
3 object is to enforce a limited partner's right against or liability to
4 the partnership.

[New.]

Sec. 53. Name of Law.

1 This law may be cited as the uniform limited partnership act.

[New.]

Sec. 54. Rules of Construction.

1 This law may be cited as the uniform limited partnership law.
2 general purpose to make uniform the law of those states which enact it.

[New.]

Sec. 55. Impairment of Contracts.

1 This law shall not be so construed as to impair the obligations
2 of any contract existing when said law goes into effect, nor to affect
3 any action or proceedings begun or right accrued before it takes effect.

[New.]

Sec. 56. Rules for Cases Not Provided For.

1 In any case not provided for in this statute the rules of law and
2 equity shall govern.

[New.]

Sec. 57. Provisions for Existing Limited Partnerships.

1 A limited partnership formed under any statute of this state prior
2 to the adoption of this chapter, may become a limited partnership
3 hereunder by complying with the provisions of the second section of
4 this chapter; provided the certificate sets forth:

5 1. The amount of the original contribution of each limited part-
6 ner, and the time when the contribution was made.

7 2. That the property of the partnership exceeds the amount suffi-
8 cient to discharge its liabilities to persons not claiming as general or
9 limited partners by an amount greater than the sum of the contri-
10 butions of its limited partners.

[New.]

Sec. 58. Existing Limited Partnership.

1 A limited partnership formed under any statute of this state prior
2 to the adoption of this chapter, until or unless it becomes a limited
3 partnership hereunder, shall continue to be governed by the provisions
4 of such statute except that such partnership shall not be renewed
5 unless so provided in the original agreement.

[New.]

[Note: The foregoing bill is the uniform partnership act prepared
by the national commission on uniform laws.]

Code Commissioners' Bill No. 75

Subject: CHATTEL MORTGAGES—CONDITIONAL SALES OF PERSONAL PROPERTY—SALES OF STOCKS OF MERCHANDISE IN BULK

Senate File No..... Referred to Committee on
House File No.....
By Date.....

A BILL FOR

An act to amend, revise and codify chapter two (2) of title twenty-two (22) of the compiled code of Iowa relating to chattel mortgages and conditional sales of personal property and sales of stocks of merchandise in bulk.

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

That chapter two (2) of title twenty-two (22) of the compiled code of Iowa is amended, revised and codified to read as follows:

CHAPTER —.

CHATTEL MORTGAGES AND CONDITIONAL SALES OF PERSONAL PROPERTY.

Section 1. **Exempt Property—Incumbrance of—Husband and Wife Must Join In.**

1 No incumbrance of personal property which may be held exempt
2 from execution by the head of a family, if a resident of this state, shall
3 be of any validity as to such exempt property only, unless the same
4 be by written instrument, and unless the husband and wife, if both
5 be living, concur in and sign the same joint instrument. Incum-
6 brances on the property sold, given to secure the purchase price, need
7 only be signed and acknowledged by the purchaser.

[C. C. 6318.]

Sec. 2. Mortgagee Entitled to Possession—Title in Mortgagor.

1 In the absence of stipulations in the mortgage, the mortgagee of
2 personal property is entitled to the possession thereof, but the title
3 shall remain in the mortgagor until divested by sale as provided by
4 law.

[C. C. 6332.]

Sec. 3. Sales or Mortgages—Recording.

1 No sale or mortgage of personal property, where the vendor or
2 mortgagor retains actual possession thereof, is valid against existing
3 creditors or subsequent purchasers, without notice, unless a written
4 instrument conveying the same is executed, acknowledged like con-
5 veyances of real estate, and such instrument, or a true copy thereof,
6 is duly recorded, or filed and deposited with the recorder of the county
7 where the property shall then be situated, or if the mortgagor be a
8 resident of this state, then of the county where the holder of the prop-
9 erty resides.

[C. C. 6318.]

Sec. 4. Conditional Sales.

1 No sale, contract or lease, wherein the transfer of title or owner-
2 ship of personal property is made to depend upon any condition, shall
3 be valid against any creditor or purchaser of the vendee or lessee in
4 actual possession obtained in pursuance thereof, without notice, un-
5 less the same be in writing, executed by the vendor and vendee, or
6 by the lessor and lessee, acknowledged by the vendor or vendee, or
7 by the lessor or lessee, and recorded or filed and deposited the same
8 as chattel mortgages.

[C. C. 6317.]

Sec. 5. Filing Equivalent of Recording.

1 Upon receipt of any instrument affecting the title to personal
2 property, the recorder shall indorse thereon the time of receiving it,
3 and shall file the same in his office for the inspection of all persons,
4 and such filing shall have the same force and effect as if recorded at
5 length; upon request of person presenting instrument for filing, the
6 county recorder shall issue a receipt therefor, and such receipt shall
7 describe the instrument as to grantor, grantee, date, consideration and
8 date filed.

[C. C. 6319.]

Sec. 6. Recording at the Mortgagee's Request.

1 The recorder shall, if requested, as soon as practicable, record
2 such instrument, and enter in his index book in its proper place the
3 page and book where the record may be found, and deliver the instru-
4 ment to the mortgagee upon request.

[C. C. 6331, modified.]

Sec. 7. Time of Filing Noted.

1 When any written instrument of the character above contemplated
2 is filed, the recorder shall note thereon the day and hour of filing the
3 same, and forthwith enter in his index book the first seven (7) require-
4 ments specified in the next section; and from the time of said entry
5 the sale or mortgage shall be deemed complete as to third persons,
6 and have the same effect as though it had been accompanied by the
7 actual delivery of the property sold or mortgaged.

[C. C. 6329.]

Sec. 8. Recorder to Keep Index Book.

1 The county recorder shall keep an index book in which shall be

2 entered a list of instruments affecting title to or incumbrance of per-
3 sonal property, which may be filed under this chapter. Such book
4 shall be ruled into separate columns with appropriate heads, and shall
5 set out:

- 6 1. Time of reception.
- 7 2. Name of mortgagor.
- 8 3. Name of mortgagee.
- 9 4. Date of instrument.
- 10 5. A general description of the kind or nature of the property.
- 11 6. Where located.
- 12 7. Amount secured.
- 13 8. When due.
- 14 9. Page and book where the record is to be found.
- 15 10. Extension.
- 16 11. When released.
- 17 12. Remarks.

[C. C. 6323, 6328, modified.]

Sec. 9. Transfers by Person Acting in Representative Capacity.

1 In indexing transfers of personal property made by an adminis-
2 trator, executor, guardian, referee, receiver, sheriff, commissioner or
3 other person acting in a representative capacity, the recorder shall
4 enter upon such index book the name and representative capacity of
5 each person executing such instrument, and the owner of the prop-
6 erty, if disclosed therein.

[C. C. 6330.]

Sec. 10. Void After Five Years—Extension.

1 Every mortgage so filed shall be void as against the creditors of

2 the person making the same, or as against subsequent purchasers or
3 mortgagees in good faith, after the expiration of five (5) years after
4 the maturity of the debt thereby secured, unless an extension agree-
5 ment, duly executed by the mortgagor shall be filed with the instru-
6 ment to which it relates, and such extension agreement shall operate
7 to continue the lien in the same manner as the original instrument.

[C. C. 6320.]

Sec. 11. Assignments—How Made,

1 A chattel mortgage filed or recorded may be assigned of record
2 by the mortgagee or the record holder thereof, by the execution of an
3 appropriate written instrument, duly acknowledged, and filed in the
4 same office where the mortgage is filed or recorded. If the mortgage
5 is recorded, an assignment thereof may be made by the mortgagee or
6 the record holder of the mortgage executing an assignment on the
7 margin of the record of such mortgage, or, if the mortgage be filed
8 but not recorded, such assignment may be indorsed upon the original
9 instrument, but where the assignment is on the margin of the record
10 or indorsed upon the instrument, the assignor shall be identified and
11 his signature to such assignment witnessed and attested by the re-
12 corder or his deputy.

[New.]

Sec. 12. Copy Furnished on Request—Certified.

1 A duplicate or copy of such mortgage, bill of sale, or other instru-
2 ment filed under the provision of this chapter, shall be supplied by
3 the county recorder upon request of any party in interest, and the
4 payment of fees therefor. Such duplicate or copy shall be duly certi-

5 filed by the county recorder and may be filed in other counties of the
6 state in the same manner as herein provided.

[C. C. 6321.]

Sec. 13. Copy Receivable in Evidence.

1 A copy of such original instrument, duly certified by the county
2 recorder in whose office the same shall have been filed, shall be re-
3 ceived in evidence in all suits or actions to which it may be applicable;
4 and if in any suit or action, the due execution of such instrument or
5 its genuineness be questioned in such manner as to render the produc-
6 tion of the original instrument desirable or necessary, then the same
7 may be produced by the recorder of the county in obedience to a proper
8 judicial process or court order.

[C. C. 6322.]

Sec. 14. How Released.

1 Any mortgage or pledge of personal property may be released
2 of record, by filing with the original instrument, a duly executed satis-
3 faction piece or release of mortgage; or by the mortgagee or his au-
4 thorized agent indorsing a satisfaction of said mortgage on the index
5 book under the head of "remarks" in the same manner as mortgages
6 are now released by marginal satisfaction, and when so released on
7 index book, the recorder shall enter a memorandum thereof on the
8 original instrument or on the record thereof, if recorded.

[C. C. 6324.]

Sec. 15. Original Returned to Maker When Satisfied.

1 When any unrecorded chattel mortgage or other instrument of
2 writing or indebtedness which may have been filed as herein provided
3 shall have been satisfied, it shall be the duty of the recorder, after

4 making a proper entry of such satisfaction in the index book or record
5 where the original instrument is recorded, to return the original in-
6 strument, with any extension, assignment or release, thereto attached,
7 to the mortgagor or person executing the same, upon request therefor.

[C. C. 6325.]

Sec. 16. Originals Destroyed After Five Years.

1 In case such unrecorded instrument, with the extension or release
2 thereof, if any, be not returned as hereinbefore provided, after the
3 expiration of five (5) years from the maturity thereof, or the matur-
4 ity of any extension thereof, the recorder shall destroy such chattel
5 mortgages with the extension or releases thereto attached, or other
6 instruments or writing relating thereto, by burning the same in the
7 presence of the board of county supervisors, or a committee appointed
8 by the board of supervisors from their own number, to superintend
9 the same, and when so destroyed the date of such destruction shall be
10 entered on the index record under "remarks."

[C. C. 6326.]

Sec. 17. Fees.

1 The fees to be collected by the county recorder under this chapter
2 shall be as follows:

3 1. For filing any mortgage, bill of sale, extension agreement, re-
4 lease of mortgage or other instrument affecting the title to or incum-
5 brance of personal property, twenty-five cents (25c) each.

6 2. For recording or making certified copies of such instruments,
7 fifty cents (50c) for the first four hundred (400) words and ten cents
8 (10c) for each one hundred (100) additional words or fraction
9 thereof.

[C. C. 6327.]

CHAPTER —.

SALES OF MERCHANDISE IN BULK.

Sec. 18. Sales in Bulk.

1 The sale, transfer or assignment in bulk of the whole or any part
2 of a stock of merchandise and the fixtures used in connection there-
3 with, otherwise than in the ordinary course of trade, or in the regular
4 prosecution of the business of the vendor, shall be void as against the
5 creditors of the vendor, unless each of the following conditions are
6 first complied with:

7 1. The vendor and vendee shall, at least seven (7) days before
8 the sale, make a full detailed inventory, showing the quantity and so
9 far as possible the cost price to the vendor of each article to be in-
10 cluded in the sale.

11 2. The vendee shall demand and receive from the seller, trans-
12 ferrer or assignor, as the case may be, a written list of the names and
13 addresses of each of the creditors of the vendor, with the amount of
14 the indebtedness owing to each, certified by the vendor under oath, to
15 be a full, accurate and complete list of such creditors and of his in-
16 debtedness to each.

17 3. The vendee shall, at least seven (7) days before taking posses-
18 sion of such merchandise or fixtures or paying therefor, notify per-
19 sonally or by registered mail, every creditor whose name and address
20 appears in said list, or of which he has knowledge, of the proposed
21 sale and of the price, terms and conditions thereof.

[C. C. 6333.]

Sec. 19. When Purchaser a Trustee or Receiver.

1 Any vendee, who shall not conform to the provisions of this chap-
2 ter, shall upon application of any of the creditors of the vendor, be-
3 come a receiver and be held accountable to such creditors for all the
4 goods, wares, merchandise and fixtures that have come into his pos-
5 session by virtue of such sale, transfer or assignment ; but any vendee,
6 who shall conform to the provisions of this chapter, shall not be held
7 in any way accountable to the vendor, or to any creditor thereof, for
8 any of the goods, wares, merchandise or fixtures that have come into
9 his possession by virtue of such sale, transfer or assignment.

[C. C. 6335.]

Sec. 20. Meaning of Terms—Exception.

1 The term “vendor” shall include seller, transferrer and assignor
2 and the term “vendee” shall include purchaser, transferee and as-
3 signee, and all said terms shall apply to corporations, associations, co-
4 partnerships and individuals. Nothing contained in this chapter shall
5 apply to sales by executors, administrators, receivers, trustees in bank-
6 ruptcy or by any public officer, under judicial process.

[C. C. 6334, modified.]

Code Commissioners' Bill No. 76

Subject: REAL PROPERTY

Senate File No. Referred to Committee on

House File No.

By Date

A BILL FOR

An act to amend, revise and codify section sixty-three hundred forty-seven (6347) of the compiled code of Iowa, relating to real property.

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

That section sixty-three hundred forty-seven (6347) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Tenancy in Common.

1 A conveyance to two (2) or more in their own right creates a
2 tenancy in common, unless a contrary intent is expressed.

[C. C. 6347.]

Sec. 2. Liable to Cotenant for Rent.

1 In all cases in which any real estate is now or shall be hereafter
2 held by two (2) or more persons as tenants in common, and one (1)
3 or more of said tenants shall have been or shall hereafter be in posses-
4 sion of said real estate, it shall be lawful for any one (1) or more of
5 said tenants in common, not in possession, to sue for and recover from
6 such tenants in possession his or their proportionate part of the rental
7 value of said real estate for the time, not exceeding a period of five
8 (5) years, such real estate shall have been in possession as aforesaid.

[C. C. 6347.]

Sec. 3. Rent Deducted From Share of Tenant in Possession.

1 In case of partition of such real estate held in common as afore-
2 said, the parties in possession shall have deducted from their distribu-
3 tive shares of said real estate the rental value thereof to which their
4 cotenants are entitled.

[C. C. 6347.]

Code Commissioners' Bill No. 77

Subject: CONVEYANCES

Senate File No.	Referred to Committee on
House File No.	. . . . .
By	Date

A BILL FOR

An act to amend, revise and codify chapter two (2) of title twenty-three (23) of the compiled code of Iowa, relating to conveyances.

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

That chapter two (2) of title twenty-three (23) of the compiled code of Iowa is amended, revised and codified to read as follows:

CHAPTER 2.

CONVEYANCES

Section 1. Power of Attorney—Recording—Revocation.

1 All instruments containing a power to convey, or in any manner
 2 relating to real estate, shall be held to be instruments affecting the
 3 same; and no such instrument, when certified and recorded as in this
 4 chapter prescribed, can be revoked as to third parties by any act of
 5 the parties by whom it was executed, until the instrument containing
 6 such revocation is acknowledged and filed for record in the same office
 7 in which the instrument containing such power is recorded.

[C. C. 6389.]

Sec. 2. Corporate Seals—Execution—Release.

1 In the execution of any written instrument conveying, incumber-
 2 ing or affecting real estate by a corporation that has adopted a cor-

3 porate seal, the seal of such corporation shall be attached or affixed to
4 such written instrument. If the corporation has not adopted a cor-
5 porate seal such fact shall be stated in such written instrument, except
6 that it shall not hereafter be necessary to attach or affix the corporate
7 seal to any release or satisfaction of any mortgage, judgment or other
8 lien, that is made or entered by any corporation on the page of the
9 official record where any such lien appears, but the officer executing
10 such release or satisfaction shall therein certify that same is executed
11 with authority of the board of directors of such corporation, and the
12 county recorder or deputy shall attach thereto a statement showing the
13 relation such officer then bears to the corporation.

[C. C. 6391.]

Sec. 3. Contract or Bond—When Deemed Abandoned.

1 When the record shows that a contract or bond for a deed has
2 been given prior to January first, nineteen hundred (1900), and the
3 record discloses no performance of the same and that more than ten
4 (10) years have elapsed since the contract by its terms was to be per-
5 formed, such contract shall be deemed abandoned and of no effect and
6 the land freed from any lien or defect on account of such contract.

[C. C. 6401.]

Sec. 4. Christian Names—Variation—Effect.

1 When there is a difference between the Christian names or initials
2 in which title is taken, and the Christian names or initials of the
3 grantor in a succeeding conveyance, and the surnames in both in-
4 stances are written the same or sound the same, such conveyances or
5 the record thereof shall be conclusive evidence that the surname in
6 the several conveyances and instruments refers to the same person.

7 This section shall only apply to conveyances executed prior to January
8 first, nineteen hundred (1900).

[C. C. 6402.]

Sec. 5. Assignment of Certificate of Entry Without Deed.

1 When the record shows:

2 1. That the original entry, certificate of entry, receipt or dupli-
3 cate thereof has been assigned, and

4 2. That prior or subsequent to such assignment, the United States
5 or state issued a patent or conveyance to the assignor, and

6 3. That no deed of conveyance appears on record from the orig-
7 inal entryman or assignor to the assignee, and

8 4. That the present record owner holds title under such assign-
9 ment,

10 Such assignment shall have the same force and effect as a deed
11 of conveyance and shall be conclusively presumed to carry all right,
12 title and interest of the patentee of said real estate, the same as though
13 a deed of conveyance had been subsequently executed by the patentee
14 or assignor to a subsequent grantor.

[C. C. 6403.]

Sec. 6. Explanatory Affidavit Filed by Owner—Effect.

1 Affidavits explaining any defect in the chain of title to any real
2 estate may be recorded as instruments affecting the same, but no one
3 except the owner in possession of such real estate shall have the right
4 to file such affidavit. Such affidavit or the record thereof, including
5 all such affidavits now of record, shall raise a presumption from the
6 date of recording that the purported facts stated therein are true;

7 after the lapse of three (3) years from the date of such recording
8 such presumption shall be conclusive.

[C. C. 6389, 6400.]

Sec. 7. Recording Land Grants.

1 Every railroad company which owns or claims real estate in this
2 state, granted by the government of the United States or this state
3 to aid in the construction of its railroad, where it has not already done
4 so, shall place on file and cause to be recorded, in each county wherein
5 the real estate granted is situated, evidence of its title or claim of
6 title, whether the same consists of patents from the United States,
7 certificates from the secretary of the interior, or governor of this
8 state, or the proper land office of the United States of this state.
9 Where no patent was issued, reference shall be made in said certificate
10 to the acts of congress, and the acts of the legislature of this state,
11 granting such lands, giving the date thereof, and date of their ap-
12 proval under which claim of title is made.

[C. C. 6370.]

Sec. 8. Patents Covering Land in Different Counties.

1 Where the certificate of the secretary of the interior or the pat-
2 ents contain real estate situated in more than one county, the secre-
3 tary of state shall, upon the application of any railroad company or
4 its grantee, prepare and furnish, to be recorded, a list of all the real
5 estate situated in any one (1) county so granted, patented or certified;
6 and all such evidences of title shall be entered by the auditor upon
7 the index, transfer and plat books.

[C. C. 6370.]

Sec. 9. Record—Constructive Notice.

1 The evidence of title shall be filed with the recorder of deeds of
2 the county in which the real estate is situated, who shall record the
3 same, and place an abstract thereof upon the index of deeds. The
4 recording thereof shall be constructive notice to all persons, as pro-
5 vided in other cases of entries upon said index, and the recorder shall
6 receive the same fees therefor as for recording other instruments.

[C. C. 6371.]

Sec. 10. Transcript of Instruments.

1 Any person interested therein may procure from any recorder in
2 this state a transcript of any instrument affecting real estate which
3 is of record in his office. Such transcript shall be certified by the
4 recorder, and the clerk of the district court shall certify under the
5 seal of his office to the signature of such recorder and his official
6 character.

[C. C. 6369.]

Sec. 11. Transcript Recorded Same as Original.

1 A transcript of the record of any instrument affecting real estate,
2 certified as provided in the preceding section, shall be entitled to rec-
3 ord in the office of the recorder of any other county in which is situ-
4 ated any of the real estate affected by such instrument. The effect
5 of the recording of such transcript shall be the same as the recording
6 of the original instrument.

[C. C. 6369.]

Sec. 12. Conveyances by Heirs or Spouse—When Conclusive.

1 All conveyances or the record title thereof of real estate executed
2 prior to January first, nineteen hundred (1900), wherein the grantor

3 or grantors described herself, himself or themselves as the surviving
4 spouse, heir at law, heirs at law, surviving spouse and heir at law, or
5 surviving spouse and heirs at law, of some person deceased in whom
6 the record title or ownership of said real estate previously vested,
7 shall be conclusive evidence of the facts so recited as far as they relate
8 to the right of the grantor or grantors to convey, as fully as if the
9 record title of said grantor or grantors had been established by due
10 probate proceedings in the county wherein the real estate is situated.

[C. C. 6397.]

Sec. 13. Notarial Seals of Nonresidents.

1 Any notarial seal purporting to have been affixed to any instru-
2 ment in writing, by any notary public residing elsewhere than in this
3 state, shall be prima facie evidence that the words thereon engraved
4 conform to the requirements of the law of the place where such cer-
5 tificate purports to have been made.

[C. C. 6375.]

Sec. 14. Records Transcribed.

1 The board of supervisors of any county may have copied, in-
2 dexed and arranged any deed, probate, mortgage, court or county rec-
3 ord, or government survey belonging or relating to said county, and
4 have a complete index thereof made; and may cause any index of
5 deeds, mortgages or other records to be correctly copied.

[C. C. 6394.]

Sec. 15. Compensation.

1 The board of supervisors may employ any suitable person to per-
2 form the labor contemplated in the preceding section, the amount of
3 compensation therefor to be previously fixed by them, not exceeding

4 six cents (6c) for each one hundred (100) words of the records proper,
 5 and twelve and one-half cents (12½c) for each one hundred (100)
 6 words of indexing.

[C. C. 6395.]

Sec. 16. **Effect.**

1 When any such records are copied, the officer to whose office the
 2 original records belong shall compare the copy so made with the orig-
 3 inal, and when found correct, shall attach his certificate in each volume
 4 or book of such copied records, to the effect that he has compared such
 5 copies with the original and they are true and correct, and such copied
 6 records shall thereupon have the same force and effect in all respects
 7 as the original records.

[C. C. 6396.]

Sec. 17. **Forms of Conveyance.**

1 The following or other equivalent forms of conveyance varied to
 2 suit circumstances, are sufficient for the purposes herein contemplated:

3 1. **FOR A QUITCLAIM DEED.**

4 For the consideration of _____ dollars, I hereby quit-
 5 claim to _____ all my interest in the following
 6 tract of real estate (describing it).

7 2. **FOR A DEED IN FEE SIMPLE WITHOUT WARRANTY.**

8 For the consideration of _____ dollars, I hereby con-
 9 vey to _____ the following tract of real estate
 10 (describing it).

11 3. **FOR A DEED IN FEE WITH WARRANTY.**

12 The same as the last preceding form, adding the words: "An
 13 I warrant the title against all persons whomsoever" (or other words
 14 of warranty, as the party may desire).

4 of the county or district, or of the secretary of state of the state or
5 territory within which such acknowledgment was taken, under the
6 seal of his office, of the official character of said judge, or justice, and
7 of the genuineness of his signature, shall accompany said certificate
8 of acknowledgment.

[C. C. 6374.]

Sec. 21. Execution Out of State.

1 The proof or acknowledgment of any deed or other written instru-
2 ment required to be proved or acknowledged in order to entitle the
3 same to be recorded or read in evidence, when made by any person
4 without this state and within any other state, territory or district of
5 the United States, may also be made before any officer of such state,
6 territory or district authorized by the laws thereof to take the proof
7 and acknowledgment of deeds, and when so taken and certified as
8 provided in the next section, may be recorded in this state, and read
9 in evidence in the same manner and with like effect as proofs and
10 acknowledgments taken before any of the officers named in the second
11 preceding section.

[C. C. 6376.]

Sec. 22. Certificate of Authority—Genuineness of Signature.

1 To entitle any conveyance or written instrument, acknowledged
2 or proved under the preceding section, to be read in evidence or re-
3 corded in this state, there shall be subjoined or attached to the cer-
4 tificate of proof or acknowledgment signed by such officer a certificate
5 of the secretary of state of the state or territory in which such officer
6 resides, under the seal of such state or territory, or a certificate of
7 the clerk of a court of record of such state, territory or district in the

8 county in which said officer resides or in which he took such proof or
 9 acknowledgment, under the seal of such court. Such certificate shall
 10 comply substantially with the next section.

[C. C. 6377.]

Sec. 23. **Form.**

1 The following form of authentication of the proof or acknowledg-
 2 ment of a deed or other written instrument, when taken without this
 3 state and within any other state, territory or district of the United
 4 States, or any form substantially in compliance with the foregoing
 5 provisions of this chapter, may be used:

6 (Begin with a caption specifying the state, territory or district,
 7 and county or place where the authentication is made.)

8 "I, _____, clerk of the
 9 court in and for said county, which court is a court of record, having
 10 a seal (or I, _____, secretary of state of such
 11 state or territory), do hereby certify that _____,
 12 by and before whom the foregoing acknowledgment (or proof) was
 13 taken, was at the time of taking the same a notary public (or other
 14 officer) residing (or authorized to act) in said county, and was duly
 15 authorized by the laws of said state (territory or district) to take
 16 and certify acknowledgments or proofs of deeds of land in said state
 17 (territory or district), and that said conveyance and the acknowledg-
 18 ment thereof are in due form of law; and, further, that I am well ac-
 19 quainted with the handwriting of said _____, and
 20 that I verily believe that the signature to said certificate of acknowl-
 21 edgment (or proof) is genuine. In testimony whereof, I have here-
 22 unto set my hand and affixed the seal of the said court (or state) this

23day of....., A. D. 19.....”

[C. C. 6378.]

Sec. 24. When Out of the United States.

1 When the acknowledgment is made without the United States, it
 2 may be before any ambassador, minister, secretary of legation, consul,
 3 vice consul, charge d'affaires, consular agent, or any other officer of
 4 the United States in a foreign country who is authorized to issue cer-
 5 tificates under the seal of the United States.

[C. C. 6379.]

Sec. 25. Authentication Required.

1 Said instruments may also be acknowledged or proven without
 2 the United States before any officer of a foreign country who is au-
 3 thorized by the laws thereof to certify to the acknowledgments of
 4 written documents; but the certificate of acknowledgment by a for-
 5 eign officer must be authenticated by one of the above named officers
 6 of the United States, whose official written statement that full faith
 7 and credit is due to the certificate of such foreign officer shall be
 8 deemed sufficient evidence of the qualification of said officer to take
 9 acknowledgments and certify thereto, and of the genuineness of his
 10 signature, and seal if he have any.

[C. C. 6379.]

Sec. 26. Certificate of Acknowledgment.

1 The court or officer taking the acknowledgment must indorse
 2 upon the deed or instrument a certificate setting forth the following
 3 particulars:

4 1. The title of the court or person before whom the acknowledg-
 5 ment was made.

6 2. That the person making the acknowledgment was known to
7 the officer taking the acknowledgment to be the identical person whose
8 name is affixed to the deed as grantor, or that such identity was proved
9 by at least one (1) credible witness, naming him.

10 3. That such person acknowledged the execution of the instru-
11 ment to be his voluntary act and deed.

[C. C. 6380.]

Sec. 27. Proof of Execution and Delivery.

1 Proof of the due and voluntary execution and delivery of a deed
2 or other instrument may be made before any officer authorized to
3 take acknowledgments, by one (1) competent person other than the
4 vendee or other person to whom the instrument is executed, in the
5 following cases:

6 1. If the grantor dies before making the acknowledgment.

7 2. If his attendance can not be procured.

8 3. If, having appeared, he refuses to acknowledge the execution
9 of the instrument.

[C. C. 6381.]

Sec. 28. Certificate—Must State What.

1 The certificate indorsed by the officer upon a deed or other instru-
2 ment thus proved must state:

3 1. The title of the officer taking the proof.

4 2. That it was satisfactorily proved that the grantor was dead,
5 or that for some other reason his attendance could not be procured
6 in order to make the acknowledgment, or that, having appeared, he
7 refused to acknowledge the same.

8 3. The name of the witness by whom proof was made, and that

9 it was proved by him that the instrument was éxecuted and delivered
10 by the person whose name is thereunto subscribed as a party.

[C. C. 6382.]

Sub. 29. Subpoenas.

1 An officer having power to take the proof hereinbefore contem-
2 plated may issue the necessary subpoenas, and compel the attendance
3 of witnesses residing within the county, in the manner provided for
4 the taking of depositions.

[C. C. 6388.]

Sec. 30. Form.

1 The certificate of proof or acknowledgment may be given under
2 seal or otherwise, according to the mode by which the officer making
3 the same usually authenticates his formal acts.

[C. C. 6383.]

Sec. 31. By Married Women.

1 The acknowledgment of a married woman, when required by law,
2 may be taken in the same form as if she were sole, and without any
3 examination separate and apart from her husband.

[C. C. 6393.]

Sec. 32. Attorney in Fact.

1 The execution of any deed, mortgage or other instrument in writ-
2 ing, executed by any attorney in fact, may be acknowledged by the
3 attorney executing the same.

[C. C. 6384.]

Sec. 33. Certificate.

1 The person taking the acknowledgment must indorse upon such
2 instrument a certificate, setting forth the following particulars:

3 1. The title of the person before whom the acknowledgment was
4 taken.

5 2. That the person making the acknowledgment was known to
6 the officer taking the acknowledgment to be the identical person whose
7 name is subscribed to the instruments as attorney for the grantor
8 therein named, or that such identity was proved to him by at least
9 one (1) credible witness, to him personally known and therein named.

10 3. That such person acknowledged said instrument to be the act
11 and deed of the grantor therein named, by him, as such attorney there-
12 unto appointed, voluntarily done and executed.

[C. C. 6385.]

Sec. 34. By Officers of Corporation.

1 If the acknowledgment is made by the officers of a corporation,
2 the certificate shall show that such persons as such officers, naming
3 the office of each person, acknowledged the execution of the instru-
4 ment as the voluntary act and deed of such corporation, by each of
5 them voluntarily executed.

[C. C. 6386.]

Sec. 35. Forms of Acknowledgment.

1 The following forms of acknowledgment shall be sufficient in the
2 cases to which they are respectively applicable. In each case where
3 one (1) of these forms is used, the name of the state and county where
4 the acknowledgment is taken shall precede the certificate, and the
5 signature and official title of the officer shall follow it as indicated in
6 the first form, and the seal of the officer shall be attached when neces-
7 sary under the provision of this chapter.

8 1. In the case of natural persons acting in their own right:

9 State of }
10 County of } ss.

11 On this day of , A. D. 19 , be-
12 fore me , personally appeared
(Insert title of acknowledging officer)
13 , to me known to be the person
14 named in and who executed the foregoing instrument, and acknowl-
15 edged that executed the same as voluntary act
16 and deed.

17

18 Notary Public in and for said county.

19 2. In the case of natural persons acting by attorney:

20 On this day of , A. D. 19 , be-
21 fore me , personally appeared
(Insert title of acknowledging officer)

22 to me known to be the person who
23 executed the foregoing instrument in behalf of ,
24 and acknowledged that he executed the same as the voluntary act and
25 deed of said .

26 3. In the case of corporations or joint stock associations:

27 On this day of , A. D. 19 , be-
28 fore me, a , in and for said
(Insert title of acknowledging officer)

29 county, personally appeared , to me
30 personally known, who being by me duly (s^{ay in or} affirmed) did say that he is
31 of said (corporation association), that
(Insert title of executing officer)

32 (the seal affixed to said instrument is the seal of said) (corporation association) and that said instru-
33 ment was signed and sealed on behalf of the said (corporation association) by author-

34 ity of its board of (directors) and the said
 35 acknowledged the execution of said instrument to be the voluntary act
 36 and deed of said (corporation) by it voluntarily executed.

37 (In all cases add signature and title of the officer taking the
 38 acknowledgment, and strike from between the parentheses the word
 39 or clause not used as the case may be.)

[C. C. 6392.]

Sec. 36. Liability of Officer.

1 Any officer, who knowingly misstates a material fact in either of
 2 the certificates mentioned in this chapter, shall be liable for all dam-
 3 ages caused thereby, and shall be guilty of a misdemeanor, and fined
 4 any sum not exceeding the value of the property conveyed or other-
 5 wise affected by the instrument on which such certificate is indorsed.

[C. C. 6387.]

Sec. 37. Recording.

1 No instrument affecting real estate is of any validity against sub-
 2 sequent purchasers for a valuable consideration, without notice, un-
 3 less filed in the office of the recorder of the county in which the same
 4 lies, as hereinafter provided.

[C. C. 6355.]

Sec. 38. Acknowledgment.

1 It shall not be deemed lawfully recorded, unless it has been pre-
 2 viously acknowledged or proved in the manner prescribed in this chap-
 3 ter, except that affidavits need not be thus acknowledged.

[C. C. 6356, modified.]

Sec. 39. Assignment by Separate Instrument or on Margin of Record.

1 Recorded mortgages upon real estate may be assigned of record

2 by the mortgagee or the record holder thereof, by the execution of an
 3 appropriate written instrument duly acknowledged and recorded in
 4 the county in which such real estate is situated. If such mortgage
 5 is recorded, an assignment thereof may be made by the mortgagee
 6 or the record holder of such mortgage executing an assignment on
 7 the margin of the record of such mortgage, and the assignor shall be
 8 identified and his signature to such assignment witnessed and attested
 9 by the recorder or his deputy.

[New.]

Sec. 40. Index Books.

1 The recorder must keep index books, the pages of which are so
 2 divided as to show in parallel columns:

- 3 1. Each grantor.
- 4 2. Each grantee.
- 5 3. The time when the instrument was filed.
- 6 4. The date of the instrument.
- 7 5. The nature of the instrument.
- 8 6. The book and page where the record thereof may be found.
- 9 7. The description of the real estate conveyed.

[C. C. 6365.]

Sec. 41. Index for Affidavits.

1 In case of affidavits each and every affidavit filed for record shall
 2 be indexed in appropriately ruled columns as follows:

Affidavit of.	Concerning Whom.	Concerning Lands in							Remarks.
		Lot	Blk	Addi- tion	Town	Sec.	Twp.	Rng	

Affiant.	Date of Filing.					Date of Instrument.			Where Recorded.	
					Hour	Month	Day	Year	Book	Page
	Month	Day	Year	A. M.	P. M.					

[C. C. 6365.]

Sec. 42. Separate Indexes Required.

1 Separate index books shall be kept for mortgages and satisfac-
 2 tions or releases of same, one (1) for those containing descriptions of
 3 lots, and one (1) for those containing lands; and separate books for
 4 other conveyances of real estate, one (1) for lots, and one (1) for
 5 lands; and he shall keep an index book for powers of attorney and
 6 affidavits; all of above indexes to be arranged alphabetically as pro-
 7 vided in the next section.

[C. C. 6365.]

Sec. 43. Names Arranged Alphabetically.

1 The entries in such book shall show the names of the respective
 2 grantors and grantees, arranged in alphabetical order. When such
 3 instrument is executed by an administrator, executor, guardian, ref-
 4 eree, commissioner, receiver, sheriff, or other person acting in a rep-
 5 resentative capacity, the recorder shall enter upon the index book the
 6 name and representative capacity of each person executing the in-
 7 strument and the owner of the property if disclosed therein.

[C. C. 6367.]

Sec. 44. Town Lot Deeds and Mortgages in Separate Record.

1 The recorder shall index and record all deeds, mortgages and

2 other instruments affecting lots in cities, towns or villages, the plats
3 whereof are recorded, in separate books from those in which other
4 conveyances of real estate are recorded.

[C. C. 6372.]

Sec. 45. Deeds—Covering Both Lands and Lots—Indexing.

1 Where any instrument contains a description of both land, and
2 lots in cities, towns or villages, the plats whereof are recorded, he
3 shall record such instruments in but one (1) record and charge but
4 one (1) fee, but shall index in both land and town lot indexes.

[C. C. 6372.]

Sec. 46. Filing—Constructive Notice.

1 The recorder must indorse upon every instrument properly filed
2 for record in his office, the day, hour and minute of such filing, and
3 forthwith enter in the index book the entries required to be made
4 therein, except the book and page where the complete record will ap-
5 pear, and such filing and indexing shall constitute constructive notice
6 to all persons of the rights of the grantees conferred by such instru-
7 ments, whether recorded or not for a period of thirty (30) days from
8 the date of such filing.

[C. C. 6366, modified.]

Sec. 47. Deeds—Transferred Before Recorded.

1 The recorder shall not record any deed or other instrument un-
2 conditionally conveying real estate until the proper entries have been
3 made upon the transfer books in the auditor's office, and indorsement
4 made upon the deed or other instrument properly dated and officially
5 signed, in substantially the following form:

6 Entered upon transfer books and for taxation this.. .. .

7 day of _____, 19____. My fee 25c paid by recorder.

8

9

Auditor.

[C. C. 6363, 6364, modified.]

Sec. 48. Recorder to Collect Fee and Deliver to Auditor.

1 At the time of filing any deed or other instrument mentioned in
 2 the preceding section, the recorder shall collect from the person filing
 3 the same the recording fee provided by law, also the auditor's transfer
 4 fee, and forthwith deliver the deed and the transfer fee to the county
 5 auditor, after indorsing upon said instrument the following:

6 Filed for record, indexed and delivered to county auditor this
 7 day of _____, 19____, at _____ o'clock
 8 M. Recorder's and auditor's fee \$ _____ paid.

9

10

Recorder.

[New.]

Sec. 49. Final Record.

1 Within ten (10) days after the receipt of any such deed the audi-
 2 tor shall transfer the same and deliver it back to the recorder who
 3 shall, as soon as practicable and within thirty (30) days from the date
 4 when the same was first filed in his office, record the same in the proper
 5 record, and he shall indorse upon such instrument the book and page
 6 where the same appears of record in substantially the following form:

7 Recorded in book _____ on page _____ of the
 8 county records.

9

10

Recorder.

[C. C. 6368, modified.]

Sec. 50. Completed Record—Constructive Notice.

1 When the record of any such deed has been completed as required
 2 by the preceding section, such record shall constitute constructive no-
 3 tice of the rights conferred by such instrument.

[New.]

Sec. 51. Transfer and Index Books.

1 The county auditor shall keep in his office books for the transfer
 2 of real estate, which shall consist of a transfer book, index book and
 3 plat book.

[C. C. 6357.]

Sec. 52. Form of Transfer Book.

1 Said transfer book shall be ruled and headed substantially after
 2 the following form; and entries thereupon shall be in numerical order,
 3 beginning with section one (1):

4 Section No. _____, Township _____, Range _____

GRANTEE	GRANTOR	DATE OF INSTRUMENT	DESCRIPTION	PAGE OF PLATS

[C. C. 6358.]

Sec. 53. Form of Index Book.

NAMES OF GRANTEES	PAGES OF TRANSFER BOOK

[C. C. 6358.]

Sec. 54. Book of Plats—How Kept.

1 The auditor shall keep the book of plats so as to show the number
 2 of lot and block, or township and range, divided into sections and sub-
 3 divisions as occasion may require, and shall designate thereon each

4 piece of real estate, and mark in pencil the name of the owner thereon,
5 in a legible manner; which plats shall be lettered or numbered so that
6 they may be conveniently referred to by the memoranda of the trans-
7 fer book, and shall be drawn on the scale of not less than four (4)
8 inches to the mile.

[C. C. 6359.]

Sec. 55. Entries of Transfers.

1 When a deed of unconditional conveyance of real estate or tran-
2 script of decree in a partition proceeding is presented, the auditor
3 shall enter in the index book, in alphabetical order, the name of the
4 grantee, and opposite thereto the number of the page of the transfer
5 book on which such transfer is made; and upon the transfer book he
6 shall enter in the proper columns the name of the grantee, the grantor,
7 date and character of the instrument, the description of the real es-
8 tate, and the number or letter of the plat on which the same is marked.

[C. C. 6360.]

Sec. 56. Council's Approval of Plats—Required Before Transfer.

1 No conveyances or plats of additions to any city or town or sub-
2 division of any lands lying within or adjacent to any city or town in
3 which streets and alleys and other public grounds are sought to be
4 dedicated to public use, or other conveyances in which streets and
5 alleys are sought to be conveyed to such city or town, shall be so en-
6 tered, unless such conveyances, plats or other instruments have in-
7 dorsed thereon the approval of the council of such city or town, the
8 certificates of such approval to be made by the city clerk.

[C. C. 6360.]

Sec. 57. Judgments Fixing Title—Certified.

1 Upon receipt of a certificate from the clerk of the district or su-
2 preme court, that the title to real estate has been finally established
3 in any named person by judgment of decree of said court, or by will,
4 the auditor shall enter the same, upon the transfer books, upon pay-
5 ment of a fee of twenty-five cents (25c), which fee shall be taxed as
6 costs in the cause, collected by the clerk, and paid to the auditor at
7 the time of filing such certificate.

[C. C. 6361.]

Sec. 58. Corrections of Books and Instruments.

1 The auditor from time to time shall correct any error appearing
2 in the transfer books, and shall notify the grantee of any error in
3 description discovered in any instrument filed for transfer, and per-
4 mit the same to be corrected by the parties before completing such
5 transfer.

[C. C. 6363, modified.]

Sec. 59. Rights Extended—Limitation.

1 Any grantee, grantor, surviving spouse, heirs, legatees, devisees,
2 assignees, assignors, personal representative or any other person or
3 persons having or claiming any right, title or interest in any real es-
4 tate, which right, title or interest may be terminated, divested or cut
5 off by the provisions of chapter two hundred seventy-two (272), acts
6 of the thirty-fifth general assembly, or whose right, title or in-
7 terest said provisions purport to terminate, divest or cut off, but for
8 any reason it would not be thereby terminated, divested or cut off,
9 shall have one (1) year from the taking effect of said chapter in
10 which to commence actions to establish any right, title or interest

11 claimed. After the termination of such one (1) year period no action
12 shall be maintained and in all matters of evidence made conclusive by
13 the provisions of said chapter shall, in actions commenced under this
14 section, be presumptive evidence. The provisions of section seventy-
15 one hundred thirty-two (7132) extending the period of limitations in
16 favor of minors and insane persons, shall not be applicable to any of
17 the provisions of said chapter.

[C. C. 6404, 6405; Ch. 272, Acts 35 G. A.]

Code Commissioners' Bill No. 78

Subject: OCCUPYING CLAIMANTS

Senate File No. Referred to Committee on
House File No.
By Date.....

A BILL FOR

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.

1 Where an occupant of real estate has color of title thereto and
2 has in good faith made valuable improvements thereon, and is there-
3 after adjudged not to be the owner, no execution shall issue to put the
4 owner of the land in possession of the same, after the filing of a peti-
5 tion as hereinafter provided, until the provisions of this chapter have
6 been complied with.

[C. C. 6406.]

Sec. 2. Color of Title—Defined.

1 Persons of each of the classes hereinafter enumerated shall be
2 deemed to have color of title within the meaning of this chapter, but
3 nothing contained herein shall be construed as giving a tenant color
4 of title against his landlord:

5 1. A purchaser in good faith at any judicial or tax sale made by
6 the proper officer, whether said officer had sufficient authority to make
7 said sale or not, unless want of authority in such officer was known to
8 the purchaser at the time of the sale.

9 2. A person who has by himself or together with those under
10 whom he claims, occupied the premises for a period of five (5) years
11 continuously.

12 3. A person whose occupancy of the premises has been for a
13 shorter period than five (5) years, if during such occupancy the occu-
14 pant or those under whom he claims have with the knowledge or con-
15 sent of the real owner, express or implied, made any valuable improve-
16 ments thereon.

17 4. A person whose occupancy of the premises has been for a
18 shorter period than five (5) years, if such occupant or those under
19 whom he claims have at any time during such occupancy paid the
20 ordinary county taxes thereon for any one (1) year, and two (2) years
21 have elapsed without a repayment or offer of repayment of the same
22 by the owner thereof, and such occupancy has continued to the time
23 the action is brought by which the recovery of the real estate is ob-
24 tained.

25 5. A person who has settled upon any real estate and occupied
26 the same for three (3) years under or by virtue of any law, or contract
27 with the proper officers of the state or of the United States for the
28 purchase thereof and shall have made valuable improvements thereon.

[C. C. 6409, 6410.]

Sec. 3. Petition—Trial—Appraisement.

1 The petition of the occupant must set forth the grounds upon

2 which he seeks relief, and state as accurately as practicable the value
3 of the real estate, exclusive of the improvements made thereon by the
4 claimant or his grantors, and the value of such improvements. The
5 issue joined thereon must be tried as in ordinary actions and the value
6 of the real estate and of such improvements separately ascertained.

[C. C. 6407.]

Sec. 4. Rights of Parties to Property.

1 The owner of the land may thereupon pay to the clerk of the
2 court, for the benefit of the occupying claimant, the appraised value
3 of the improvements and take the property and an execution may
4 issue for the purpose of putting the owner of the land in possession
5 thereof, but should he fail to make such payment within such reason-
6 able time as the court may fix, the occupying claimant may pay to the
7 clerk of the court, within such time as the court may fix for the use
8 of the owner of the land, the value of the property exclusive of the
9 improvements and take and retain the property together with the im-
10 provements.

[C. C. 6408, 6412.]

Sec. 5. Plaintiff and Defendant—Tenants in Common.

1 Should the owner of the land fail to pay for the improvements
2 and the occupying claimant fail to pay for the land within the time
3 fixed by the court as provided in the preceding section, the parties
4 shall be held to be tenants in common of all the real estate including
5 the improvements, each holding an undivided interest proportionate
6 to the values ascertained on the trial.

[C. C. 6408.]

Sec. 6. Waste by Claimant.

1 If the occupying claimant has committed any injury to the real
2 estate by cutting timber or otherwise, the plaintiff may set the same
3 off against any claim for improvements made by such claimant.

[C. C. 6411.]

Sec. 7. Option to Remove Improvements.

1 Any person having improvements on any real estate granted to
2 the state in aid of any work of internal improvement, whose title
3 thereto is questioned by another, may remove such improvements
4 without other injury to such real estate at any time before he is
5 evicted therefrom, or he may have the benefit of this chapter by pro-
6 ceeding as herein directed.

[C. C. 6413.]

Code Commissioners' Bill No. 79

Subject: HOMESTEAD

Senate File No.	Referred to Committee on
House File No.	.....
By	Date

A BILL FOR

An act to amend, revise and codify chapter four (4) of title twenty-three (23) of the compiled code of Iowa, relating to homestead.

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

That chapter four (4) of title twenty-three (23) of the compiled code of Iowa is amended, revised and codified to read as follows:

CHAPTER 4.

HOMESTEAD

Section 1. Homestead Defined.

1 The homestead must embrace the house used as a home by the
2 owner, and, if he has two (2) or more houses thus used, he may select
3 which he will retain. It may contain one (1) or more contiguous lots
4 or tracts of land, with the building and other appurtenances thereon,
5 habitually and in good faith used as part of the same homestead.

[C. C. 6419.]

Sec. 2. Extent—Dwelling—Appurtenances—Value.

1 If within a city or town plat, it must not exceed one-half (1/2)
2 acre in extent, otherwise it must not contain in the aggregate more
3 than forty (40) acres, but if, in either case, its value is less than five
4 hundred dollars (\$500.00), it may be enlarged until it reaches that

5 amount. It must not embrace more than one (1) dwelling house, or
6 any other buildings except such as are properly appurtenant thereto,
7 but a shop or other building situated thereon, actually used and occu-
8 pied by the owner in the prosecution of his ordinary business, and not
9 exceeding three hundred dollars (\$300.00) in value, is appurtenant
10 thereto.

[C. C. 6420.]

Sec. 3. Selecting—Platting.

1 The owner, husband or wife, may select the homestead and cause
2 it to be platted, but a failure to do so shall not render the same liable
3 when it otherwise would not be, and a selection by the owner shall
4 control. When selected, it shall be marked off by permanent, visible
5 monuments, and the description thereof shall give the direction and
6 distance of the starting point from some corner of the dwelling, which
7 description, with the plat, shall be filed and recorded by the recorder
8 of the proper county in the homestead book, which shall be, as nearly
9 as may be, in the form of the record books for deeds, with an index
10 kept in the same manner.

[C. C. 6421.]

Sec. 4. Platted by Office Having Execution.

1 Should the homestead not be platted and recorded at the time
2 levy is made upon real property in which a homestead is included the
3 officer having the execution shall give notice in writing to said owner,
4 and the husband or wife of such owner, if found within the county
5 to plat and record the same within ten (10) days after service there-
6 of; after which time said officer shall cause said homestead to be

7 platted and recorded as above, and the expense thereof shall be added
8 to the costs in the case.

[C. C. 6421.]

Sec. 5. Boundaries Fixed by Court.

1 Upon application made to the district court by any creditor of
2 the owner of the homestead, or other person interested therein, such
3 court shall hear the cause upon the proof offered, and fix and establish
4 the boundaries thereof, and the judgment therein shall be filed and
5 recorded in the manner provided in the preceding section.

[C. C. 6422.]

Sec. 6. Changes.

1 The owner may, from time to time, change the limits of the home-
2 stead by changing the metes and bounds, as well as the record of the
3 plat and description, or vacate it, but such changes shall not prejudice
4 conveyances or liens made or created previously thereto, and no such
5 change of the entire homestead, made without the concurrence of the
6 husband or wife, shall affect his or her rights, or those of the children.

[C. C. 6423.]

Sec. 7. Referees to Determine Exemption.

1 When a disagreement takes place between the owner and any per-
2 son adversely interested, as to whether any land or buildings are prop-
3 erly a part of the homestead, the sheriff shall, at the request of either
4 party, summon nine (9) disinterested persons having the qualifica-
5 tions of jurors. The parties then, commencing with the owner, shall
6 in turn strike off one (1) person each, until three (3) remain. Should
7 either party fail to do so, the sheriff may act for him, and the three
8 (3) as referees shall proceed to examine and ascertain all the facts

9 of the case, and report the same, with their opinion thereon, to the
10 next term of court from which the execution or other process may
11 have issued.

[C. C. 6424.]

Sec. 8. Referring Back—Marking Off—Costs.

1 The court in its discretion may refer the whole or any part of the
2 matter back to the same or other referees, to be selected in the same
3 manner, or as the parties agree, giving them directions as to the re-
4 port required of them. When the court is sufficiently advised in the
5 case, it shall make its decision, and may direct the homestead to be
6 marked off anew, or a new plat and description to be made and re-
7 corded, and take such other steps as shall be lawful and expedient
8 in attaining the purpose of this chapter. It shall also award costs in
9 accordance with the practice in other cases, as nearly as may be.

[C. C. 6425.]

Sec. 9. Change of Circumstances.

1 The extent or appurtenances of the homestead thus established
2 may be called in question in like manner, whenever a change in value
3 or circumstances will justify such new proceedings.

[C. C. 6426.]

Sec. 10. Occupancy by Surviving Spouse.

1 Upon the death of either husband or wife, the survivor may con-
2 tinue to possess and occupy the whole homestead until it is otherwise
3 disposed of according to law, but the setting off of the distributive
4 share of the husband or wife in the real estate of the deceased shall
5 be such a disposal of the homestead as is herein contemplated,

[C. C. 6427.]

Sec. 11. Survivor May Take Homestead—Descends to Issue.

1 The survivor may elect to retain the homestead for life in lieu of
 2 such share in the real estate of the deceased; but if there be no sur-
 3 vivor, the homestead descends to the issue of either husband or wife
 4 according to the rules of descent, unless otherwise directed by will.

[C. C. 6427.]

Sec. 12. Conveyance or Incumbrance of Homestead.

1 No conveyance or incumbrance of or contract to convey or in-
 2 cumber the homestead, if the owner is married, is valid, unless the
 3 husband and wife join in the execution of the same joint instrument,
 4 whether the homestead is exclusively the subject of the contract or
 5 not, but such contracts may be enforced as to real estate other than
 6 the homestead at the option of the purchaser or incumbrancer.

[C. C. 6416.]

Sec. 13. Devise of Homestead.

1 Subject to the rights of the surviving husband or wife, the home-
 2 stead may be devised like other real estate of the testator.

[C. C. 6429.]

Sec. 14. Removal of Spouse or Children From Homestead.

1 Neither husband nor wife can remove the other nor the children
 2 from the homestead without the consent of the other.

[C. C. 6430.]

Sec. 15. Homestead Exempt to Family and Divorced Spouse.

1 The homestead of every family, whether owned by the husband
 2 or wife, is exempt from judicial sale, where there is no special declara-
 3 tion of statute to the contrary, and such right shall continue in favor

4 of the party to whom it is adjudged by divorce decree during con-
5 tinued personal occupancy by such party.

[C. C. 6414, 6415.]

Sec. 16. Family Defined.

1 A widow or widower, though without children, shall be deemed
2 a family within the meaning of this chapter, while continuing to occu-
3 py the real estate used as a homestead at the death of the husband
4 or wife.

[C. C. 6415.]

Sec. 17. Exemption in Hands of Issue.

1 Where the homestead descends to the issue of either husband or
2 wife the same shall be held by such issue exempt from any antecedent
3 debts of their parents or their own, except those of the owner thereof
4 contracted prior to its acquisition.

[C. C. 6427.]

Sec. 18. New Homestead Exempt.

1 Where there has been a change in the limits of the homestead, or
2 a new homestead has been acquired with the proceeds of the old, the
3 new homestead, to the extent in value of the old, is exempt from exe-
4 cution in all cases where the old or former one would have been.

[C. C. 6423, modified.]

Sec. 19. For What Debts Homestead Liable.

1 The homestead may be sold to satisfy debts of each of the fol-
2 lowing classes:

3 1. Those contracted prior to its acquisition, but then only to sat-
4 isfy a deficiency remaining after exhausting the other property of the
5 debtor, liable to execution.

6 2. Those created by written contract by persons having the power
7 to convey, expressly stipulating that it shall be liable, but then only
8 for a deficiency remaining after exhausting all other property pledged
9 by the same contract for the payment of the debt.

10 3. Those incurred for work done or material furnished exclusive-
11 ly for the improvement of the homestead.

12 4. If there is no survivor or issue, for the payment of any debts
13 to which it might at that time be subjected if it had never been held
14 as a homestead.

[C. C. 6417, 6418, 6428.]

Subject: LANDLORD AND TENANT

Senate File No.....	Referred to Committee on
House File No.....	.....
By	Date.....

A BILL FOR

An act to amend, revise and codify chapter five (5) of title twenty-three (23) of the compiled code of Iowa, relating to landlord and tenant.

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

That chapter five (5) of title twenty-three (23) of the compiled code of Iowa is amended, revised and codified to read as follows:

CHAPTER 5.

LANDLORD AND TENANT.

Section 1. Apportionment of Rent.

1 The executor of a tenant for life who leases real estate and dies
2 on or before the day on which the rent is payable, and a person en-
3 titled to rent dependent on the life of another may recover the pro-
4 portion of rent which had accrued at the time of the death of such
5 life tenant.

[C. C. 6431.]

Sec. 2. Tenant Holding Over.

1 A tenant giving notice of his intention to quit leased premises
2 at a time named, and holding over after such time, and a tenant or
3 his assignee wilfully holding over after the term, and after notice to

4 quit, shall pay double the rental value thereof during the time he
5 holds over to the person entitled thereto.

[C. C. 6432.]

Sec. 3. Attornment to Stranger.

1 The payment of rent, or delivery of possession of leased prem-
2 ises, to one not the lessor, is void, and shall not affect the rights of
3 such lessor, unless made with his consent, or in pursuance of a judg-
4 ment or decree of court or judicial sale to which the lessor was a party.

[C. C. 6433.]

Sec. 4. Tenant at Will—Notice to Quit.

1 Any person in the possession of real estate, with the assent of the
2 owner, is presumed to be a tenant at will until the contrary is shown,
3 and thirty (30) days' notice in writing must be given by either party
4 before he can terminate such a tenancy; but when in any case, a rent
5 is reserved payable at intervals of less than thirty (30) days, the
6 length of notice need not be greater than such interval.

[C. C. 6434.]

Sec. 5. Time for Termination of Farm Tenancies.

1 In case of tenants occupying and cultivating farms, the notice
2 must fix the termination of the tenancy to take place on the first day
3 of March, except in cases of mere croppers, whose leases shall be held
4 to expire when the crop is harvested; if the crop is corn, it shall not
5 be later than the first day of December, unless otherwise agreed upon.

[C. C. 6434.]

Sec. 6. Agreement for Termination—Effect.

1 Where an agreement is made fixing the time of the termination
2 of the tenancy, whether in writing or not, it shall cease at the time

3 agreed upon, without notice.

[C. C. 6434.]

Sec. 7. Notice How Served.

1 When a tenant can not be found in the county, the notice above
2 required may be given to any subtenant or other person in possession
3 of the premises, or, if the premises be vacant, by affixing the notice
4 to any outside door of the dwelling house thereon, or other building,
5 if there be no dwelling house, or in some conspicuous position on the
6 premises, if there be no building.

[C. C. 6434.]

Code Commissioners' Bill No. 81

Subject: PERPETUITIES, GIFTS AND BEQUESTS

Senate File No..... Referred to Committee on
 House File No.....
 By Date.....

A BILL FOR

An act to amend, revise and codify sections sixty-four hundred fifty-two (6452), sixty-four hundred fifty-three (6453) and sixty-four hundred fifty-four (6454) of the compiled code of Iowa, relating to perpetuities, gifts and bequests.

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

That sections sixty-four hundred fifty-two (6452), sixty-four hundred fifty-three (6453) and sixty-four hundred fifty-four (6454) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. State as Trustee.

1 A gift, devise or bequest of property, real or personal, may be
 2 made to the state, to be held in trust for and applied to any specified
 3 purpose within the scope of its authority, but the same shall not be
 4 come effectual to pass the title in such property unless accepted by
 5 the executive council in behalf of the state.

[C. C. 6452.]

Sec. 2. Acceptance.

1 If gifts are made to the state in accordance with the preceding
 2 section, for the benefit of an institution thereof, the property, if ac-
 3 cepted, shall be held and managed in the same way as other property
 4 of the state, acquired for or devoted to the use of such institution;

5 and any conditions attached to such gift shall become binding upon
6 the state, upon the acceptance thereof.

[C. C. 6453.]

Sec. 3. Acceptance of Gifts, Devises, or Bequests Authorized.

1 Gifts, devises or bequests of property, real or personal, made to
2 any state institution for purposes not inconsistent with the objects
3 of such institution, may be accepted by its governing board, and such
4 board may exercise such powers with reference to the management,
5 sale, disposition, investment or control of property so given, devised
6 or bequeathed, as may be deemed essential to its preservation and the
7 purposes for which the gift, devise or bequest was made.

[C. C. 6454.]

Sec. 4. Municipal Corporations as Trustees.

1 Counties, cities, towns, and civil townships wholly outside of any
2 city or town, and school corporations, are authorized to take and hold
3 property, real and personal, by gift and bequest; and to administer
4 the same through the proper officer in pursuance of the terms of the
5 gift or bequest. No title shall pass unless accepted by the governing
6 board of the corporation or township. Conditions attached to such
7 gifts or bequests become binding upon the corporation or township
8 upon acceptance thereof.

[C. C. 6452, 6453, 6501, modified.]

Sec. 5. Trustees—When Appointed by Court.

1 When made for the establishing of institutions of learning or
2 benevolence, and no provision is made in the gift or bequest for the
3 execution of the trust, the judge of the district court having charge
4 of the probate proceedings in the county shall appoint three (3) trus-

5 tees, residents of said county, who shall have charge and control of the
6 same, and who shall continue to act until removed by the court. They
7 shall give bond as required in case of executors, and be subject to the
8 orders of said court.

[C. C. 6501.]

Sec. 6. Tax Voted to Maintain—When no Endowment.

1 When any county, city, or town shall receive by gift or devise,
2 property, real or personal, for the purpose of establishing any insti-
3 tution of benevolence including hospitals, and no sufficient fund or
4 endowment is provided for its maintenance, or is received upon con-
5 dition that the donee or devisee provide for aiding the maintenance
6 of such institution by a tax levy upon the assessed property of such
7 municipality, it shall be the duty of the governing board of such mu-
8 nicipality to submit by resolution to the qualified electors thereof at
9 a regular or special election the question whether there shall be levied
10 upon the assessed property of such municipality an annual tax not
11 exceeding three (3) mills on the dollar for the purpose of aiding the
12 maintenance of such institution. The said proposition shall be sub-
13 mitted in the manner provided for similar propositions in the title on
14 elections.

[C. C. 6501.]

Sec. 7. Board to Determine Amount of Levy.

1 If a majority of the votes cast at such election on the proposition
2 so submitted shall be in favor of the proposition, the governing board
3 of such municipality shall determine the amount to be levied for such
4 purpose, not exceeding three (3) mills on the dollar, and the amount
5 so fixed shall be levied upon the assessed property of such municipality

6 and collected in the same manner as other taxes of such municipality
7 are levied and collected.

[C. C. 6501.]

Sec. 8. Disbursements of Tax.

1 When collected by the county treasurer said tax shall be paid
2 over to the treasurer of the institution authorized to receive the same
3 and shall be paid out on the order of the trustees of such institution
4 who are authorized to manage and control the same, for the purposes
5 authorized by this section and for no other purpose whatever.

[C. C. 6501.]

Sec. 9. Tax Discontinued.

1 The governing board of such municipality may discontinue such
2 levy of tax in the event the institution to be aided thereby is destroyed
3 by the elements and no fund is provided or available for its rebuild-
4 ing; or after five (5) years of continuance of such tax aid the gov-
5 erning board may, and upon the petition of twenty-five per cent (25%)
6 of the qualified electors of such municipality as shown by the poll
7 books of the last preceding general election, shall, by resolution, re-
8 submit to the qualified electors of such municipality, at a regular or
9 special election, in the same manner hereinbefore specified, the ques-
10 tion whether tax aid for such institution shall be discontinued, and
11 if sixty-five per cent (65%) of the votes cast at such election on the
12 proposition so submitted be in favor of discontinuing tax aid, no fur-
13 ther levy of tax shall be made for such purpose.

[C. C. 6501.]

Code Commissioners' Bill No. 82

Subject: TRUSTEES TO MANAGE CEMETERY FUNDS

Senate File No. Referred to Committee on
 House File No.
 By Date.....

A BILL FOR

An act to amend, revise and codify chapter twelve (12) of title twenty-three (23) of the compiled code of Iowa, 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 is amended, revised and codified to read as follows:

CHAPTER 12.

TRUSTEES TO MANAGE CEMETERY FUNDS.

Section 1. Trustee—Appointment—Trust Funds.

1 The owners, or any party interested in any cemetery may by pe-
 2 tition presented to the district court of the county where the cemetery
 3 is situate, have a trustee appointed with authority to receive any and
 4 all moneys that may be donated for and on account of said cemetery
 5 and to invest, manage and control same under the direction of the
 6 court; but he shall not be authorized to receive any gift, except with
 7 the understanding that the principal sum is to be a permanent fund,
 8 and only the net proceeds therefrom to be used in carrying out the
 9 purpose of the trust created, and all such funds shall be exempt from
 10 taxation.

[C. C. 6492.]

Sec. 2. Receipt Attested by Clerk—Cemetery Record.

1 Every such trustee shall execute and deliver to the donor a re-
2 ceipt showing the amount of money received, and the use to be made
3 of the net proceeds from same, duly attested by the clerk of the court
4 granting letters of trusteeship, and a copy thereof, signed by the trust-
5 tee and so attested, shall be filed with and recorded by the clerk in a
6 book to be known as the cemetery record, in which shall be recorded
7 all reports and other papers, including orders made by the court or
8 judge relative to cemetery matters.

[C. C. 6493.]

Sec. 3. Loans—Security.

1 Any such trustee shall loan all moneys received by him, under
2 the direction and with the approval of the court, but only as same
3 may be secured by first mortgage upon Iowa real estate, and no loan
4 shall be made or approved, unless it be made to appear upon oath of
5 three (3) disinterested citizens that such real estate is worth at least
6 double the amount of the loan applied for, and that the applicant for
7 the loan has good title thereto. Said trustee may invest said fund in
8 government bonds of the United States at their marketable value.

[C. C. 6494.]

Sec. 4. Bond—Approval—Oath.

1 Every such trustee before entering upon the discharge of his
2 duties or at any time thereafter when required by the court or judge,
3 must give bond in such penalty as may be required by the court, ap-
4 proved by the clerk, conditioned for the faithful discharge of his
5 duties, and take and subscribe an oath the same in substance as the

6 condition of the bond, which bond and oath must be filed with the
7 clerk.

[C. C. 6495.]

Sec. 5. Clerk—Duty of—Additional Bond.

1 It shall be the duty of the clerk at the time of filing each such
2 receipt, to at once advise the court or judge as to the amount of the
3 principal fund in the hands of such trustee, the amount of bond filed,
4 and whether it is good and sufficient for the amount given.

[C. C. 6496.]

Sec. 6. Compensation—Expenses.

1 Such trustees shall serve without compensation, but may out of
2 the income received pay all proper items of expense incurred in the
3 performance of their duties, including cost of bond, if any.

[C. C. 6497.]

Sec. 7. Annual Report.

1 Such trustee shall make full report of his doings in the month of
2 January following his appointment and in January of each successive
3 year. In each of said reports he shall apportion the net proceeds
4 received from the sum total of the permanent fund and make proper
5 credit to each of the separate funds assigned to him in trust.

[C. C. 6498.]

Sec. 8. Removal—Vacancy Filled.

1 Any such trustee may be removed by the court or judge thereof
2 at any time for cause, and in the event of removal or death, the court
3 or judge must appoint a new trustee and require his predecessor or
4 his personal representative to make full accounting.

[C. C. 6499.]

Sec. 9. County Auditor to Act as Trustee.

1 In case no trustee is appointed, or if so appointed does not qualify,
2 then such funds, or any funds donated by any person or estate to
3 improvement of cemeteries, unless otherwise provided by law, shall
4 be placed in the hands of the county auditor, who shall receipt for,
5 loan, and make annual reports of such funds in such manner as pro-
6 vided in this chapter.

[C. C. 6500.]

Sec. 10. Auditor to Turn Over Interest Annually.

1 The said auditor shall annually turn over the accrued interest in
2 his hands to the cemetery association or other person having control
3 of the cemetery entitled thereto, who shall use the same in carrying
4 out the provisions of said trust, and who shall file a written report
5 annually with the county auditor.

[C. C. 6500.]

Sec. 11. Municipal Corporation as Trustee.

1 Cities, irrespective of their form of government, incorporated
2 towns and civil townships wholly outside of any city or incorporated
3 town shall for the purposes of this section be and they are hereby
4 created trustees in perpetuity, and are required to accept, receive and
5 expend all moneys and property donated or left to it by bequest, to
6 be used in caring for the property of the donor in any cemetery. or
7 in accordance with the **terms** of such donation or bequest, and the
8 money or property thus received shall be used for no other purpose.

[C. C. 6501.]

Sec. 12. Authorities to Invest Funds.

1 The mayor and council and trustees as the case may be, shall have

2 authority to receive and invest all moneys and property, so donated
3 or bequeathed, in bonds of the United States, or municipal bonds, or
4 certificates, or other evidence of indebtedness issued by authority of
5 and in accordance with the laws of this or any state, when same are
6 at or above par, and shall use the income from such investment in
7 caring for the property of the donor in any cemetery, or as shall be
8 provided in the terms of such gift or donations.

[C. C. 6501.]

Sec. 13. Resolution of Acceptance Required.

1 Before any part of the principal may be so invested or used, the
2 said city, incorporated town or civil township shall, by resolution, in
3 accordance with the law as now provided, accept said donation or
4 bequest, and shall, by said resolution, duly provide for the payment
5 of interest thereon at the rate of not less than two per cent (2%) per
6 annum, payable annually, to the cemetery fund or to the cemetery
7 association, or to the person having charge of said cemetery, to be
8 used in caring for or maintaining the individual property of the donor
9 in said cemetery, all to be in accordance with the terms of the dona-
10 tion or bequest.

[C. C. 6501.]

Code Commissioners' Bill No. 83

Subject: LEGALIZING DEEDS AND OTHER INSTRUMENTS

Senate File No. Referred to Committee on
 House File No.
 By Date

A BILL FOR

An act to amend, revise and codify sections sixty-five hundred sixty-one (6561) and sixty-three hundred ninety-nine (6399) of the compiled code of Iowa, relating to legalizing deeds and other instruments.

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

That sections sixty-five hundred sixty-one (6561) and sixty-three hundred ninety-nine (6399) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Sheriff's Deed Executed by Deputy Legalized.

1 All conveyances of land in this state, executed in this state by a
 2 deputy sheriff, and properly recorded in the office of the county re-
 3 corder of the county wherein the land is located, prior to January
 4 first, eighteen hundred eighty-five (1885), shall have the same force
 5 and effect as though such conveyance had been executed by the sheriff.

[C. C. 6561.]

Sec. 2. Sheriffs' Deeds Prior to Nineteen Hundred Legalized.

1 No foreclosure proceeding or sale of real estate on execution prior
 2 to January first, nineteen hundred (1900), wherein a sheriff's deed
 3 was executed and which purports to sustain the record title shall be
 4 held ineffectual on account of the failure of the record to show that

5 any of the steps in obtaining said judgment or in the sale of said
6 property were complied with. Such proceedings are hereby legalized
7 and made valid as if the record showed that all the provisions of the
8 law had been complied with.

[C. C. 6399.]

Code Commissioners' Bill No. 84.

Subject: CHARITABLE, CORRECTIONAL AND PENAL INSTITUTIONS

Senate File No. Referred to Committee on

House File No.

By Date..

A BILL FOR

An act to amend, revise and codify title nine (9) of the compiled code of Iowa, relating to charitable, correctional and penal institutions.

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

That title nine (9) of the compiled code of Iowa is amended, revised and codified to read as follows:

CHAPTER 1.

BOARD OF CONTROL OF STATE INSTITUTIONS

Section 1. Board of Control.

1 The board of control of state institutions shall be composed of
2 three (3) electors of the state, not more than two (2) of whom shall
3 belong to the same political party, and no two (2) of whom shall, at the
4 time of appointment, reside in the same congressional district. Each
5 member shall devote his entire time to the duties of his office, and hold
6 office for a period of six (6) years, commencing on July first of the
7 year of appointment. The term of office of one (1) member shall ex-
8 pire in each odd-numbered year.

[C. C. 1852.]

Sec. 2. Nomination and Appointment.

1 The governor shall, within sixty (60) days following the organi-
2 zation of each regular session of the general assembly, appoint, with
3 the approval of two-thirds ($\frac{2}{3}$) of the members of the senate in execu-
4 tive session, a successor to the member on said board whose term of
5 office will expire on July first following. No appointment shall be con-
6 sidered by the senate until the same shall have been referred to a
7 committee of five (5), not more than three (3) of whom shall belong
8 to the same political party, to be appointed by the president of the
9 senate, which committee shall report to the senate in executive ses-
10 sion. The consideration of appointments by the senate shall not be
11 had on the same legislative day the nominations are referred.

[C. C. 1852, modified.]

Sec. 3. Vacancies.

1 Vacancies on said board that may occur while the general assem-
2 bly is not in session shall be filled by appointment by the governor,
3 which appointment shall expire at the end of thirty (30) days from
4 the time the general assembly next convenes. Prior to the expiration
5 of said thirty (30) days the governor shall transmit to the senate for
6 its confirmation an appointment for the unexpired portion of the regu-
7 lar term. Vacancies occurring during a session of the general assembly
8 shall be filled as regular appointments are made and before the end of
9 said session, and for the unexpired portion of the regular term.

[C. C. 1852.]

Sec. 4. Removal.

1 The governor may, with the approval of the senate, during a ses-
2 sion of the general assembly, remove any member of the board for mal-

3 feasance or nonfeasance in office, or for any cause that renders him
4 ineligible to appointment, or incapable or unfit to discharge the duties
5 of his office, and his removal when so made shall be final.

[C. C. 1852.]

Sec. 5. Political Activity—Removal.

1 No member, officer, or employee of the board, or of any of the
2 institutions under the control of the board, shall, directly or indirectly,
3 exert his influence to induce other officers or employees of the state to
4 adopt his political views, or to favor any particular candidate for
5 office, nor shall such member, officer, or employee contribute in any
6 manner, money or other thing of value to any person for election
7 purposes. Any person violating this section shall be removed from his
8 office or position.

[C. C. 1906.]

Sec. 6. Disqualification.

1 No member of the board shall be eligible to any other lucrative
2 office, elective or appointive, in the state during his term of service, or
3 for one (1) year thereafter.

[C. C. 1853.]

Sec. 7. Organization.

1 The member whose term first expires shall be the chairman of
2 the board for each biennial period. The board shall employ a compe-
3 tent secretary and such other assistants as may be necessary. In the
4 absence or disability of the secretary, the board may, by order entered
5 of record, appoint a member of the board as acting secretary during
6 such absence or disability, who shall at such time have the powers of
7 the secretary of the board. No additional compensation shall be paid

8 because of the service of such acting secretary.

[C. C. 1852, 1854.]

Sec. 8. **Official Seal.**

1 The board shall have an official seal, and every commission, order,
2 or other paper executed by the board may, under its direction, be
3 attested with its seal.

[C. C. 1855.]

Sec. 9. **Expenses.**

1 The members of said board, its secretary, and employees, shall, in
2 addition to salary, receive their necessary traveling expenses by the
3 nearest traveled and practicable route, when engaged in the state in
4 the performance of official business.

[C. C. 1856.]

Sec. 10. **Trips to Other States.**

1 No authority shall be granted to any person to make a trip to
2 another state at the expense of the state, except by resolution, which
3 shall state the purpose of the trip and why the same is necessary,
4 adopted by the board, entered of record, and approved in writing by
5 the governor prior to the making of such trip.

[C. C. 1856.]

Sec. 11. **Biennial Report.**

1 The board shall, in each even-numbered year, at the time provided
2 by law, make a report to the governor and general assembly, and
3 cover therein the biennial period ending with June thirtieth preceding,
4 which report shall embrace:

5 1. An itemized statement of its expenditures concerning each
6 institution under its control.

- 7 2. A detailed statement of the management of all said institutions.
 8 3. A statement of all visits made to said institutions and when
 9 and by whom made.
 10 4. The observations and conclusions of the board relative to said
 11 institutions.
 12 5. Such recommendations as to changes in the laws relative to
 13 such institutions as the board may deem advisable.
 14 6. The name and salary of every officer or employee of said board,
 15 and of the various institutions controlled by the board.
 16 7. The annual reports made to the board by the executive officers
 17 of the several institutions.
 18 8. Such other matters as the governor may direct.

[C. C. 1854, 1909, 1910, 1912.]

Sec. 12. Books of Accounts.

1 The board shall keep at its office a complete system of books and
 2 accounts with each institution under its control. Said books shall
 3 show every expenditure authorized and made at said institution and
 4 shall exhibit an account of each extraordinary or special appropriation
 5 made by the legislature, with every item of expenditure thereof.

[C. C. 1875.]

Sec. 13. Appropriation.

1 There is hereby appropriated from any funds in the state treasury
 2 not otherwise appropriated sufficient thereof to pay the salaries and
 3 expenditures authorized in this chapter.

[C. C. 1858.]

CHAPTER 2.

GOVERNMENT OF INSTITUTIONS.

Sec. 14. **Institutions Controlled.**

1 The board of control shall have full power to manage, control, and
 2 govern, subject only to the limitations imposed by law, the following
 3 institutions:

- 4 1. Soldiers' Home.
- 5 2. Soldiers' Orphans' Home.
- 6 3. Institution for Feeble-minded Children.
- 7 4. State Sanatorium.
- 8 5. Hospital for Epileptics.
- 9 6. Cherokee State Hospital.
- 10 7. Clarinda State Hospital.
- 11 8. Independence State Hospital.
- 12 9. Mount Pleasant State Hospital.
- 13 10. Training School for Boys.
- 14 11. Training School for Girls.
- 15 12. Juvenile Home.
- 16 13. Women's Reformatory.
- 17 14. Men's Reformatory.
- 18 15. State Penitentiary.

[C. C. 1859.]

Sec. 15. **Power of Governor.**

1 Nothing contained in the foregoing section shall limit the general
 2 supervisory or examining powers vested in the governor by the laws
 3 or constitution of the state, or in any committee appointed by him.

[C. C. 1860.]

Sec. 16. Report of Abuses to Governor.

1 The board shall report, in writing, to the governor any abuses
2 found to exist in any of the said institutions.

[C. C. 1908.]

Sec. 17. Rules—Fire—Additional Duties of Employees.

1 The board shall prescribe such rules, not inconsistent with law,
2 as it may deem necessary for the discharge of its duties, the manage-
3 ment of each of said institutions, the admission of inmates thereto,
4 and the treatment, care, custody, education, and discharge of inmates.
5 It is made the particular duty of the board to establish rules by which
6 danger to life and property from fire will be minimized. In the dis-
7 charge of its duties and in the enforcement of its rules it may require
8 any of its appointees to perform duties in addition to those required
9 by statute.

[C. C. 1865, 1895.]

Sec. 18. Uniform Accounts.

1 Said board shall prescribe and install in all of said institutions the
2 most modern, complete and uniform system of accounts, records and
3 reports possible, which system, among other matters, shall clearly
4 show the detailed facts relative to the handling and use of all pur-
5 chases.

[C. C. 1860, 1870, 1871.]

Sec. 19. Executive Officers—Tenure—Removal.

1 The board shall appoint a superintendent, warden or other chief
2 executive officer of each institution under its control who shall have
3 the immediate custody and control, subject to the orders of the board,
4 of all property used in connection with the institution. The tenure of

5 office of said officers shall be four (4) years from the date of their
6 appointment but they may be removed by the board for inability or
7 refusal to properly perform the duties of the office, but such removal
8 shall be had only after an opportunity is given such person to be heard
9 before such board upon preferred written charges. Such removal,
10 when made, shall be final.

[C. C. 1881, modified.]

Sec. 20. Appointment of Subordinate Officers and Employees.

1 The board shall determine the number and compensation of sub-
2 ordinate officers and employees for each institution. Such officers and
3 employees shall be appointed and discharged by the chief executive
4 officer. Such officer shall keep, in the record of each subordinate
5 officer and employee, the date of employment, the compensation, and
6 the date of each discharge, and the reasons therefor.

[C. C. 1882, modified.]

Sec. 21. Influence in Appointments.

1 Any member of the board, and any officer thereof, who, by solici-
2 tation or otherwise, exerts any influence on the chief executive officer
3 of any institution under the control of said board in the selection of
4 any employee for such institution, shall be guilty of a misdemeanor.

[C. C. 1882.]

Sec. 22. Bonds.

1 The board shall require its secretary and each officer and employee
2 of said board, and of every institution under its control who may be
3 charged with the custody or control of any money or property belong-
4 ing to the state, to give an official bond, properly conditioned, and
5 signed by sufficient sureties, in a sum to be fixed by the board, which

6 bond shall be approved by the board, and filed in the office of secretary
7 of state. It may require bonds of other officers and employees not
8 enumerated above.

[C. C. 1885, modified.]

Sec. 23. Salaries.

1 The board shall, annually, with the written approval of the gov-
2 ernor, fix the annual or monthly salaries of all officers and employees
3 for the year following July first of said year, except such salaries as
4 are fixed by the general assembly. The board shall classify the officers
5 and employees into grades and the salary and wages to be paid in
6 each grade shall be uniform in similar institutions.

[C. C. 1883.]

Sec. 24. Dwelling House and Provisions.

1 The board shall furnish the executive head of each of said insti-
2 tutions, in addition to salary, with a dwelling house or with appropriate
3 quarters in lieu thereof, and, from supplies purchased for the institu-
4 tion, the necessary household provisions for himself, wife, and minor
5 children.

[C. C. 1883, 1980, modified.]

Sec. 25. Salaries—How Paid.

1 The salaries and wages shall be included in the monthly estimates,
2 and paid in the same manner as other expenses of the several institu-
3 tions.

[C. C. 1883.]

Sec. 26. Vacations With Full Pay.

1 Each officer and employee of each of said institutions shall be
2 granted an annual vacation, on full pay, as follows:

3 1. Seven (7) days to those who have been in the service of the
4 state one (1) continuous year.

5 2. Ten (10) days to those who have been in such service two (2)
6 continuous years.

7 3. Fourteen (14) days to those who have been in such service
8 three (3) or more continuous years.

[C. C. 1892, 1894.]

Sec. 27. Authority for Vacation.

1 Such vacations shall only be taken at such times as the executive
2 officer may direct, and only after written authorization by him, and
3 for the number of days specified therein. A copy of such permit shall
4 be attached to the pay roll of the institution for the month during
5 which the vacation was taken, and the pay roll shall show the number
6 of days the person was absent under the permit.

[C. C. 1892, 1893.]

Sec. 28. Record of Employees and Inmates.

1 The board shall require the proper officer of each institution to
2 keep in a book prepared for the purpose, a record, to be made each day,
3 of the number of hours of service of each employee. The monthly
4 pay roll shall be made from such time book, and shall be in accord
5 therewith. When an appropriation is based on the number of inmates
6 in or persons at an institution, the board shall require a daily record
7 to be kept of the persons actually residing at and domiciled in such
8 institution.

[C. C. 1910.]

Sec. 29. Districts.

1 The board shall, from time to time, divide the state into districts

2 from which the several institutions may receive inmates. It shall
 3 promptly notify the proper county or judicial officers of all changes in
 4 such districts.

. [C. C. 1861, 1863.]

Sec. 30. Place of Commitments—Transfers.

1 Commitments, unless otherwise permitted by the board, shall be
 2 to the institution located in the district embracing the county from
 3 which the commitment is issued. The board may, at the expense of
 4 the state, transfer an inmate of one institution to another like insti-
 5 tution.

[C. C. 1863, modified.]

Sec. 31. Record of Inmates.

1 The board shall, as to every person committed to any of said insti-
 2 tutions, keep the following record: Name, residence, sex, age, nativ-
 3 ity, occupation, civil condition, date of entrance or commitment, date
 4 of discharge, whether a discharge was final, condition of the person
 5 when discharged, the name of the institutions from which and to
 6 which such person has been transferred, and, if dead, the date, and
 7 cause of death.

[C. C. 1864.]

Sec. 32. Record Privileged.

1 Except with the consent of the board, or on an order of a judge,
 2 or court of record, the record provided in the foregoing section shall be
 3 accessible only to the members, secretary and proper clerks of the
 4 board.

[C. C. 1864.]

Sec. 33. Reports to Board.

1 The managing officer of each institution shall, within ten (10)
2 days after the commitment or entrance of a person to the institution,
3 cause a true copy of his entrance record to be made and forwarded to
4 the board. When a patient or inmate leaves, or is discharged, or trans-
5 ferred, or dies in any institution, the superintendent or person in
6 charge shall within ten (10) days thereafter, send such information
7 to the office of the board on forms which the board may prescribe.

[C. C. 1864.]

Sec. 34. Questionable Commitment.

1 All superintendents are required to immediately notify the board
2 if there is any question as to the propriety of the commitment or deten-
3 tion of any person received at such institution, and said board, upon
4 such notification, shall inquire into the matter presented, and take
5 such action as may be deemed proper in the premises.

[C. C. 1862, modified.]

Sec. 35. Religious Beliefs.

1 The chief executive officer, receiving a person committed to any
2 of said institutions, shall inquire of such person as to his religious
3 preference and enter the same in the book kept for the purpose, and
4 cause said person to sign the same.

[C. C. 1900, 1901.]

Sec. 36. Religious Worship.

1 Any such inmate, during the time of his detention, shall be
2 allowed, for at least one (1) hour on each Sunday and in times of
3 extreme sickness, and at such other suitable and reasonable times as
4 is consistent with proper discipline in said institution, to receive spirit-

5 ual advice, instruction, and ministration from any recognized clergy-
6 man of the church or denomination which represents his religious
7 belief.

[C. C. 1900, 1901.]

Sec. 37. Religious Belief of Minors.

1 In case such inmate is a minor and has formed no choice, his
2 preference may, at any time, be expressed by himself with the ap-
3 proval of parents or guardian, if he has any such.

[C. C. 1902.]

Sec. 38. Investigation.

1 The board, or a committee thereof, shall visit, and minutely exam-
2 ine, at least once in six (6) months, and oftener if necessary or re-
3 quired by law, the institutions named, and the financial condition and
4 management thereof.

[C. C. 1903, 1904.]

Sec. 39. Scope of Investigation.

1 The board shall, during such investigation and as far as possible,
2 see every inmate of each institution, especially those admitted since
3 the preceding visit, and shall give such inmates as may require it,
4 suitable opportunity to converse with them apart from the officers
5 and attendants.

[C. C. 1904.]

Sec. 40. Investigation of County or Private Institutions.

1 Said board or any member thereof may investigate charges of
2 abuse, neglect, or mismanagement on the part of any officer or em-
3 ployee of any county home in which insane persons are kept, and of

4 any private institution which is subject to the supervision of said
5 board.

[C. C. 1905.]

Sec. 41. Witnesses.

1 In aid of any investigation the board shall have the power to
2 summon and compel the attendance of witnesses; to examine the same
3 under oath, which any member thereof shall have power to adminis-
4 ter; to have access to all books, papers, and property, material to such
5 investigation, and to order the production of any other books or papers
6 material thereto. Witnesses other than those in the employ of the
7 state shall be entitled to the same fees as in civil cases in the district
8 court.

[C. C. 1903-1905.]

Sec. 42. Contempt.

1 Any person failing or refusing to obey the orders of the board
2 issued under the preceding section, or to give or produce evidence
3 when required, shall be reported by the board to the district court in
4 the county where the offense occurs or any judge thereof, and shall
5 be dealt with by the court or judge as for contempt of court.

[C. C. 1903, modified; 1905.]

Sec. 43. Transcript of Testimony.

1 The board shall cause the testimony taken at such investigation
2 to be transcribed and filed in its office at the seat of government within
3 ten (10) days after the same is taken, or as soon thereafter as prac-
4 ticable, and when so filed the same shall be open for the inspection of
5 any person.

[C. C. 1903-1905.]

Sec. 44. State Agents—Appointment—Supplies.

1 The board may appoint, and discharge at their pleasure, not more
2 than seven (7) persons to act as state agents for the soldiers' orphans'
3 home, the two (2) training schools, the juvenile home, and the women's
4 reformatory.

[C. C. 1913, modified; 38 G. A., ch. 272, § 1.]

Sec. 45. Rooms and Supplies.

1 The board shall furnish such agents proper rooms, and all neces-
2 sary supplies in the same manner supplies are furnished other officers
3 of the board. Such agents, while stopping at any of said institutions
4 may be furnished with rooms, board and facilities therein, free of cost.

[C. C. 1913.]

Sec. 46. Duties of Agents.

1 Said agents shall:

2 1. Perform such duties as may be required by law or by said board.

3 2. Find suitable homes and employment for inmates of said insti-
4 tutions who are to be, or who have been released.

5 3. Inspect such homes.

6 4. Exercise supervision over such discharged or released inmates,
7 and examine into their conduct and environments.

8 5. Return to the institution from which released, all inmates who
9 have been conditionally released and whose conduct has been bad, or
10 in violation of their release.

11 6. Obtain new homes or new employment for released inmates
12 when their environment is bad.

13 7. Keep records of their acts as agents and make all reports called
14 for by the board.

[C. C. 1914.]

Sec. 47. Advancing Expense Fund.

1 The board of control may cause to be advanced to each agent, from
2 time to time, from the funds appropriated for such purpose, sums to
3 be used in defraying the official expenses of such agent. The aggre-
4 gate amount of money so advanced and not expended at any time shall
5 not exceed the sum of two hundred fifty dollars (\$250.00). The agent
6 shall give security, to be approved by the board, for the proper use and
7 accounting each month of all money so advanced.

[C. C. 1915.]

Sec. 48. Salary and Expenses.

1 Said agents shall receive such salary as may be fixed by the board
2 unless otherwise fixed by law, and in addition their actual and neces-
3 sary expenses incurred in the discharge of their duties.

[C. C. 1913.]

Sec. 49. Appropriation.

1 The sum of fourteen thousand dollars (\$14,000.00) is annually
2 appropriated out of any funds in the state treasury not otherwise ap-
3 propriated for the payment of the salaries and expenses of said state
4 agents and for the payment of other expenses incurred under the five
5 (5) preceding sections.

[C. C. 1915.]

Sec. 50. Duty of Receiving Officers.

1 The stewards of the hospitals for the insane, the clerks of the
2 prisons, and the proper officers, who shall be designated by the board,
3 of the other institutions, shall:

4 1. Have charge of and be accountable for all supplies and stores of
5 such institution and be chargeable therewith, at their invoice value.

6 2. Issue stores and supplies upon requisition approved by the sup-
7 erintendent or other officer designated by the board, which requisition
8 shall be his voucher therefor.

9 3. Present, monthly, to the board an abstract of all expenditures,
10 together with the accounts and pay rolls for the preceding month.

11 4. Examine and register all goods delivered, as to their amount
12 and quality, and certify to the correctness of the bills therefor, if the
13 goods correspond to the samples, are in good order, and correct in
14 prices.

15 5. Take an invoice, quarterly, of the subsistence supplies and
16 stock in his possession and control, and transmit a copy thereof, duly
17 verified by him, to the board.

18 6. Make to the board, at the close of the biennial period, a con-
19 solidated report of all purchases and transactions of his department.

20 7. Pay into the state treasury, from time to time, such amount as
21 the board may determine is necessary to reimburse the state for his
22 negligent loss of such stores or supplies, and shall so do within sixty
23 (60) days of such determination by the board. If default be made in
24 such payment, he shall be discharged and suit shall be brought on
25 his bond.

[C. C. 1886, modified.]

Sec. 51. Services Rendered by Inmates.

1 The inmates of said institutions may be required to render any
2 proper and reasonable service, either in the institution proper, or in the
3 industries established in connection therewith. Inmates may, with the
4 consent of the board, be permitted to render services at or outside
5 of said institutions for private parties, but the board shall not permit

6 such services to be rendered to a private party at a less wage than is
7 paid free labor for a like service, or its equivalent.

[C. C. 1876.]

Sec. 52. Wages of Inmates.

1 When an inmate performs services for the state at an institution,
2 the board of control may, when it deems such course practicable, pay
3 such inmate such wage as it deems proper in view of the circum-
4 stances, and in view of the cost attending the maintenance of such
5 inmate. In no case shall such wage exceed the amount paid to free
6 labor for a like service or its equivalent.

[C. C. 1877, modified.]

Sec. 53. Deduction From Wage to Pay Court Costs.

1 If such wage be paid, the board may deduct therefrom an amount
2 sufficient to pay all or a part of the costs taxed to such inmate by
3 reason of his commitment to said institution. In such case the amount
4 so deducted shall be forwarded to the clerk of the district court or
5 proper official.

[C. C. 1877.]

Sec. 54. Wages Paid to Dependent—Deposits.

1 If such wage be paid, the board may pay all or any part of the
2 same directly to any dependent of such inmate, or may deposit such
3 wage to the account of such inmate, or may so deposit part thereof
4 and allow the inmate a portion for his own personal use. All deposits
5 shall be on the best attainable terms.

[C. C. 1877.]

Sec. 55. Executive Heads—Semiannual Conferences.

1 Semiannual conferences of the chief executive officers of said

2 institutions shall be held with the board at Des Moines, for the con-
3 sideration of all matters relative to the management of said institu-
4 tions. Full minutes of such meetings shall be preserved in the records
5 of the board.

[C. C. 1878, modified.]

Sec. 56. Papers Read at Conference—Appropriation.

1 The board may cause papers to be prepared and read, at such con-
2 ferences, on subjects pertaining to the government and management
3 of said institutions, and the sum of two hundred fifty dollars (\$250.00)
4 is annually appropriated for the purpose of paying the actual and nec-
5 essary traveling and hotel expenses of the parties who prepare and
6 read such papers.

[C. C. 1879, 1880, modified.]

Sec. 57. Executive Heads—Scientific Investigation.

1 The board shall encourage the scientific investigation, on the part
2 of the executive heads and medical staffs of the various institutions,
3 as to the most successful methods of managing such institutions and
4 treating the persons committed thereto, shall procure and furnish to
5 such heads and staffs information relative to such management and
6 treatment, and, from time to time, publish bulletins and reports of
7 scientific and clinical work done in said institutions.

[C. C. 1907.]

Sec. 58. Monthly Report of Executive Heads.

1 The chief executive officer of each institution shall, on the first
2 day of each month, account to the board for all state funds received
3 during the preceding month, and, at said time, remit the same to the
4 treasurer of state.

[C. C. 1891.]

Sec. 59. Annual Reports of Executive Heads.

1 The executive head of each institution shall make an annual
2 report to the board and embrace therein a minute and accurate inven-
3 tory of the stock and supplies on hand, and the amount and value
4 thereof, under the following heads: Live stock, farm produce on
5 hand, vehicles, agricultural implements, machinery, mechanical fix-
6 tures, real estate, furniture and bedding in inmates' department, state
7 property in superintendent's department, clothing, dry goods, provi-
8 sions and groceries, drugs and medicine, fuel, library, and all other
9 state property under appropriate heads to be determined by the board.

[C. C. 1887.]

Sec. 60. Contingent Fund.

1 The board may permit the executive head of each institution to
2 retain a stated amount of funds in his possession as a contingent fund
3 for the payment of freight, postage, commodities purchased, on author-
4 ity of the board, on a cash basis, salaries terminating during the cur-
5 rent month, and bills granting discount for cash.

[C. C. 1890.]

Sec. 61. Requisition for Contingent Fund.

1 If necessary, the board shall make proper requisition upon the
2 auditor of state for a warrant on the state treasurer to secure the said
3 contingent fund for each institution.

[C. C. 1890.]

Sec. 62. Monthly Reports of Contingent Fund.

1 A full, minute, and itemized statement of every expenditure made
2 during the month from such contingent fund, shall be submitted by
3 the proper officer of said institution to the board under such rules as

4 said board may establish.

[C. C. 1890.]

Sec. 63. Supplies—Competition—Iowa Dealers.

1 The board shall, in the purchase of supplies, afford all reasonable
2 opportunity for competition, and shall give preference to local dealers
3 and Iowa producers when such can be done without loss to the state.

[C. C. 1867, 1869, modified.]

Sec. 64. Dealers May File Addresses.

1 Jobbers, or others desirous of selling supplies shall, by filing with
2 the board a memorandum showing their address and business, be
3 afforded an opportunity to compete for the furnishing of supplies,
4 under such rules as the board may prescribe.

[C. C. 1869, modified.]

Sec. 65. Samples Preserved.

1 When purchases are made by sample, the same shall be properly
2 marked and retained for six (6) months after the delivery of such
3 purchase.

[C. C. 1869.]

Sec. 66. Purchase From Institutions.

1 The board may, without requiring estimates as hereinafter pro-
2 vided, purchase supplies of any institution under its control, for use in
3 any other such institution, and reasonable payment therefor shall be
4 made as in case of other purchases.

[C. C. 1868.]

Sec. 67. Expenditures and Bills Therefor.

1 Monthly expenditures of each of said institutions shall be made,
2 and bills therefor shall be presented, in the following manner:

3 1. The chief executive officer shall, on or before the fifteenth day
 4 of each month, prepare and forward to the board duplicate estimates
 5 of all expenditures required for the following month, embracing therein
 6 the various articles in minute detail, the estimated cost thereof, and a
 7 like statement of the source and amount of all state funds received
 8 by the institution and accounted for to the treasurer of state on the
 9 first of each month.

10 2. The board, after revising said estimate, if necessary, shall
 11 certify that it has carefully examined and revised the same and that
 12 the articles named therein are actually required for the use of said
 13 institution.

14 3. The board shall retain one (1) of the finally revised estimates
 15 and forward the other to said executive officer.

16 4. Said supplies shall be so purchased as to permit at least thirty
 17 (30) days' time for payment.

18 5. Duplicate, itemized bills shall be rendered by the vendor of
 19 supplies, and verified by him, or by some one who shows personal
 20 knowledge thereof, and the same shall be certified and indorsed, all in
 21 the following form:

22 "The state of Iowa, on account of theInstitution (Date).

23 To.....Dr. (Here insert an itemized ac-
 24 count of goods or property purchased.)

25 The state of..... ss.

26 County of.....

27 I,, on oath say that I personally know the
 28 foregoing bill of account is correct and just, and wholly unpaid; that
 29 the exact consideration therein charged for was received by the said

30 institution; that neither the same nor any part thereof has since been
31 commuted; and that neither bonus, commission, discount, nor any
32 other consideration, directly or indirectly, has been given, or stipu-
33 lated, within my knowledge or belief, because of the purchase thereof,
34 as therein set forth, or for any other reason.

35
36 Sworn to and subscribed before me this . . . day of ...
37

37 I hereby certify that the above account is correct, and that the
38 articles therein charged have been received in good order by the
39 institution.

40
41 Steward, clerk or other designated officer.
42 No. Institution. \$.....

43 Passed upon by the board of control on the day of,
44 and ordered paid.

45
46 Secretary of the board of control."

[C. C. 1866.]

Sec. 68. Payment of Monthly Expenditures and Pay Roll.

1 Monthly expenditures of each institution, including its pay roll,
2 shall be paid as follows:

- 3 1. The steward, clerk, or other officer who may be designated by
4 the board, shall prepare a monthly statement showing authorized pur-
5 chases and expenditures of every kind for the preceding month, which
6 shall be signed by such officer and approved by the chief executive
7 officer of the institution.

8 2. Attached to said statement shall be the affidavit of such
9 officer, stating that the goods and other articles therein specified were
10 received by him or under his direction at the institution.

11 3. If any invoice or statement, or part thereof, is found objection-
12 able, the board shall endorse its disapproval thereon, with its reason
13 therefor, and return it to the management of the institution for cor-
14 rection and return.

15 4. The monthly pay roll of each institution shall be prepared under
16 the direction of the chief executive officer, shall show the name of each
17 officer and employee, when first employed, the monthly pay, time paid
18 for, the amount of pay, and deductions for the careless loss or destruc-
19 tion of property. A substitute employee shall not be permitted to re-
20 ceive pay in the name of the employee for whom the substitute is
21 acting.

22 5. Said monthly statement, and the original invoices of the pur-
23 chases, and a complete, itemized statement of every expense of said
24 institution, and the receipted pay roll, shall be forwarded to the board
25 of control for examination and audit by it.

26 6. When said statement and pay roll is audited, the board shall,
27 under the seal of said board, prepare in triplicate an abstract showing
28 the name and residence of, and the amount due, each claimant, and the
29 institution, and the fund thereof on account of which the payment is
30 made. The correctness of said abstract shall be certified to by at least
31 one (1) member of the board, whose authority to so certify shall be
32 preserved in the recorded proceedings of the board. Said board shall
33 deliver one (1) abstract to the auditor of state, one (1) to the treas-
34 urer of state, and shall retain one (1) in the records of the board.

35 7. The auditor of state, upon such certified abstract, shall, if the
36 institution named has sufficient funds, issue his warrant upon the
37 treasurer of state for the gross amount of such abstract.

38 8. The treasurer of state shall pay said warrant by sending his
39 official checks to the several persons for the amount of their claims as
40 certified by said board. The pay roll of each institution may be paid by
41 a single check payable to such officer of the institution as the board
42 may direct.

43 9. The treasurer of state shall, as to each check, preserve in his
44 books a record of all data which may be evidence that the claim has
45 been paid by the state.

[C. C. 1888, 1889, modified.]

Sec. 69. State Architect.

1 Said board may employ a competent building architect, and the
2 necessary draftsmen, each of whom shall receive such reasonable
3 salary as the board may fix. In cases of sufficient magnitude the
4 board may secure the advice of a consulting architect, or may secure
5 plans, and specifications from other architects, at a cost not exceeding
6 one thousand five hundred dollars (\$1,500.00) in any year.

[C. C. 1872, modified.]

Sec. 70. Plans and Specifications.

1 Said board shall cause plans and specifications to be prepared for
2 all improvements recommended by it and costing over one thousand
3 dollars (\$1,000.00). No appropriation for any improvement shall be
4 expended until the adoption of suitable plans and specifications, pre-
5 pared by a competent architect, and accompanied by a detailed state-
6 ment of the amount, quality and description of all material and labor

7 required for the completion of such improvement. No plans shall
8 be adopted, and no improvement shall be constructed, which contem-
9 plates an expenditure of money in excess of the appropriation.

[C. C. 1873.]

Sec. 71. Letting of Contracts.

1 The board shall, in writing, let all contracts for authorized im-
2 provements costing in excess of three hundred dollars (\$300.00) to
3 the lowest responsible bidder, after such advertisement for bids as
4 the board may deem proper in order to secure full competition. The
5 board may reject all bids and readvertise.

[C. C. 1874, modified.]

Sec. 72. Preliminary Deposit.

1 A preliminary deposit of money, or certified check upon a sol-
2 vent bank in such amount as the board may prescribe, shall be re-
3 quired as an evidence of good faith, upon all proposals for the con-
4 struction of said improvements, which deposit or certified check shall
5 be held under the direction of the board.

[C. C. 1874.]

Sec. 73. Improvements by Day Labor.

1 Authorized improvements costing three hundred dollars (\$300.00)
2 or less may, under authorization of the board, be made by the execu-
3 tive head of any institution by day labor.

[C. C. 1874.]

Sec. 74. Improvements at Penal Institutions.

1 The requirement that contracts in excess of three hundred dollars
2 (\$300.00) shall be let under contract shall not be mandatory as to
3 improvements at any institution where the labor of inmates may be

4 utilized on the particular work to be done, to the advantage of the
5 inmates or to the state.

[C. C. 1874.]

Sec. 75. Payment for Improvements.

1 No payment shall be authorized for construction purposes until
2 satisfactory proof has been furnished to the board of control, by the
3 proper officer or supervising architect, that the contract has been
4 complied with by the parties; and all payments shall be made in a
5 manner similar to that in which the current expenses of the several
6 institutions are paid.

[C. C. 1874.]

Sec. 76. Property of Deceased Inmate.

1 The chief executive officer of each institution shall, upon the death
2 of any inmate or patient, immediately take possession of all property
3 of the deceased left at said institution, and deliver the same to the
4 duly appointed and qualified representative of the deceased.

[C. C. 1897.]

Sec. 77. Property of Small Value.

1 If administration be not granted within one (1) year from the
2 date of the death of the decedent, and the value of the estate of de-
3 cedent is so small as to make the granting of administration inad-
4 visible, then delivery of the money and other property left by the
5 decedent may be made to the surviving spouse and heirs, of the de-
6 cedent.

[C. C. 1897.]

Sec. 78. Disposal When no Administration Granted.

1 If administration be not granted within one (1) year from the

2 death of decedent, and no surviving spouse or heir is known, said
3 executive officer may convert all said property into money and in so
4 doing he shall have the powers possessed by a general administrator.

[C. C. 1897.]

Sec. 79. Money Deposited With Treasurer of State.

1 Said money shall be transmitted to the treasurer of state as soon
2 after one (1) year after the death of the intestate as practicable,
3 and be credited to the support fund of the institution from which
4 received.

[C. C. 1897.]

Sec. 80. Permanent Record Kept.

1 A complete permanent record of the money so sent, showing by
2 whom and with whom it was left, its amount, the date of the death
3 of the owner, his reputed place of residence before he became an
4 inmate of the institution, the date on which it was sent to the state
5 treasurer and any other facts which may tend to identify the intes-
6 tate and explain the case shall be kept by the chief executive officer
7 of the institution and a transcript thereof shall be sent to, and kept
8 by, the treasurer of state.

[C. C. 1897.]

Sec. 81. Payment to Party Entitled.

1 Said money shall be paid, at any time within ten (10) years from
2 the death of the intestate, to any person who is shown to be entitled
3 thereto. Payment shall be made from the state treasury out of the
4 support fund of such institution in the manner provided for the pay-
5 ment of other claims from that fund.

[C. C. 1898, 1899.]

Sec. 82. Special Policemen.

1 The board may, by order entered of record, commission one (1)
2 or more of the employees at each of said institutions as special police.
3 Such police shall, on the premises of the institution of which they
4 are employees, and in taking an inmate into custody, have and exer-
5 cise the powers of regular peace officers. No additional salary shall
6 be granted by reason of such appointment.

[C. C. 1896, modified.]

Sec. 83. Temporary Quarters in Case of Emergency.

1 In case the buildings at any institution under the management
2 of the board of control are destroyed or rendered unfit for habitation
3 by reason of fire, storms, or other like causes, to such an extent that
4 the inmates can not be there confined and cared for, said board shall
5 make temporary provision for the confinement and care of the inmates
6 at some other place in the state. Like provision may be made in case
7 any pestilence breaks out among the inmates. The reasonable cost
8 of the change, including transfer of inmates, shall be paid from any
9 money in the state treasury not otherwise appropriated.

[C. C. 2175, 2216, modified.]

Sec. 84. Industries May Be Established.

1 The board may establish such industries as it may deem advis-
2 able at or in connection with any of said institutions.

[C. C. 1876.]

Sec. 85. Sterilization of Patients.

1 The operation of sterilization may be performed on any inmate
2 in any state hospital for the insane, or in the institution for the feeble
3 minded, or in the department for the insane in the men's reformatory

4 when such patient is afflicted with insanity, idiocy, imbecility, feeble
5 mindedness, or syphilis, but only after all the following conditions
6 have been complied with:

7 1. The superintendent of the hospital must determine, and a ma-
8 jority of his medical staff must concur therein, that the performance
9 of such operation is for the best interests of the patient, and society.

10 2. The performance of such operation must be approved by a
11 majority of the members of the board of control.

12 3. The husband or wife of the patient, if known and living in
13 this state, must consent in writing to such operation; if the patient
14 is unmarried the parent, guardian or next of kin, if known and living
15 in this state, must so consent.

[C. C. 2040.]

Sec. 86. **Operation Defined.**

1 The operation to be performed upon a male person shall be what
2 is known as vasectomy, and upon a female patient what is known
3 as section of the fallopian tubes with implantation in the uterine
4 muscles.

[C. C. 2041.]

Sec. 87. **Performance of Operation.**

1 The operation shall be performed by some capable physician or
2 surgeon to be selected by the superintendent of the hospital.

[C. C. 2040.]

Sec. 88. **Unlawful Operation.**

1 Every person who shall, except as authorized in the last three
2 (3) preceding sections, perform on any person either of the operations
3 named, for the purpose of destroying the power of procreation, un-

4 less the performance of such operation is a medical necessity, shall
5 be guilty of a misdemeanor.

[C. C. 2043, modified.]

Sec. 89. Annual Report.

1 The board of control shall make an annual report to the governor
2 covering their proceedings under the authority of the preceding sec-
3 tions relating to sterilization and state therein their observations re-
4 garding its benefits.

[C. C. 2042.]

CHAPTER 3.

SOLDIERS' HOME.

Sec. 90. Soldiers Admitted.

1 The following named persons may be received into the Iowa sol-
2 diers' home provided they do not have sufficient means, or ability, to
3 support themselves:

4 1. Soldiers, sailors and marines who have been honorably dis-
5 charged from the service of the United States and who served in Iowa
6 military organizations or who were accredited to the state of Iowa,
7 without regard to residence in this state.

8 2. Such soldiers, sailors, or marines who served in military or-
9 ganizations of other states, or were accredited to other states, if they
10 have been residents of this state for three (3) years next preceding
11 the date of application for admission.

12 3. The wives, fathers, and mothers of such soldiers, sailors, or
13 marines.

14 4. Women who, prior to the year nineteen hundred five (1905),

15 married such soldiers, sailors, or marines, and who are now their
16 widows, or who have been divorced from them without fault on the
17 part of such wives. A subsequent marriage shall not deprive such
18 women of their right to the benefits of the home, nor shall such right
19 depend upon the presence of the husband in the home as an inmate.

20 5. Nurses in such army or navy.

[C. C. 1916, 1917, 1920, modified.]

Sec. 91. Eligibility of Applicants.

1 The board of control shall determine the eligibility of all appli-
2 cants for admission to the home.

[C. C. 1921.]

Sec. 92. Husband and Wife.

1 Husbands and wives may be permitted to occupy, together, cot-
2 tages or other quarters on the grounds of the home.

[C. C. 1920.]

Sec. 93. Certificate as to Place of Residence—Records.

1 Before admission, such person, if a resident of this state, shall
2 file with the commandant a certificate, signed by the board of super-
3 visors of the county in which such person resides, that such person
4 is a resident of such county. If such person is not a resident of this
5 state, he shall file proof, by affidavit, showing his place of residence.
6 Such certificate or affidavit shall be conclusive evidence of the resi-
7 dence of such person in all matters affecting the liability of the county
8 with respect to any expenses of such person for which the county
9 may be liable. All records of admission shall show the residence of
10 the applicant.

[C. C. 1918, modified.]

Sec. 94. Residence of Inmates.

1 The residence of an inmate who is discharged or who voluntarily
2 leaves the home shall be that of the county of which he was a resident
3 at the time of his admission.

[C. C. 1923.]

Sec. 95. Admission of Nondependents.

1 The board may, if there is room for all dependent applicants and
2 inmates, admit persons who have sufficient means for their own sup-
3 port but are otherwise eligible to become inmates of the home, on
4 payment of the cost of their support, which cost shall be fixed from
5 time to time by the board of control.

[C. C. 1919.]

Sec. 96. Funds Received From Nondependents.

1 All money paid under the provisions of the preceding section
2 shall be received by the commandant and remitted each month to the
3 treasurer of state and placed to the credit of the support fund of the
4 home by the auditor and treasurer of state.

[C. C. 1919.]

Sec. 97. Salary.

1 The commandant shall be the chief executive officer and receive
2 an annual salary of twenty-eight hundred dollars (\$2,800.00).

[C. C. 1922.]

Sec. 98. Qualifications of Commandant.

1 The commandant shall possess an honorable discharge from the
2 United States army or navy, except that when such person is not avail-
3 able for the office any other suitable person may be appointed.

[C. C. 1922.]

Sec. 99. Subordinate Officers—Qualifications.

1 Among the subordinant officers of said home there shall be an
2 adjutant, a quartermaster, and a chief surgeon, each of whom shall
3 possess the same qualifications as the commandant, provided such a
4 person is obtainable.

[C. C. 1922.] ,

Sec. 100. Home and Supplies for Subordinate Appointees.

1 The adjutant, quartermaster, chief surgeon, and chaplain shall
2 be furnished, without charge, the use of the houses erected by the
3 state and now occupied by such officers, together with lights, heat,
4 fuel, ice, and water.

[C. C. 1922.]

Sec. 101. Pension Money Not Liable for Support.

1 Pension money received from the federal government shall not
2 be applied to the support, in said home, of any inmate, nor shall such
3 inmate be deprived of any part of such pension money except as here-
4 inafter provided.

[C. C. 1919, 1924.]

Sec. 102. Pension Money—Effect of Convictions.

1 Any person who, while an inmate of the home, is twice convicted
2 of an offense against the statutes of the state, or twice convicted by
3 the commandant or court marshal of intoxication or other infraction
4 of the rules of the home, shall be required to deposit all his pension
5 money with the commandant immediately upon receipt of his pension
6 warrant. In lieu of a trial by the commandant, the inmate may de-
7 mand a court martial.

[C. C. 1925.]

Sec. 103. Pension Money Paid to Dependents.

1 When said money is so deposited, the commandant shall pay one-
2 half ($\frac{1}{2}$) thereof to the pensioner's wife, child, or parent who is de-
3 pendent on him for support. If there be two (2) or more such de-
4 pendent relatives, the commandant shall pay said one-half ($\frac{1}{2}$) to
5 those dependents who are most needy.

[C. C. 1925.]

Sec. 104. Pension Money Deposited.

1 The remaining one-half ($\frac{1}{2}$) of such pension money, and all of
2 said money in case the pensioner has no such dependents, shall, in
3 case of such conviction, be deposited by the commandant for and on
4 behalf of such pensioner, and the commandant shall, under such rules
5 as the board of control may provide, pay the same out, with the con-
6 sent of the pensioner, in such manner and for such purposes as the
7 board may approve.

[C. C. 1925.]

Sec. 105. Return of Deposit to Pensioner.

1 If, after such deposit is made, the pensioner abstains from all
2 violations of the law for a period of ten (10) months after such con-
3 viction, he shall be entitled to receive, from said deposit, two dollars
4 (\$2.00) for the eleventh month, and four dollars (\$4.00) for the
5 twelfth month. If, during said two (2) months, the pensioner shall
6 conduct himself in an orderly and sober manner, said deposit shall
7 be returned to him.

[C. C. 1925.]

Sec. 106. Deposit Returned in Case of Discharge.

1 If the depositor be discharged from the said home, any balance

2 of such deposit, after his railroad ticket has been purchased, shall be
3 paid to such pensioner within thirty (30) days after his discharge.

[C. C. 1925.]

Sec. 107. Assignment of Deposit.

1 No assignment of pension money deposited with the command-
2 ant, or any claim therefor shall be valid.

[C. C. 1925.]

Sec. 108. Pension Money in Case of Dependents.

1 Each inmate of the home who receives a pension, and who has
2 a dependent wife or minor children, shall deposit with the commandant
3 forthwith on receipt of his pension check one-half ($\frac{1}{2}$) of the amount
4 thereof, which shall be sent at once to the wife if she be dependent
5 upon her own labor or others for support, or, if there be no wife, to
6 the guardian of the minor children if dependent upon others for sup-
7 port. The commandant, if satisfied that the wife has deserted her
8 husband, or is of bad character, or is not dependent upon others for
9 support, may pay the money deposited as aforesaid to the guardian
10 of the dependent minor children.

[C. C. 1926.]

Sec. 109. Annual Appropriation.

1 For the general support of said home, there is hereby appropri-
2 ated the sum of twenty-two dollars (\$22.00) per month for each in-
3 mate, and ten dollars (\$10.00) per month for each officer and em-
4 ployee not an inmate of the home, or so much thereof as may be neces-
5 sary. The commandant, on the first day of each month, shall certify
6 to the board the average number of inmates supported by the state
7 in the home for the preceding month. Upon receipt of such certificate

8 the board shall certify to the auditor and treasurer of state the total
9 amount payable by the state for the support of the home for the pre-
10 ceding month, and the auditor and treasurer of state shall credit the
11 home with said amount. The amount so credited shall be drawn from
12 the state treasury in the manner provided in chapter two (2) of this
13 title.

[C. C. 1928.]

Sec. 110. Minimum Monthly Appropriation.

1 If the average number of inmates shall be less than eight hun-
2 dred fifty (850) in any month, the auditor and treasurer of state
3 shall credit the home with the sum of eighteen thousand seven hun-
4 dred dollars (\$18,700.00) for that month, which sum is appropriated
5 out of any unappropriated money in the state treasury, or so much
6 thereof as may be needed, together with the monthly allowance for
7 each officer and employee provided in the preceding section, and the
8 sum so credited shall be drawn from the state treasury in the same
9 manner and for the same purposes as the regular monthly per capita
10 allowance is drawn.

[C. C. 1928.]

CHAPTER 4.

STATE SANATORIUM.

Sec. 111. State Sanatorium.

1 The state sanatorium for the treatment of tuberculosis shall here-
2 after be known as the state sanatorium.

[C. C. 1929, modified.]

Sec. 112. State Sanatorium—Object and Purposes.

1 The state sanatorium shall be devoted solely to the care and
2 treatment of pulmonary tuberculosis, both in its incipient and ad-
3 vanced stages, of residents of this state.

[C. C. 1929, 1930.]

Sec. 113. Qualifications of Superintendent.

1 The superintendent shall be a well educated physician of at least
2 five (5) years' experience in the practice of medicine. He shall reside
3 at the sanatorium.

[C. C. 1931.]

Sec. 114. Salaries.

1 The annual salary of the superintendent shall be fixed by the
2 board of control at an amount not exceeding twenty-five hundred dol-
3 lars (\$2,500.00).

[C. C. 1931.]

Sec. 115. Duties of Superintendent.

1 Said superintendent shall:

2 1. Perform such duties as may be provided by law or by said
3 board.

4 2. Oversee and secure the individual treatment and professional
5 care of each patient.

6 3. Prescribe rules, subject to the approval of said board, for the
7 application, examination, reception, discharge, and government of pa-
8 tients.

9 4. Keep a full record of the condition of each patient.

10 5. Encourage and assist in the establishment of hospitals through-
11 out the state, especially in cities, for the treatment of tuberculosis.

12 6. Furnish to each applicant for admission proper blanks on
13 which to make the application.

[C. C. 1932.]

Sec. 116. Admission—Examination.

1 All applicants for admission to the sanatorium shall first secure
2 a thorough examination of his condition by a physician licensed to
3 practice medicine in this state for the purpose of determining
4 whether said applicant is afflicted with pulmonary tuberculosis. Said
5 examining physician shall, as accurately as possible, fill out the blanks
6 furnished for that purpose, and at once mail the same to the super-
7 intendent.

[C. C. 1933.]

Sec. 117. Additional Showing.

1 The superintendent, in addition to the record of said examina-
2 tion, may demand of the applicant further showing as to his eligi-
3 bility for admission. In case of doubt, the superintendent shall per-
4 sonally examine said applicant in case the applicant presents himself
5 at the institution. If the applicant appears to be a bona fide resident
6 of this state and is otherwise eligible for admission, he shall be re-
7 ceived at the institution, provided there is room for him.

[C. C. 1933.]

Sec. 118. Waiting List.

1 If, at the time admission is granted, the applicant can not, for
2 any reason, be then received, his name shall be regularly entered on
3 a waiting list and applicants shall be admitted in that order.

[C. C. 1933.]

Sec. 119. Separate Department for Advanced Stages.

1 The superintendent shall create a separate department for per-
2 sons afflicted with pulmonary tuberculosis in advanced stages. If it
3 be impossible to receive all such patients, preference shall be given
4 to those most in need of treatment, and those whose condition is most
5 dangerous to the public.

[C. C. 1934.]

Sec. 120. Transfer of Patients.

1 Patients may be transferred from the department for incipient
2 cases to the department for advanced cases and vice versa.

[C. C. 1934.]

Sec. 121. Indigent Patients—Expense.

1 The state shall, on certificate of the superintendent approved by
2 the board of control, pay, out of any money in the state treasury not
3 otherwise appropriated, the actual and necessary expense attending
4 the transportation of an accepted applicant for admission, to and
5 from the sanatorium, and the expense of treating said applicant at
6 said institution, if said applicant is unable to pay the same and such
7 fact is certified to by the board of health of the city, town, or town-
8 ship, as the case may be, depending on the residence of said applicant.

[C. C. 1935.]

Sec. 122. Advancing Transportation Expense.

1 In cases contemplated by the preceding section, the superintend-
2 ent shall certify an itemized estimate of the expense attending such
3 transportation, which certificate when approved by the board of con-
4 trol shall be filed with the state auditor who shall thereupon issue
5 his warrant to the superintendent for said amount. Within thirty

6 (30) days thereafter the superintendent shall file with said auditor
7 an itemized and verified statement, approved by the board, of the
8 actual and necessary expense attending said transportation, together
9 with the receipt of the state treasurer for any part of said warrant
10 not expended. If said warrant prove insufficient, said certificate shall
11 show the amount of such deficiency, and the auditor shall at once issue
12 his warrant therefor.

[New.]

Sec. 123. Per Capita Allowance.

1 The board of control shall, from time to time, fix the per capita
2 allowance which may be charged by the said institution for the care,
3 treatment, and maintenance of each patient, which shall not exceed
4 the sum of fifty dollars (\$50.00) per capita per month, and there is
5 appropriated out of any unappropriated money in the state treasury,
6 or so much thereof as may be needed, such allowance monthly for each
7 inmate supported by the state, counting the actual time such person
8 is an inmate and so supported.

[C. C. 1936.]

Sec. 124. Certificates as to Number of Inmates.

1 The superintendent, on the first day of each month, shall certify
2 to the board the average number of inmates supported by the state in
3 said institution for the preceding month.

[C. C. 1936.]

Sec. 125. Certificate of Monthly Allowance.

1 Upon receipt of such certificate, the board shall, on the basis of
2 the per capita allowance as fixed by it, certify to the auditor and treasurer
3 of state the total amount payable for the care, treatment and

4 maintenance of the patients supported by the state for the preceding
5 month, and the auditor and treasurer of state shall credit said insti-
6 tution with said amount. The amount so credited shall be drawn from
7 the state treasury in the manner provided in chapter two (2) of this
8 title.

[C. C. 1936.]

Sec. 126. **Minimum Allowance.**

1 If the aggregate per capita allowance for the patients shall not
2 equal the sum of four thousand dollars (\$4,000.00) for any month,
3 said amount is appropriated from any unappropriated money in the
4 state treasury, or so much thereof as may be needed, and upon receipt
5 of the proper certificate from the board, the auditor and treasurer of
6 state shall credit the institution with said sum for that month, and
7 the same shall be drawn from the state treasury in the same manner
8 and for the same purposes as the regular monthly per capita allow-
9 ance is drawn.

[C. C. 1936.]

Sec. 127. **Liability of County.**

1 Each county shall be liable to the state for the support of all
2 patients from that county in the state sanatorium. The amounts due
3 shall be certified by the superintendent to the auditor of state, who
4 shall collect the same from the counties liable, at the times and in the
5 manner required for the certification and collection of money from
6 counties for the support of insane patients.

[C. C. 1937.]

Sec. 128. Liability of Patients and Others.

1 Patients in the sanatorium, and persons legally bound for their
2 support shall be liable for the maintenance of patients in the sana-
3 torium.

[C. C. 1937.]

Sec. 129. Patients and Others Liable to Counties.

1 The provisions of law for the collection by boards of supervisors
2 of amounts paid by their respective counties from the estates of in-
3 sane patients and from persons legally bound for their support, shall
4 apply in cases of patients cared for in the sanatorium.

[C. C. 1937.]

Sec. 130. Appropriation to Disseminate Information.

1 There is hereby appropriated out of any unappropriated funds
2 in the state treasury the sum of five thousand dollars (\$5,000.00) an-
3 nually, or so much thereof as may be necessary, to be used by the
4 board of control, in such manner as it may determine, for the collec-
5 tion and dissemination of information regarding tuberculosis. To
6 this end it may employ one (1) or more lecturers on said subject.

[C. C. 1938.]

CHAPTER 5.**INSTITUTION FOR FEEBLE MINDED.****Sec. 131. Institution for Feeble Minded.**

1 The institution for the feeble minded at Glenwood shall be main-
2 tained for the training, instruction, care and support of all feeble-
3 minded residents of the state.

[C. C. 1939, 1940, 1943, 1945, 1959.]

Sec. 132. Salary of Executive Officer.

1 The superintendent shall receive a salary of three thousand dol-
2 lars (\$3,000.00) per year.

[New.]

Sec. 133. Separate Departments.

1 The board of control shall, as far as possible, create separate de-
2 partments for separate classes of inmates.

[C. C. 1940, modified.]

Sec. 134. Admission.

1 Admission to said institution may be either voluntary, by parents,
2 guardian, or county attorney, under such rules as the board may
3 prescribe, or by commitments under the following chapter of this title.

[C. C. 1941, 1942, modified.]

Sec. 135. Clothing—Costs Certified to County.

1 The superintendent shall supply all inmates of the home with
2 clothing when not otherwise supplied. The actual cost thereof, to-
3 gether with the cost of transporting said inmate, shall be certified
4 by the superintendent to the auditor of the county of the inmate's
5 residence, and the board of supervisors shall allow the same and cause
6 the amount to be remitted to the treasurer of state. Said certificate
7 shall be presumed to be correct.

[C. C. 1948.]

Sec. 136. Certificate to Auditor of State.

1 A duplicate of said certificate shall be forwarded to the auditor
2 of state who shall charge the county accordingly, and the treasurer
3 and auditor of state shall credit the home with the same amount.

[C. C. 1948.]

Sec. 137. Duplicate Receipts.

1 The treasurer of state, on receipt of payment from the county,
2 shall forward duplicate receipts to the county auditor who shall in
3 return forward one (1) of said receipts to the auditor of state.

[C. C. 1948.]

Sec. 138. Liability of Inmate.

1 Said inmate and those legally liable for his support shall be
2 liable to the county for all clothing aforesaid and for all costs of trans-
3 porting said inmate.

[C. C. 1948, modified.]

Sec. 139. Supervisors May Release From Liability.

1 The board of supervisors, on proper showing of the financial
2 condition of the parties named in the preceding section, may release
3 any of said parties from said liability.

[C. C. 1948.]

Sec. 140. Support.

1 For the support of the home for the feeble minded, there is ap-
2 propriated out of any unappropriated money in the state treasury,
3 or so much thereof as may be needed, the sum of seventeen dollars
4 (\$17.00) monthly for each inmate supported by the state, counting
5 the actual time such person is an inmate and so supported. The super-
6 intendent on the first day of each month shall certify to the board of
7 control the average number of inmates supported by the state in the
8 home for the preceding month. Upon receipt of such certificate the
9 board shall certify to the auditor and treasurer of state the total
10 amount payable by the state for the support of the home for the pre-
11 ceding month, and the auditor and treasurer of state shall credit the

12 home with said amount. The amount so credited shall be drawn from
 13 the state treasury in the manner provided in chapter two (2) of this
 14 title.

[C. C. 1951.]

CHAPTER 6.

GUARDIANSHIP AND CUSTODY OF FEEBLE MINDED.

Sec. 141. Feeble Minded Defined.

1 The words "feeble-minded person" in this chapter shall be con-
 2 strued to mean any person afflicted with mental defectiveness from
 3 birth or from an early age, so pronounced that he is incapable of
 4 controlling himself and his affairs, and requires supervision, control,
 5 and care for his own welfare, or for the welfare of others, or for the
 6 welfare of the community, and who is not classifiable as an "insane
 7 person" within the meaning of the provisions of the chapters of this
 8 title relating to the insane.

[C. C. 1940, 1952, modified.]

Sec. 142. Duty of County Attorney.

1 The county attorney shall, if requested, appear on behalf of any
 2 petitioner for the appointment of a guardian or commitment of an
 3 alleged feeble-minded person, under this chapter, and on behalf of
 4 all public officials and superintendents in all matters pertaining to
 5 the duties herein imposed upon them.

[New.]

Sec. 143. Petition to Adjudicate Feeble Mindedness.

1 A petition for the adjudication of the feeble mindedness of a per-
 2 son within the meaning of this chapter may, with the permission of
 3 the court, or judge, be filed, without fee, against such person, with
 4 the clerk of the district, superior, or municipal court of the county

5 or city in which such alleged feeble-minded person resides or is found,
6 by any relative of such person, or by his or her guardian, or by any
7 reputable citizen of the county of such residence or of such place of
8 finding.

[C. C. 1953, modified.]

Sec. 144. Sufficiency of Petition.

1 Said petition shall be verified, may be on information or belief,
2 and shall state:

3 1. That such person is feeble-minded within the meaning of this
4 chapter.

5 2. That it is dangerous to the welfare of the community for such
6 person to be at large without care or control and the facts tending
7 to show such danger.

8 3. The name and residence of all persons, so far as known, super-
9 vising, caring for, or supporting such person, or assuming, or under
10 obligations, to do so.

11 4. The name and residence, if known, of the parents of such
12 person, and of all other persons, legally chargeable with the super-
13 vision, care or support of such person.

14 5. Whether such person has been examined by a qualified phy-
15 sician with a view of determining his mental condition.

[C. C. 1953, modified.]

Sec. 145. Names of Witnesses Indorsed.

1 There shall be indorsed on the petition the name of all obtainable
2 witnesses, known to petitioner, by which the allegations of the peti-
3 tion may be established.

[C. C. 1953.]

Sec. 146. Additional Parties.

1 The following persons, in addition to the alleged feeble-minded
2 person, shall be made party defendants if they reside in this state
3 and their names and residences are known:

4 1. The parent or parents of said principal defendant.

5 2. The person with whom said principal defendant is living.

6 3. The person or persons assuming to give the principal defend-
7 ant care and attention.

8 4. The guardian, if there be such, of the person or property of
9 the principal defendant.

[C. C. 1953, 1954.]

Sec. 147. Notice.

1 Notice of the pendency of said petition and of the time and place
2 of hearing thereon shall be served upon all defendants who are resi-
3 dents of the county in which the petition is filed, in the manner in
4 which original notices are served. The court or judge shall, by writ-
5 ten order, direct the manner and time of service on all other parties.
6 No notice need be served on those who are personally before the
7 court. Said notice shall require the defendants to bring said alleged
8 feeble-minded person into court at the time and place named.

[C. C. 1954, modified.]

Sec. 148. Time of Appearance.

1 The time of appearance shall not be less than five (5) days after
2 completed service, unless the court or judge orders otherwise.

[C. C. 1953, 1954, modified.]

Sec. 149. Hearing—Default.

1 The hearing may be had in term time or in vacation. The pe-

2 petition shall be taken as confessed by all defendants, except the prin-
3 cipal defendant, who are duly served and who do not appear at the
4 time required by the notice.

[C. C. 1954.]

Sec. 150. Custody Pending Hearing.

1 Pending final hearing, the court may, at any time after the filing
2 of the petition, and on satisfactory showing that it is for the best
3 interest of the alleged feeble-minded person and of the community
4 that such person be at once taken into custody, or that service of
5 notice will be ineffectual if he is not taken into custody, issue a war-
6 rant for the immediate production of such person before the court.
7 In such case the court or judge may make any proper order for the
8 custody or confinement of such person as will protect the defendant
9 and the community and insure the presence of such person at the
10 hearing. Such person shall not be confined with those accused or
11 convicted of crime.

[C. C. 1955.]

Sec. 151. Interrogatories Propounded to Petitioner.

1 The court may require the petitioner to answer under oath such
2 interrogatories as may be propounded by the board of control on
3 forms provided by said board.

[C. C. 1956.]

Sec. 152. Pleadings—Trial.

1 Answers need not, but may be, filed. The hearing on the alle-
2 gations of the petition shall be as in equitable proceedings.

[C. C. 1953, 1958, modified.]

Sec. 153. Trial—How Held.

1 Trials shall be public, unless otherwise requested by the parent,
2 guardian or other person having the custody of the feeble-minded
3 person.

[New.]

Sec. 154. Commission to Examine Principal Defendant.

1 The court shall, at or prior to the final hearing, appoint a com-
2 mission of two (2) qualified physicians, or of one (1) qualified phy-
3 sician and one (1) qualified psychologist, each of whom shall be resi-
4 dents of the county, who shall make a personal examination of the
5 alleged feeble-minded person for the purpose of determining his
6 mental condition.

[C. C. 1957, modified.]

Sec. 155. Report of Commission.

1 Said commission shall report in writing to the court the facts
2 attending the mental condition of said person and its conclusion based
3 thereon and its recommendations concerning such person. It shall
4 also report to the court sworn answers to such questions as may be
5 required on forms to be prepared and furnished by the board of con-
6 trol. Such reports shall be filed with the clerk of the court.

[C. C. 1957, modified.]

Sec. 156. Ruling on Report.

1 No objections or exceptions need be made to said report. The
2 court may set the report aside, and may order a new examination by
3 the same or by a new commission, or may make such finding of fact
4 in lieu of said report as may be justified by the evidence before the
5 court.

[C. C. 1958, modified.]

Sec. 157. When Commission May Be Omitted.

1 No commission need be appointed in those cases where the feeble
2 mindedness of the person is manifest to the court or judge.

[New.]

Sec. 158. Guardianship or Commitment.

1 If it be found that said person is feeble-minded, and that it will
2 be conducive to the welfare of such person and to the community to
3 place such person under guardianship, or to commit such person to
4 some proper institution for treatment, the court or judge shall, by
5 proper order:

6 1. Appoint a guardian of the person of such person, provided no
7 such guardian has already been appointed.

8 2. Commit such person to the state institution for the feeble
9 minded.

10 3. Commit such person to a private institution of this state, duly
11 incorporated for the care of such persons, and approved by the board
12 of control, provided such institution is willing to receive such person.

[C. C. 1959, modified.]

Sec. 159. Jurisdiction Over Commitment.

1 The person committed to any institution shall remain under the
2 jurisdiction of the court and the order of commitment may at any
3 time be set aside or modified by changing the place of or terminating
4 the commitment, and appointing a guardian in lieu thereof; but this
5 section shall not deprive the board of power to transfer committed
6 patients from one institution to another.

[C. C. 1959, modified.]

Sec. 160. Powers of Guardian.

1 A guardian appointed hereunder shall have the same power over
2 the person of his ward as possessed by a parent over a minor child,
3 but shall be subordinate to any duly appointed guardian of the prop-
4 erty of such ward.

[C. C. 1960, modified.]

Sec. 161. Jurisdiction Over Guardianship.

1 Guardianship proceedings shall remain under the jurisdiction of
2 the court. The court or judge may at any time, without application,
3 or on application of any reputable person, terminate such guardian-
4 ship, or remove the guardian and appoint a new guardian, or may
5 order that such feeble-minded person be removed from the custody
6 of the guardian and committed to an institution of the class hereto-
7 fore specified.

[C. C. 1961.]

Sec. 162. Notice of Modification of Order.

1 No order shall be made discharging or varying a prior order
2 placing the feeble-minded person under guardianship without giving
3 one (1) or more of the relatives or a friend of the feeble-minded
4 person, his guardian, or the board of control, notice and an oppor-
5 tunity to be heard.

[C. C. 1961.]

Sec. 163. Inability to Receive Patient.

1 If the state institution is unable forthwith to receive such person,
2 the superintendent shall notify the court or judge of the time when
3 such person will be received and in the meantime the said person shall

4 be restrained and cared for under such order as the court may enter.

[C. C. 1962, modified.]

Sec. 164. Warrant of Commitment.

1 Upon the entry of an order of commitment, the clerk shall de-
2 liver to any suitable person designated by the court or judge, a war-
3 rant of commitment, and a duplicate thereof, commanding such per-
4 son forthwith to deliver the committed person to the institution desig-
5 nated by the court.

[C. C. 1963.]

Sec. 165. Assistants.

1 The judge may, for the purpose of committing said person, direct
2 the clerk to authorize the employment of one (1) or more assistants.
3 No feeble-minded female shall be taken to the institution by any male
4 person not her husband, father, brother, or son, without the attend-
5 ance of some woman of good character and mature age.

[C. C. 1963.]

Sec. 166. Receipt for Patient.

1 The superintendent shall, on the warrant of commitment, receipt
2 for said person. The duplicate warrant shall be left with the super-
3 intendent and shall be his sufficient authority to restrain and care
4 for said committed person.

[C. C. 1962, 1963.]

Sec. 167. Return on Warrant.

1 The person executing said warrant shall make due return thereon
2 of his doings and forthwith file the same with the clerk.

[C. C. 1963.]

Sec. 168. Discharge—Habeas Corpus.

1 No person committed hereunder shall be discharged from the in-
2 stitution except as herein provided, except that nothing herein shall
3 abridge the right of petition for a writ of habeas corpus.

[C. C. 1964.]

Sec. 169. Petition for Discharge.

1 A petition for the discharge of a person who has been committed
2 to an institution under this chapter, or to vary such order of com-
3 mitment, may at any time after six (6) months from the date of such
4 commitment be filed by the person committed or by any reputable
5 person. If the commitment be to a private institution, the petition
6 shall be filed with the court or judge ordering such commitment. If
7 the commitment be to a state institution, the petition shall be filed in
8 the proper court of the county where the institution is situated.

[C. C. 1964, modified.]

Sec. 170. Grounds for Discharge—Modifications of Orders.

1 Discharges and modifications of orders may be made on any of
2 the following grounds:

3 1. That the person adjudged to be feeble-minded is not feeble-
4 minded.

5 2. That said person has so far improved as to be capable of car-
6 ing for himself.

7 3. That the relatives or friends of the feeble-minded person are
8 able and willing to support, and care for him and request his dis-
9 charge, and in the judgment of the superintendent of the institution
10 having the person in charge, no evil consequences are likely to follow
11 such discharge.

12 4. That, for any other cause, said discharge should be made or
13 such modification should be entered.

[C. C. 1964.]

Sec. 171. Notice of Application for Discharge.

1 Notice of the hearing shall be served on the superintendent of
2 the institution and on such parties as the court or judge may find
3 from the record are interested.

[C. C. 1964.]

Sec. 172. Discharge or Modification of Order of Commitment.

1 On the hearing, the court may discharge the feeble-minded per-
2 son from all supervision, control and care, or may place him under
3 guardianship, or may transfer him from a public institution to a
4 private institution, or vice versa, as the court thinks fit under all the
5 circumstances.

[C. C. 1964, modified.]

Sec. 173. Denial of Petition—Adjudication.

1 The denial of one (1) petition for discharge or modification shall
2 be no bar to another on the same or different grounds within a rea-
3 sonable time thereafter, such reasonable time to be determined by
4 the court.

[C. C. 1964.]

Sec. 174. Superintendent to Examine Patient.

1 When a person is committed to an institution, the superintendent,
2 under regulations of the board of control, shall cause the person to
3 be examined, touching his mental condition, and if, on such examina-
4 tion, it is found that the person is not feeble-minded, it shall be the
5 duty of the superintendent to petition the court for his discharge or

6 a modification of the order sending such person to the institution.

[C. C. 1964.]

Sec. 175. Communications.

1 Persons admitted to any such institution shall have all reason-
2 able opportunity and facility for communication with their friends.
3 They shall be permitted to write and send letters, providing they con-
4 tain nothing of an offensive character. Letters written by any inmate
5 to any member of the board of control, or to any state or county offi-
6 cial, shall be forwarded unopened.

[C. C. 1965.]

Sec. 176. Leave of Absence.

1 No leave of absence from any such institution shall be granted
2 to any inmate except for good cause to be determined and approved
3 by the board of control, who shall take appropriate measures to secure
4 for the feeble-minded person proper supervision, control, and care
5 during such leave of absence.

[C. C. 1965, modified.]

Sec. 177. Inquest by Coroner.

1 In the event of a sudden or mysterious death of an inmate of
2 any public or private institution for the feeble minded, a coroner's
3 inquest shall be held. Notice of the death of such person, and the
4 cause thereof, shall in all cases be sent to the judge of the court hav-
5 ing jurisdiction over such person, and the fact of the death, with the
6 time, place, and alleged cause shall be entered upon the docket.

[C. C. 1966.]

Sec. 178. Penalties.

1 Any person who shall seek to have any person adjudged feeble-

2 minded, knowing that such person is not feeble-minded, shall be fined
3 not exceeding one thousand dollars (\$1,000.00), or imprisoned not
4 exceeding one (1) year.

[C. C. 1967.]

Sec. 179. Witness Fees.

1 The fees for attendance of witnesses and execution of legal proc-
2 ess, shall be the same as are allowed by law for similar service in
3 other cases. For service as commissioner, the sum of five dollars
4 (\$5.00) per day and the actual and necessary traveling expenses shall
5 be allowed, to each person.

[C. C. 1968.]

Sec. 180. Costs.

1 The costs of proceedings shall be defrayed from the county treas-
2 ury, unless otherwise ordered by the court. When the person alleged
3 to be feeble-minded is found not to be feeble-minded, the court may
4 render judgment against the person filing the petition, except when
5 the petition is filed by order of court.

[C. C. 1968.]

Sec. 181. When Foreign County Liable.

1 When the proceedings are instituted in a county in which the
2 alleged feeble-minded person was found, but of which he is not a
3 resident, and the costs are not taxed to the petitioner, the county of
4 which such feeble-minded person is a resident shall, on presentation
5 of a properly itemized bill for such costs, repay the same to the former
6 county.

[C. C. 1968.]

Sec. 182. Persons Liable for Costs and Maintenance.

1 Costs incident to guardianship and to the trial and commitment
2 of a feeble-minded person to such institution, including the cost of
3 maintenance therein, may be collected of such feeble-minded person
4 and of all persons legally chargeable with the support of such feeble-
5 minded person.

[C. C. 1969.]

Sec. 183. Proceeding in Juvenile Court Against Delinquent Child.

1 When in proceedings against an alleged delinquent or dependent
2 child, the court or judge is satisfied from any evidence that such child
3 is probably feeble-minded, the court or judge may order a continuance
4 of such proceedings, and may direct an officer of court or other proper
5 person to file a petition against said child under this chapter, and,
6 pending hearing, may, by order, provide proper custody for such child.

[C. C. 1970.]

**Sec. 184. Suspending Criminal Proceeding on Appearance of Feeble Mind-
edness.**

1 If, on the conviction in the district, superior, or municipal court
2 of any person for any crime, or for any violation of any municipal
3 ordinance, or if, on the conviction in said courts of a child for de-
4 pendency or delinquency, it appears to the court or judge before sen-
5 tence, from any evidence, that such convicted person is probably feeble-
6 minded within the meaning of this chapter, the court or judge may
7 suspend sentence or order, and may order any officer of the court or
8 other proper person to file a petition under this chapter against said
9 person and pending hearing thereon shall provide for the custody of

10 said person as directed in the preceding section.

[C. C. 1971.]

Sec. 185. Passing Sentence.

1 Should it be found, under the two (2) preceding sections, that
2 said person is not feeble-minded, the court shall proceed with the
3 original proceedings as though no petition had been filed.

[C. C. 1971.]

Sec. 186. Transfers From Home for Feeble Minded.

1 The board of control may at any time transfer any patient from
2 the home for the feeble minded to the hospitals for the insane, and
3 vice versa.

[C. C. 1972.]

Sec. 187. Wards Committed to Hospitals for Insane.

1 If it appears at any time that a person has been, under the pro-
2 visions of this chapter, placed under guardianship or committed to
3 a private institution and ought to be committed to a hospital for the
4 insane, he may be proceeded against under the chapters relating to
5 the insane.

[C. C. 1972.]

Sec. 188. Inmates in Private Asylums for Insane.

1 When the mental condition of a person in a private institution
2 for the insane is found to be such that such patient ought to be trans-
3 ferred to an institution for the feeble minded, or placed under guard-
4 ianship, such person may be proceeded against under this chapter.

[C. C. 1972.]

Sec. 189. Clothing and Money on Discharge.

1 All persons discharged from a state institution for the feeble

2 minded shall, unless otherwise supplied, be furnished at state expense
3 with suitable clothing and money, not exceeding twenty dollars
4 (\$20.00), sufficient to defray his expenses home. Said expense shall
5 be charged to the county of the person's residence and collected as in
6 case of clothing furnished to inmates while in the custody of the
7 institution.

[C. C. 1973.]

Sec. 190. Escape.

1 If any feeble-minded person shall escape from an institution for
2 the feeble minded, it shall be the duty of the superintendent of the
3 institution and his assistants, and all peace officers of any county in
4 which such inmate may be found, to take and detain him without a
5 warrant and at once report such detention to the superintendent.

[C. C. 1950, 1974.]

Sec. 191. Expense of Recapture.

1 All actual and necessary expenses incurred in the capture, re-
2 straint and return of the inmates to the hospital shall be paid on
3 itemized vouchers, sworn to by the claimants and approved by the
4 superintendent and the board of control, from any money in the state
5 treasury not otherwise appropriated.

[C. C. 1974.]

Sec. 192. Separate Docket.

1 Each court having jurisdiction under this chapter shall keep a
2 separate docket of proceedings in which shall be made such entries
3 as will, together with the papers filed, preserve a complete and perfect
4 record of each case. The original petitions, writs, and returns made
5 thereto, and the reports of commissions shall be filed with the clerk

6 of the court.

[C. C. 1975.]

Sec. 193. Record by Board of Control.

1 The board of control shall keep a record of all persons adjudged
2 to be feeble-minded, and of the orders respecting them by the courts
3 throughout the state, copies of which orders shall be furnished by
4 the clerk of the court without the board's application therefor.

[C. C. 1976.]

Sec. 194. Admission of Voluntary Patients.

1 Nothing in this chapter shall be construed to prevent the recep-
2 tion at the institution for the feeble minded of voluntary patients
3 under such rules as the board of control may prescribe.

[New.]

CHAPTER 7.

HOSPITAL FOR EPILEPTICS.

Sec. 195. Hospital for Epileptics.

1 The state hospital and colony for epileptics shall be known as
2 the hospital for epileptics, and shall be maintained for the purpose
3 of securing humane, curative and scientific care and treatment of
4 epileptics.

[C. C. 1978.]

Sec. 196. Qualification of Superintendent—Salary.

1 The superintendent shall be a well educated physician with at
2 least five (5) years' experience in the actual practice of medicine,
3 and shall receive a salary not exceeding three thousand dollars
4 (\$3,000.00) per annum.

[C. C. 1980.]

Sec. 197. Duties.

1 The superintendent shall:

2 1. Perform all duties required by law, and by the board of con-
3 trol, not inconsistent with law.

4 2. Oversee and secure the individual treatment and professional
5 care of each patient in the hospital.

6 3. Keep a full and complete record of the condition of each
7 patient.

8 4. Have the general superintendency of said hospital and all
9 property connected therewith.

10 5. Direct and control all subordinate officers, employees, and in-
11 mates under such rules as the board may prescribe.

12 6. Have the custody of, and restrain and discipline all patients
13 in such manner as he may deem best, subject to the regulations of
14 the board.

[C. C. 1981.]

Sec. 198. Admission of Inmates.

1 All adults afflicted with epilepsy who have been residents of Iowa
2 for at least one (1) year preceding the application for admission, and
3 all children so afflicted whose parents or guardians have been resi-
4 dents of Iowa for a like period shall be eligible for admission.

[C. C. 1979.]

Sec. 199. Compensation for Private Patients.

1 The board shall fix and enforce the rate of compensation to be
2 paid by private patients in said hospital. All money paid under the
3 provisions of this section shall be received by the chief executive officer
4 of the institution and remitted each month to the treasurer of state

5 and placed to the credit of the support fund of the institution by the
6 treasurer and auditor of state.

[C. C. 1978.]

Sec. 200. Voluntary Patients Rendered Custodial Patients.

1 When a sane patient has voluntarily entered said hospital, either
2 through his own action or through the action of the parent or guard-
3 ian, and afterward, while in the hospital, becomes violent or insane,
4 the board of control, on written complaint, may, after due hearing,
5 commit said patient to said hospital as an insane epileptic. Such
6 order of commitment shall be noted upon the records of the hospital,
7 and shall have the same force and effect as an order of commitment
8 by the commissioners of insanity, and with the same right of appeal.

[C. C. 1982.]

Sec. 201. Commitments by Commissioners of Insanity.

1 All laws relating to the commitment of insane persons to the
2 hospitals for the insane, in so far as applicable, shall apply to commit-
3 ments of epileptics to the hospital for epileptics.

[C. C. 1983.]

Sec. 202. Transfer of Inmates.

1 The board shall have power to transfer epileptics from any other
2 institution under its control to the hospital for epileptics, to transfer
3 insane epileptics from the hospital for epileptics to other state insti-
4 tutions, and to retransfer such epileptics if deemed expedient.

[C. C. 1978.]

Sec. 203. Discharge of Patient.

1 Any person who has voluntarily entered said hospital as an epi-
2 leptic patient and is sane, may at any time obtain his discharge by

3 giving at least ten (10) days' written notice of his desire for dis-
4 charge. The parent or guardian of a minor child, which child has
5 been voluntarily placed in said hospital as an epileptic patient and
6 who is sane, may obtain the discharge of such child by giving such
7 notice. A patient discharged under this section may not be again
8 admitted except under a warrant of commitment.

[C. C. 1982.]

Sec. 204. Clothing.

1 The superintendent of the hospital for epileptics shall, unless
2 otherwise provided, furnish each inmate with suitable clothing, the
3 cost of which shall be certified and paid in the same manner in which
4 clothing for inmates of the institution for feeble minded is certified
5 and paid.

[New.]

Sec. 205. Per Capita Allowance—Appropriation.

1 The board of control shall fix the allowance which may be charged
2 by the said hospital for epileptics for the care, treatment, and main-
3 tenance of each patient therein, which shall not exceed the sum of
4 twenty-four dollars (\$24.00) per capita per month, which shall be
5 based upon reports of the superintendent to the board, and there is
6 appropriated out of any unappropriated money in the state treasury,
7 or so much thereof as may be needed, such allowance monthly for each
8 inmate supported by the state, counting actual time such person is
9 an inmate and so supported. The superintendent on the first day of
10 each month shall certify to the board the average number of persons
11 supported by the state in the hospital for the preceding month. Upon
12 receipt of such certificate the board shall certify to the auditor and

13 treasurer of state the total amount payable by the state for the sup-
14 port of the hospital for the preceding month, and the auditor and
15 treasurer of state shall credit the hospital with said amount. The
16 amount so credited shall be drawn from the state treasury in the man-
17 ner provided in chapter two (2) of this title.

[C. C. 1984.]

Sec. 206. Minimum Appropriation.

1 If the number of patients in said hospital for epileptics is less
2 than three hundred (300) the sum of seven thousand dollars
3 (\$7,000.00) per month, or so much thereof as may be necessary, is
4 hereby appropriated out of any funds in the state treasury not other-
5 wise appropriated for the support and maintenance of said hospital,
6 and upon presentation of the proper certificate by the board, the au-
7 ditor and treasurer of state shall credit said institution with said
8 amount for that month, and said amount shall be drawn from the
9 state treasury in the same manner and for the same purposes as the
10 regular monthly per capita allowance is drawn.

[C. C. 1984.]

CHAPTER 8.

DRUG HABITUATES.

Sec. 207. Commitment of Drug Habituates.

1 Persons addicted to the excessive use of morphine, cocaine or
2 other narcotic drugs may be committed by the commissioners of in-
3 sanity of each county, to such institutions as the board of control may
4 designate.

[C. C. 1985-2017, modified.]

Sec. 208. Statutes Applicable.

1 All statutes governing the commitment, custody, treatment and
2 maintenance of the insane shall, so far as applicable, govern the com-
3 mitment, custody, treatment and maintenance of those addicted to
4 the excessive use of such drugs.

[C. C. 1985-2017, modified.]

Sec. 209. Term of Commitment—Parole.

1 Persons committed under the two (2) preceding sections shall
2 be retained in custody until cured, except that such inmates may be
3 paroled under such conditions as the board of control may prescribe.

[C. C. 1985-2017.]

Sec. 210. Places of Commitment.

1 The board of control shall designate the institutions to which
2 commitments may be made under this chapter, and to that end may
3 divide the state into districts, and shall promptly notify each clerk of
4 the district court of such designation and all changes therein.

[New.]

Sec. 211. Insanity of Narcotic Habituates.

1 Should a person, committed because of his excessive use of nar-
2 cotic drugs, become insane, the board of control, on complaint of the
3 superintendent having the custody of such person, and on due hear-
4 ing, may order such person committed to a hospital for the insane.
5 Such order shall have the same force and effect as though entered
6 by the commissioners of insanity of the county of the patient's resi-
7 dence, and such person may appeal from such order in the same man-
8 ner in which appeals are allowed from the orders of the commissioners
9 of insanity.

[C. C. 1985-2017.]

CHAPTER 9.

STATE HOSPITALS FOR INSANE.

Sec. 212. Official Designation.

- 1 The hospitals for the insane shall be designated as follows:
- 2 1. Mount Pleasant state hospital.
- 3 2. Independence state hospital.
- 4 3. Clarinda state hospital.
- 5 4. Cherokee state hospital.

[C. C. 2018.]

Sec. 213. Qualification of Superintendent.

- 1 The superintendent of each hospital shall be a physician of
- 2 acknowledged skill and ability in his profession and authorized to
- 3 practice medicine in this state. The same person shall not hold the
- 4 office of superintendent and steward.

[C. C. 2019, 2020.]

Sec. 214. Qualifications of Assistant Physicians.

- 1 The assistant physicians shall be of such character and quali-
- 2 fications as to be able to perform the ordinary duties of the superi-
- 3 intendent during his absence or inability to act.

[C. C. 2023.]

Sec. 215. Salary of Superintendent.

- 1 The salary of the superintendent of each hospital shall not excee
- 2 three thousand dollars (\$3,000.00) per annum.

[C. C. 2020.]

Sec. 216. Superintendent as Witness.

- 1 The superintendents and the assistant physicians of said hospitals
- 2 when called as witnesses in any court shall be paid the same witness

3 fee and mileage which other witnesses are paid, and in the same
4 manner.

[C. C. 2022, modified.]

Sec. 217. Duties of Superintendent.

1 The superintendent shall:

2 1. Have the entire control of the medical, mental, moral, and
3 dietetic treatment of the patients in his custody.

4 2. Require all subordinate officers and employees to perform their
5 respective duties.

6 3. Have an official seal with the name of the hospital and the word
7 "Iowa" thereon and affix the same to all notices, orders of discharge or
8 other paper required to be given by him.

9 4. Keep proper books in which shall be entered all moneys and
10 supplies received on account of any patient and a detailed account of
11 the disposition of the same.

12 5. Report, in December of each year, to each county, the mental
13 and physical condition of each patient from said county and the prob-
14 able safety of removing any such patient to the county hospital.

[C. C. 2020, 2021.]

Sec. 218. Order of Receiving Patients.

1 Preference in the reception of patients into said hospitals shall be
2 exercised in the following order:

3 1. Cases of less duration than one (1) year.

4 2. Chronic cases, where the disease is of more than one (1) year's
5 duration, presenting the most favorable prospect for recovery.

6 3. Those for whom application has been longest on file, other
7 things being equal.

8 Where cases are equally meritorious in all other respects, the indi-
9 gent shall have the preference.

[C. C. 2024.]

Sec. 219. Idiots Not Receivable in State Hospitals.

1 No idiot shall be admitted to a state hospital for the insane. The
2 term "idiot" is restricted to persons foolish from birth, supposed to be
3 naturally without mind.

[C. C. 2073.]

Sec. 220. Custody of Patient—Justification.

1 The superintendent, upon the receipt of a duly executed warrant
2 of commitment of a patient into the hospital for the insane, accom-
3 panied by the physician's certificate provided by law, shall take such
4 patient into custody and restrain him as provided by law and the rules
5 of the board of control, without liability on the part of such superin-
6 tendent and all other officers of the hospital to prosecution of any kind
7 on account thereof, but no person shall be detained in the hospital who
8 is found by the superintendent to be sane.

[C. C. 2025.]

Sec. 221. Equal Treatment.

1 The several patients, according to their different conditions of
2 mind and body, and their respective needs, shall be provided for and
3 treated with equal care.

[C. C. 2026.]

Sec. 222. Special Care Permitted.

1 Patients may have such special care as may be agreed upon with
2 the superintendent, if the friends or relatives of the patient will pay
3 the expense thereof. Charges for such special care and attendance

4 shall be paid quarterly in advance.

[C. C. 2026.]

Sec. 223. Monthly Visitation—Women Inspectors.

1 The board shall make monthly and thorough examinations of
2 each hospital. It may appoint a woman to make examinations of any
3 hospital and to make written report thereof to the board. Such women
4 inspectors shall be paid four dollars (\$4.00) for each day actually
5 employed in the discharge of her duties and in addition her necessary
6 traveling expenses. Such compensation and expenses shall be paid
7 from the funds of the institution in the manner provided for the pay-
8 ment of current expenses.

[C. C. 2027.]

Sec. 224. Inmates Allowed to Write.

1 The names of the members of the board and their postoffice
2 addresses shall be kept posted in every ward in each hospital. Every
3 inmate shall be allowed to write once a week what he pleases to said
4 board and to any other person. The superintendent may send letters
5 addressed to other parties to the board of control for inspection before
6 forwarding them to the individual addressed.

[C. C. 2028.]

Sec. 225. Writing Material Furnished.

1 Every inmate shall be furnished by the superintendent or party
2 having charge of such person, at least once in each week, with suitable
3 materials for writing, inclosing, sealing and mailing letters, if he re-
4 quests the same. If the inmate does not make use of such material
5 for the purpose intended, it may be denied him by order of the board.

[C. C. 2029.]

Sec. 226. Letters to Members of Board.

1 The superintendent or other officer in charge of an inmate shall,
2 without reading the same, receive all letters addressed to members of
3 the board, if so requested, and shall properly mail the same, and de-
4 liver to such inmate all letters or other writings addressed to him.
5 Letters written to the person so confined may be examined by the
6 superintendent, and if, in his opinion, the delivery of such letters would
7 be injurious to the person so confined, he shall return the letters to
8 the writer with his reasons for not delivering them.

[C. C. 2030.]

Sec. 227. Escape and Recapture.

1 It shall be the duty of the superintendent and of all other officers
2 and employees of any of said hospitals, in case of the escape of any
3 patient, to exercise all due diligence to recapture and return said
4 patient to the hospital. A notification by the superintendent of such
5 escape to any peace officer of the state, or to any private person shall
6 be sufficient authority to such officer or person to take and return
7 such patient to the hospital.

[C. C. 2031.]

Sec. 228. Expense Attending Recapture.

1 All actual and necessary expenses incurred in the capture, re-
2 straint and return to the hospital of the patient shall be paid on item-
3 ized vouchers, sworn to by the claimants and approved by the super-
4 intendent and the board of control, from any money in the state treas-
5 ury not otherwise appropriated.

[C. C. 2031.]

Sec. 229. Assisting Escape.

1 Any person who shall unlawfully assist the escape from any state
2 hospital for the insane of any patient duly committed thereto for
3 treatment shall be guilty of a misdemeanor.

[New.]

Sec. 230. Investigation as to Sanity.

1 The board may investigate the mental condition of any inmate and
2 shall discharge any person, if, in its opinion, such person is not insane,
3 or can be cared for after such discharge without danger to others, and
4 with benefit to the patient, but in determining whether such patient
5 shall be discharged, the recommendation of the superintendent shall
6 be secured. The power to investigate the mental condition of an
7 inmate is merely permissive, and does not repeal or alter any statute
8 respecting the discharge or commitment of inmates of the state hos-
9 pitals.

[C. C. 2032.]

Sec. 231. Discharge—Certificate.

1 All patients shall be discharged immediately on regaining their
2 sanity, and the superintendent shall issue duplicate certificates of full
3 recovery, one (1) of which he shall deliver to the recovered patient,
4 and the other of which he shall forward to the clerk of the district
5 court of the county from which the patient was committed.

[C. C. 2033.]

Sec. 232. Duty of Clerk.

1 The said clerk shall, immediately on receipt of such certificate,
2 record the same at length in the record of the proceedings against said
3 party as an insane person.

[C. C. 2033.]

Sec. 233. Certificate and Record as Evidence.

1 Either of said certificates or the record thereof shall be presump-
2 tive evidence of the recovery of such person, and shall restore him to
3 all his civil rights.

[C. C. 2033, modified.]

Sec. 234. Clothing Furnished.

1 Upon such discharge the superintendent shall furnish such per-
2 son, unless otherwise supplied, with suitable clothing and a sum of
3 money not exceeding twenty dollars (\$20.00), which shall be charged
4 with the other expenses of such patient in the hospital.

[C. C. 2033.]

Sec. 235. Discharge of Harmless Incurables.

1 The relatives of any patient not susceptible of cure by remedial
2 treatment in the hospital, and not dangerous to be at large, shall have
3 the right to take charge of and remove him with the consent of the
4 board of control.

[C. C. 2033.]

Sec. 236. Certificate Covering Subsequent Recovery.

1 When a patient is discharged at a time when he has not fully
2 recovered his sanity, he may at any time, under such rules as the
3 board of control may prescribe, apply to the superintendent of the hos-
4 pital where he was confined for a certificate of recovery. The super-
5 intendent, under like rules, shall examine such person or cause such
6 examination to be made and if satisfied that such person has regained
7 his sanity, shall issue duplicate certificates showing such recovery.

[New.]

Sec. 237. Delivery of Certificate and Effect Thereof.

1 The duplicate certificates mentioned in the preceding section shall
2 be delivered as in case of a discharge when cured, and the same record
3 shall be made with the same effect.

[New.]

Sec. 238. Discharge of Incurables.

1 The board of control, on the recommendation of the superintend-
2 ent, and on the application of the relatives or friends of a patient who
3 is not cured and who cannot be safely allowed to go at liberty, may
4 release such patient when fully satisfied that such relatives or friends
5 will provide and maintain all necessary supervision, care, and restraint
6 over such patient.

[C. C. 2034, modified.]

Sec. 239. Return of Patient Accused of Crime.

1 When an inmate of any state hospital who was committed to such
2 hospital at a time when he was formally accused of crime in any
3 county of the state, regains his reason, the superintendent shall there-
4 upon issue his warrant for the return of such person to the jail of the
5 county in which such charge is pending and notify the sheriff of such
6 county accordingly who shall proceed to such hospital and execute such
7 warrant.

[C. C. 2072.]

Sec. 240. Return by Sheriff.

1 The sheriff shall in writing make his return of service on said
2 warrant and deliver such warrant and return to the clerk of the dis-
3 trict court of his county. Said clerk shall forthwith make a copy of
4 the warrant and return and mail the same to the said superintendent

5 who shall file and preserve it.

[C. C. 2072.]

Sec. 241. Discharge of Criminal Insane.

1 No patient who may be under criminal charge or conviction shall
2 be discharged without the order of the district court or judge, and
3 notice to the county attorney of the proper county.

[C. C. 2034.]

Sec. 242. Transfer of Dangerous Inmates.

1 When an inmate of any insane asylum becomes incorrigible, and
2 unmanageable to such an extent that he is dangerous to the safety of
3 others in the asylum, the board may apply in writing to the district
4 court or to any judge thereof, of the county in which such asylum is
5 situated for an order to transfer said inmate to the department for the
6 insane in the men's reformatory and if such order be granted such
7 inmate shall be so transferred. The county attorney of said county
8 shall appear in support of such application on behalf of the board.

[New.]

Sec. 243. Examination by Court—Notice.

1 Before granting the order authorized in the preceding section
2 the court or judge shall investigate the allegations of the petition and
3 before proceeding to a hearing thereon shall require notice to be served
4 on any relative, friend, or guardian of the person in question of the
5 filing of said application. On such hearing the court or judge shall
6 appoint a guardian ad litem for said person, if it deems such action
7 necessary to protect the rights of such person.

[New.]

Sec. 244. Discharge of Incurables.

1 The board shall order the discharge or removal from the hospital
2 of incurable and harmless patients whenever it is necessary to make
3 room for recent cases.

[C. C. 2035.]

Sec. 245. Notice to Commissioners.

1 When a patient who has not fully recovered is discharged from
2 the hospital without application therefor, notice of the order shall at
3 once be sent to the commissioners of insanity of the county of which
4 the patient is a resident, and the commissioners shall forthwith cause
5 the patient to be removed, and shall at once provide for his care in
6 the county as in other cases.

[C. C. 2036.]

Sec. 246. Inquest.

1 A coroner's inquest shall be held in those cases where a death
2 shall occur suddenly and without apparent cause, or a patient die and
3 his relatives so request, but in the latter case the relatives making the
4 request shall be liable for the expenses of the same, and payment
5 therefor may be required in advance.

[C. C. 2037.]

Sec. 247. Monthly Allowance.

1 The board of control shall, from time to time, on the reports of
2 the superintendents, fix the monthly allowance which may be charged
3 by each of the hospitals for the insane for the board and care of each
4 patient therein, which shall not exceed twenty-four dollars (\$24.00)
5 for each patient, and such amount is appropriated from any unappro-

6 priated funds in the state treasury, or so much thereof as may be
7 needed.

[C. C. 2038.]

Sec. 248. Certificate of Allowance.

1 The superintendent of each hospital for the insane, on the first
2 day of each month, shall certify to the board the average number of
3 inmates supported by the state in the hospital of which he is superin-
4 tendent for the preceding month. Upon receipt of such certificate
5 the board shall certify to the auditor and treasurer of state the total
6 amount payable by the state for the support of said hospital for the
7 preceding month, and the auditor and treasurer of state shall credit
8 the hospital with said amount. The amount so credited shall be drawn
9 from the state treasury in the manner provided in chapter two (2)
10 of this title.

[C. C. 2038.]

CHAPTER 10.

COUNTY AND PRIVATE HOSPITALS FOR INSANE.

Sec. 249. County and Private Hospitals for Insane.

1 All county and private institutions wherein insane persons are
2 kept shall be under the supervision of the board of control of state
3 institutions.

[C. C. 2044.]

Sec. 250. Inspection.

1 Said board shall make or cause to be made, at least two (2)
2 inspections each year of every private and county institution wherein
3 insane persons are kept. Such inspection shall be made by the mem-
4 bers of the board or by some competent and disinterested person ap-

5 pointed by it. Written report as to such inspections shall be filed
6 with the board and shall embrace :

7 1. The capacity of said institution for the care of patients.

8 2. The number and sex of the inmates kept therein.

9 3. The arrangement, method of construction, and adaptability of
10 buildings for the purposes intended.

11 4. The condition of buildings as to sewerage, ventilation, light,
12 heat, cleanliness, means of water supply, fire escapes and fire pro-
13 tection.

14 5. The care of patients, their food, clothing, medical treatment,
15 and employment.

16 6. The number, kind, sex, duties and salaries of all employees.

17 7. The cost to the state or county of maintaining insane patients
18 therein, separate from the cost of maintaining sane paupers.

19 8. Such other matters as the board of control may require.

[C. C. 2045.]

Sec. 251. Patients to Have a Hearing.

1 The inspector shall see all patients in the institutions and give
2 each an opportunity to converse with him out of the hearing of any
3 officer or employee of the institution, and shall fully investigate all
4 complaints and report the result thereof in writing to said board.
5 The board, before acting on said report adversely to the institution,
6 shall give the persons in charge thereof a copy of such report and an
7 opportunity to be heard.

[C. C. 2046.]

Sec. 252. Compensation of Inspectors.

1 Inspectors under appointment by the board shall receive a salary

2 of not to exceed five dollars (\$5.00) per day for the time actually and
3 necessarily employed in making the inspection and in going to and
4 from the place of inspection, and actual expenses as an employee of
5 the board.

[C. C. 2047.]

Sec. 253. Appropriation for Inspection.

1 There is hereby appropriated out of any money in the state treas-
2 ury not otherwise appropriated the sum of three thousand dollars
3 (\$3,000.00) annually for paying the expenses of inspecting county
4 and private institutions in which insane persons are kept, and insti-
5 tutions receiving children under chapters fifteen (15) and sixteen
6 (16), of this title. At the end of each biennial period the board of
7 control shall cause to be transferred to the general funds of the treas-
8 ury any balance of the sums hereby appropriated not required for the
9 payment of the expenses of the period.

[C. C. 2140.]

Sec. 254. Rules.

1 The board of control shall, from time to time, adopt reasonable
2 rules touching the care and treatment of, and make orders in relation
3 to, such insane patients as may be kept in said institutions, which
4 rules shall not interfere with the medical treatment given to private
5 patients by competent physicians. Copies of such rules, when adopted,
6 shall be mailed to the chief executive officer of each private institu-
7 tion, and to the clerk of the district court, the chairman of the board
8 of supervisors, and the officer in charge of the institution in all coun-
9 ties having county institutions caring for insane persons.

[C. C. 2048.]

Sec. 255. Removal of Patients.

1 Said board, in case of failure to comply with such rules, is au-
2 thorized to remove all said insane persons kept in such institutions
3 at public expense, to the proper state hospital, or to some private or
4 county institution or hospital for the care of the insane that has com-
5 plied with the rules prescribed by said board, such removal of patients,
6 if to a state hospital, to be made by an attendant or attendants sent
7 from the state hospital. If a female is removed under the provisions
8 of this section, at least one (1) attendant shall be a female.

[C. C. 2049.]

Sec. 256. Cost of Removal—Collection From County.

1 The cost of such removal, including all expenses of said attend-
2 ant, shall be certified by the superintendent of the hospital receiving
3 the patient, to the auditor of state, who shall draw his warrant upon
4 the treasurer of state for said sum, which shall be credited to the
5 support fund of said hospital and charged against the general reve-
6 nues of the state and collected by the auditor of state from the county
7 which sent said patient to said institution.

[C. C. 2049.]

Sec. 257. Notification to Guardians.

1 The board of control shall notify the guardian, or one (1) or
2 more of the relatives, of patients kept at private expense, of all vio-
3 lations of said rules by said private or county institutions, and of the
4 action of the board as to all other patients.

[C. C. 2049.]

Sec. 258. Investigating Sanity of Inmate.

1 Should the board believe that any person in any such county or

2 private institution is sane, or illegally restrained of liberty, it shall
3 institute and prosecute proceedings in the name of the state, before
4 the proper officer, board or court, for the discharge of such person.

[C. C. 2049.]

Sec. 259. Transfers From County or Private Institutions.

1 Patients who are suffering from acute insanity, and who are vio-
2 lent, and confined at public expense in any such institution, may be
3 removed by the board of control to the proper state hospital for the
4 insane when, on competent medical testimony, the board finds that
5 said patient can be better cared for and with better hope of recovery
6 in the state hospital. Such removal shall be at the expense of the
7 proper county. Said expense shall be recovered as provided in the
8 third preceding section.

[C. C. 2050.]

Sec. 260. Transfers From State Hospitals—Exceptions.

1 A county chargeable with the expense of a patient in a state hos-
2 pital for the insane shall remove such patient to a county or private
3 institution for the insane which has complied with the aforesaid rules
4 when the board so orders on a finding that said patient is suffering
5 from chronic insanity and will receive equal benefit by being so trans-
6 ferred. In no case shall a patient, the relative or guardian of whom
7 pays the expense of their keep in a state hospital, be thus transferred
8 except upon the written consent of such relative or guardian.

[C. C. 2050.]

Sec. 261. Transfers Generally.

1 Any patient in a state hospital for the insane, who is maintained
2 at public expense, may, with the approval of the board of control, be

3 transferred to a county or private institution for the insane on the
4 written request of the board of supervisors and of the commissioners
5 of insanity.

[C. C. 2050.]

Sec. 262. Difference of Opinion—How Adjudicated.

1 When a difference of opinion exists between the board of control
2 and the authorities in charge of any private or county asylum in
3 regard to the removal of a patient or patients as herein provided, the
4 matter shall be submitted to the district court, or judge thereof, of
5 the county in which such asylum is situated and shall be summarily
6 tried as an equitable action, and the judgment of the district court
7 or judge shall be final.

[C. C. 2053.]

Sec. 263. Discharge of Transferred Patient.

1 Patients transferred from a state hospital to such county or pri-
2 vate institutions shall not be discharged, when not cured, without
3 the consent of the board of control.

[C. C. 2050.]

Sec. 264. Caring for Insane of Other Counties.

1 Boards of supervisors of counties having no proper facilities for
2 caring for the insane, may, with the consent of the board of control,
3 provide for such care at the expense of the county in any convenient
4 and proper county or private institution for the insane which is will-
5 ing to receive them.

[C. C. 2051.]

Sec. 265. Authority of Private Asylums.

1 No person shall be confined and restrained in any private insti-

2 tution or hospital for the care or treatment of the insane, except upon
3 the certificate of the board of commissioners of insanity of the county
4 in which such person resides, or of two (2) reputable physicians, at
5 least one (1) of whom shall be a bona fide resident of this state, who
6 shall certify that such person is a fit subject for treatment and re-
7 straint in said institution or hospital, which certificate shall be the
8 authority of the owners and officers of said hospital or institution for
9 receiving and confining said patient or person therein.

[C. C. 2052.]

CHAPTER 11.

COMMISSIONERS OF INSANITY.

Sec. 266. **Commissioners of Insanity.**

1 In each county there shall be a board of three (3) commissioners
2 of insanity. In counties having two (2) places where district court
3 is held there shall be one (1) such board at each place.

[C. C. 2054.]

Sec. 267. **Personnel of Board.**

1 Said board shall consist of the clerk of the district court, one
2 (1) reputable physician in actual practice, and one (1) reputable at-
3 torney in actual practice. Said two (2) latter members shall reside
4 as conveniently as may be to the place where the district court is
5 held. In the absence or inability of the clerk to act in any case, his
6 deputy may act.

[C. C. 2054.]

Sec. 268. **Appointment and Term.**

1 Said board shall be appointed by the district court or judges
2 thereof. If made in vacation the appointment shall be by written

3 order, signed by the judges and recorded by the clerk. Appointments
4 shall be for two (2) years and be so arranged that the term of one
5 (1) commissioner shall expire each year. The appointment of suc-
6 cessors may be made at any time within three (3) months prior to
7 the expiration of the term of the incumbent.

[C. C. 2054.]

Sec. 269. Organization.

1 The members shall organize by choosing one (1) of their number
2 president. The clerk of the district court or his deputy shall be clerk
3 of the commission. The board shall hold their meetings at the office
4 of the clerk, unless for good reasons they shall fix on some other place,
5 and shall also meet on notice from the clerk or his deputy.

[C. C. 2054.]

Sec. 270. Temporary Vacancy.

1 In the temporary absence or inability of two (2) commissioners
2 to act, the commissioner present may call to his aid, temporarily, a
3 person possessed of the qualification required for a member, who, after
4 qualifying as in other cases, may act in the same capacity. If one
5 (1) of the absent members is a clerk, his deputy shall act. The record
6 in such cases must show the facts.

[C. C. 2054.]

Sec. 271. Duty of Clerk.

1 The clerk of said board shall:

2 1. Issue all process required to be given by the board, and affix
3 thereto his seal as clerk of the court.

4 2. File and preserve in his office all papers and records connected
5 with any inquest by the commissioners.

6 3. Keep separate books of the proceedings of the board with en-
7 tries sufficiently full to show, with the papers filed, a complete record
8 of its findings, orders and proceedings.

[C. C. 2055.]

Sec. 272. Service of Notice—Reports.

1 The notices, reports and communications required to be given
2 or made by said board may be sent by mail, unless otherwise expressed,
3 and the facts and date of such sending and their reception must be
4 noted on the proper record.

[C. C. 2055.]

Sec. 273. Jurisdiction.

1 Said board shall have jurisdiction:

2 1. Of all applications for admission to the state hospitals for the
3 insane, or for the otherwise safe-keeping of insane persons within its
4 respective county, except when otherwise provided.

5 2. To issue subpoenas and compel obedience thereto, to admin-
6 ister oaths, and to do any act of a court necessary and proper in the
7 discharge of their duties.

[C. C. 2056.]

Sec. 274. Compensation and Expenses.

1 Compensation and expenses shall be allowed as follows:

2 1. To each commissioner, three dollars (\$3.00) for each day ac-
3 tually employed in the duties of his office as such commissioner and
4 necessary and actual expenses, not including charges for board.

5 2. To the clerk, in addition to compensation as a commissioner,
6 one-half ($\frac{1}{2}$) as much more for making the required record entries
7 in all cases of inquest and of meetings of the board, and twenty-five

8 cents (25c) for each process issued under seal.

9 3. To the examining physician, when not a member of the com-
10 mission, the same fees as a commissioner and in addition mileage of
11 five cents (5c) per mile each way.

12 4. To witnesses, the same fees as witnesses in the district court.

13 5. Fees on appeal shall be the same as in ordinary actions.

[C. C. 2057.]

Sec. 275. Costs—How Paid.

1 The compensation and expenses provided for above, and the fees
2 of the sheriff provided for in such cases, shall be allowed and paid
3 out of the county treasury in the usual manner.

[C. C. 2057.]

Sec. 276. Transportation Expenses.

1 When funds to pay the expenses of transporting a patient to a
2 hospital are needed in advance, the commissioners shall estimate the
3 probable expense, including the necessary assistance, and not includ-
4 ing the compensation allowed the sheriff, and on such estimate, certi-
5 fied by the clerk, the auditor of the county shall issue a county war-
6 rant for the amount, as estimated, in favor of the sheriff or other per-
7 son intrusted with the execution of such warrant of commitment.
8 The sheriff or other person executing such warrant, shall accompany
9 his return with a statement of the expenses incurred, and the excess
10 or deficiency may be deducted from or added to his compensation, as
11 the case may be. If funds are not so advanced, such expenses shall
12 be certified and paid in the manner above prescribed on the return
13 of the warrant. When the commissioners order the return of a pa-
14 tient, compensation and expenses shall be in like manner allowed.

[C. C. 2057.]

CHAPTER 12.

COMMITMENT AND DISCHARGE OF INSANE.

Sec. 277. Form of Information.

1 Applications for admission to the hospitals for the insane shall
2 be by verified information which shall allege and show:

3 1. That the person in whose behalf the application is made is
4 believed to be insane, and a fit subject for custody and treatment in
5 the hospital.

6 2. That such person has been found in the county.

7 3. The place of residence of such person or where it is believed
8 to be, or that such residence is not known.

[C. C. 2058.]

Sec. 278. Insane Charged With Crime.

1 Said commissioners shall not have jurisdiction to entertain such
2 information against a person confined in any prison within the county
3 under a formal charge of crime unless such information is filed with
4 them prior to the time when such person is put on trial for such
5 crime. After an investigation such as contemplated in this section,
6 the commissioners shall not entertain a like application within six
7 (6) months on behalf of said person.

[C. C. 2071.]

Sec. 279. Hearing—Custody.

1 On the filing of such information, the commissioners, if satisfied
2 that there is reasonable cause therefor, may require the alleged insane
3 person to be brought before them and, to this end, **may** issue their
4 warrant to any peace officer of the county. The commissioners may
5 provide for the custody of such person until their investigation is

6 concluded.

[C. C. 2059.]

Sec. 280. Hearings.

1 Hearings shall be had in the presence of such person unless the
2 commissioners find that such course would probably be injurious to
3 such person or attended with no advantage.

[C. C. 2059.]

Sec. 281. Appearance.

1 Appearance on behalf of such alleged insane person may be made
2 by any citizen of the county, or by any relative, either in person or
3 by counsel.

[C. C. 2059.]

Sec. 282. Examining Physician.

1 The commissioners shall, in all cases, appoint, either from, or out-
2 side, their own membership, some regular practicing physician of the
3 county to make a personal examination of the person in question for
4 the purpose of determining his mental and physical condition. Said
5 physician shall certify to the commissioners whether said person is
6 sane or insane.

[C. C. 2059.]

Sec. 283. Physician to Return Answers to Interrogatories.

1 The examining physician shall accompany his certificate with cor-
2 rect answers to the following questions so far as correct answers can
3 be obtained:

- 4 1. Name of patient? Age? Married or single?
- 5 2. Number of children? Age of youngest child?
- 6 3. Place of birth?

- 7 4. Residence?
- 8 5. Past occupation?
- 9 6. Present occupation?
- 10 7. Is this the first attack?
- 11 8. If there were other attacks when did they occur?
- 12 9. Duration of other attacks?
- 13 10. When were the first symptoms of the present attack mani-
14 fested? In what way were they manifested?
- 15 11. Is disease increasing, decreasing, or stationary?
- 16 12. Is the disease variable?
- 17 13. Are there rational intervals?
- 18 14. Do rational intervals occur at regular periods?
- 19 15. State fully on what subjects or in what way is derangement
20 now manifested?
- 21 16. Disposition to injure others?
- 22 17. Has suicide ever been attempted? If so, in what way? Is
23 the propensity to suicide now active?
- 24 18. Is there a disposition to filthy habits, destruction of clothing,
25 breaking of glass, etc.?
- 26 19. What relatives, including grandparents and cousins, have
27 been insane?
- 28 20. Did the patient manifest any peculiarities of temper, habits,
29 disposition or pursuits before the accession of the disease? Any pre-
30 dominant passion, religious impressions, etc.?
- 31 21. Was the patient ever addicted to intemperance in any form?
- 32 22. Has the patient been subject to epilepsy? Suppressed erup-
33 tions? Discharge of sores?

- 34 23. Other bodily disease suffered by patient? If so, name them?
 35 24. Has patient ever had any injury of the head? If so, explain
 36 nature of injury?
 37 25. Has restraint or confinement been employed? If so, what
 38 kind, and how long?
 39 26. What is supposed to be the cause of the disease?
 40 27. What treatment has been pursued for the relief of the pa-
 41 tient? Mention particulars and effects.
 42 28. State any other matter supposed to have a bearing on the case.

[C. C. 2060.]

Sec. 284. Correction of Answers.

1 If the commissioners on further examination after the answers
 2 are given find that any of said answers are incorrect, they shall cor-
 3 rect the same.

[C. C. 2060.]

Sec. 285. Findings and Order.

1 If the commissioners find from the evidence that said person is
 2 insane and a fit subject for custody and treatment in the state hos-
 3 pital, they shall order his commitment to the hospital in the district
 4 in which the county is situated, and in connection with such finding
 5 and order shall determine and enter of record the county which is the
 6 legal settlement of such person. If such settlement is unknown the
 7 the record shall show such fact.

[C. C. 2061.]

Sec. 286. Warrant of Commitment.

1 Unless an appeal is taken the commissioners shall forthwith issue
 2 their warrant of commitment and a duplicate thereof, stating such

3 finding, with the settlement of the person, if found, and, if not found,
4 their information, if any, in regard thereto, authorizing the superin-
5 tendent of the hospital to receive and keep him as a patient therein.

[C. C. 2061.]

Sec. 287. Service of Warrant.

1 Said warrant and duplicate, with the certificate and finding of the
2 physician, shall be delivered to the sheriff, who shall execute the same
3 by conveying such person to the hospital, and delivering him, with such
4 duplicate and physician's certificate and finding, to the superintendent,
5 who shall, over his official signature, acknowledge such delivery on the
6 original warrant, which the sheriff shall return to the clerk of the com-
7 missioners, with his costs and expenses indorsed thereon.

[C. C. 2061.]

Sec. 288. Record and Commitment of One Accused of Crime.

1 If the person committed is at the time under formal charge of
2 crime, the findings of the commissioners and the warrant of commit-
3 ment shall recite such fact.

[C. C. 2071.]

Sec. 289. Appointment in Lieu of Sheriff.

1 If the sheriff and his deputies are otherwise engaged, the com-
2 missioners may appoint some other suitable person to execute the
3 warrant, who shall take and subscribe an oath faithfully to discharge
4 his duty, and shall be entitled to the same fees as the sheriff.

[C. C. 2061.]

Sec. 290. Assistants—Females.

1 The sheriff, or any person appointed, may call to his aid such
2 assistance as he may need to execute such warrant; but no female

3 shall thus be taken to the hospital without the attendance of some
4 other female or some relative. The superintendent, in his acknowl-
5 edgement of delivery, must state whether there was any such person
6 in attendance, and give the name or names, if any.

[C. C. 2061.]

Sec. 291. Preference in Executing Warrant.

1 If any relative or immediate friend of the patient, who is a suit-
2 able person, shall so request, he shall have the privilege of executing
3 such warrant, in preference to the sheriff or any other person, with-
4 out taking such oath, and for so doing shall be entitled to his necessary
5 expenses, but no fees.

[C. C. 2061.]

Sec. 292. Confinement of Insane—Females.

1 No person who shall be found to be insane shall, during investiga-
2 tion or after such finding, and pending commitment to the hospital, or
3 when on the way there, be confined in any jail, prison or place of soli-
4 tary confinement, except in cases of extreme violence, when it may be
5 necessary for the safety of such person or of the public; and if such
6 person be so confined, there shall, at all times during its continuance,
7 be some suitable person or persons in attendance in charge of such per-
8 son; but at no time shall any female be placed in such confinement
9 without at least one (1) female attendant remaining in charge of her.

[C. C. 2061.]

Sec. 293. Appeal From Finding.

1 Any person found to be insane or his next friend may appeal
2 from such finding to the district court by giving the clerk thereof,
3 within ten (10) days after such finding has been made, notice in writ-

4 ing that an appeal is taken, which may be signed by the party, his
5 agent, next friend, guardian or attorney, and, when thus appealed, it
6 shall stand for trial anew. Upon appeal it shall be the duty of the
7 county attorney, without additional compensation, to prosecute the
8 action on behalf of the informant.

[C. C. 2062.]

Sec. 294. Custody Pending Appeal.

1 The appellant, pending the appeal, shall be discharged from cus-
2 tody, unless the commissioners find that he cannot with safety be
3 allowed to go at large, in which case they shall require him to be
4 suitably provided for in the manner hereinafter specified.

[C. C. 2063.]

Sec. 295. Final Order.

1 If, upon the trial of the appeal, such person is found insane, and
2 a fit subject for custody and treatment in the hospital, an order of
3 commitment shall be entered, and the clerk shall issue a warrant there-
4 for, and the proceedings thereunder shall be as provided in cases before
5 the board.

[C. C. 2064.]

Sec. 296. Blanks.

1 The board of control shall furnish the commissioners of the coun-
2 ties with forms for blanks for warrants, certificates and other papers
3 as will enable them with regularity and facility to comply with the
4 provisions of this chapter, and also with copies of the regulations of
5 the hospital, when printed.

[C. C. 2065.]

Sec. 297. Temporary Custody in Certain Cases.

1 If any person found to be insane cannot at once be admitted to
2 the hospital, or, in case of appeal from the finding of the commis-
3 sioners, if such person cannot with safety be allowed to go at liberty,
4 the commissioners shall require that such person shall be suitably
5 provided for otherwise until such admission can be had, or until the
6 occasion therefor no longer exists.

[C. C. 2066.]

Sec. 298. Care by Relatives or Friends.

1 Such patients may be cared for as private patients when relatives
2 or friends will obligate themselves to provide such care without public
3 charge. In such case the commissioners shall in writing appoint some
4 suitable person special custodian who shall have authority and shall in
5 all suitable ways restrain, protect, and care for such patient, in such
6 manner as to best secure his safety and comfort, and to best protect
7 the persons and property of others.

[C. C. 2066.]

Sec. 299. Care by County.

1 If care and custody of the patient is not provided as authorized in
2 the preceding section the commissioners shall require that he be re-
3 strained and cared for by the board of supervisors, at the expense of
4 the county, at the county home or some other suitable place, and the
5 commissioners shall issue their mandate to such board, which shall
6 forthwith comply therewith.

[C. C. 2066, modified.]

Sec. 300. Custody Outside State Hospitals.

1 The commissioners may grant applications, made in substantially

2 the form provided in this title, for the restraint, protection and care,
3 within the county and outside the state hospitals, of alleged insane per-
4 sons, either as public or private patients, but all patients so cared for
5 shall be reported to the board of control.

[C. C. 2067.]

Sec. 301. Neglected Insane.

1 On information laid before the commissioners of any county that
2 an insane person in the county is suffering for want of proper care,
3 they shall forthwith inquire into the matter, and, if they find that such
4 information is true, they shall make all needful provisions for the care
5 of such person as provided in other cases.

[C. C. 2068.]

Sec. 302. Transfers From County and Private Asylums.

1 Insane persons who have been under care, either as public or
2 private patients, outside of the hospital, by authority of the commis-
3 sioners may, on application, be transferred to the state hospital, when-
4 ever they can be admitted thereto. Such admission may be had with-
5 out another inquest, at any time within six (6) months after the
6 inquest already had, unless the commissioners shall think further in-
7 quest advisable.

[C. C. 2069.]

Sec. 303. Discharge From Custody.

1 When it shall be shown to the satisfaction of the commissioners
2 of insanity that cause no longer exists for the care within the county
3 of any person as an insane patient, they shall, with the approval of
4 the board of control, order his immediate discharge, and shall find if
5 such person is sane or insane at the time of such discharge, which

6 finding shall be entered of record by the clerk of the commission.

[C. C. 2070, modified.]

Sec. 304. Commission of Inquiry.

1 A verified complaint, alleging that a named person is not insane
2 and is unjustly deprived of his liberty in a state hospital, may be filed
3 by any person, with the clerk of the district court of the county in
4 which such named person is so confined, or of the county in which
5 such named person has a legal settlement, and thereupon a judge of
6 said court shall appoint a commission of not more than three (3) per-
7 sons to inquire into the truth of said allegations. One (1) of said com-
8 missioners shall be a physician and if additional commissioners are
9 appointed, one (1) of such commissioners shall be a lawyer.

[C. C. 2074.]

Sec. 305. Duty of Commission.

1 Said commission shall at once proceed to the place where said
2 person is confined and make a thorough and discreet examination for
3 the purpose of determining the truth of said allegations and shall
4 promptly report its findings to said judge in writing. Said report shall
5 be accompanied by a written statement of the case signed by the super-
6 intendent.

[C. C. 2074.]

Sec. 306. Hearing.

1 If, on such report and statement, and the hearing of testimony if
2 any is offered, the judge shall find that such person is sane, he shall
3 order his discharge; if the contrary, he shall so state, and authorize
4 his continued detention.

[C. C. 2074.]

Sec. 307. Findings and Order Filed.

1 The finding and order of the judge, with the report and other
2 papers, shall be filed in the office of the clerk of the court where the
3 complaint was filed. Said clerk shall enter a memorandum thereof on
4 his record, and forthwith notify the superintendent of the hospital of
5 the finding and order of the judge, and the superintendent shall carry
6 out the order.

[C. C. 2074.]

Sec. 308. Compensation—Payment.

1 Said commissioners shall be entitled to their necessary expenses
2 and a reasonable compensation, to be allowed by the judge, who shall
3 certify the same to the auditor of state who shall thereupon draw the
4 proper warrants on any funds in the state treasury not otherwise ap-
5 propriated. The applicant shall pay said costs and expenses if the
6 judge shall so order on a finding that the complaint was filed without
7 probable cause.

[C. C. 2074.]

Sec. 309. Limitation on Proceedings.

1 The proceeding authorized in the five (5) preceding sections shall
2 not be had oftener than once in six (6) months regarding the same
3 person; nor regarding any patient within six (6) months after his
4 admission to the hospital.

[C. C. 2075.]

Sec. 310. Habeas Corpus.

1 All persons confined as insane shall be entitled to the benefit of
2 the writ of habeas corpus, and the question of insanity shall be decided
3 at the hearing. If the judge shall decide that the person is insane,

4 such decision shall be no bar to the issuing of the writ a second time,
5 whenever it shall be alleged that such person has been restored to
6 reason.

[C. C. 2076.]

Sec. 311. Cruelty or Official Misconduct.

1 If any person having the care of an insane person, and restraining
2 him, whether in a hospital or elsewhere, with or without authority,
3 shall treat him with unnecessary severity, harshness or cruelty, or in
4 any way abuse him, or if any officer required by the provisions of this
5 and the three (3) preceding chapters to perform any act shall wilfully
6 refuse or neglect to perform the same, he shall, unless otherwise pro-
7 vided, be fined not to exceed five hundred dollars (\$500.00), or be im-
8 prisoned in the county jail not to exceed three (3) months, and pay
9 the costs of prosecution, or be both fined and imprisoned at the dis-
10 cretion of the court.

[C. C. 2077, modified.]

Sec. 312. Failure to Furnish Writing Material—Penalty.

1 If any member of the visiting committee, superintendent of the
2 hospital, or other person in charge of an insane person confined in the
3 hospital, shall knowingly and wilfully violate any provision of this and
4 the three (3) preceding chapters by failing and refusing to furnish
5 material for writing, failing or refusing to allow a party to write let-
6 ters, to mail letters written, to receive and deliver letters written as
7 provided herein to such person so confined, or in any other way, he
8 shall be guilty of a misdemeanor.

[C. C. 2077, modified.]

Sec. 313. Insane Defined.

1 The term "insane" as used in this chapter includes every species
2 of insanity or mental derangement.

[C. C. 2073.]

CHAPTER 13.**SUPPORT OF INSANE.****Sec. 314. County Liable.**

1 The necessary and legal costs and expenses attending the arrest,
3 care, investigation, commitment and support of an insane person com-
4 mitted to a state hospital shall be paid by the county in which such
5 person has a legal settlement.

[C. C. 2087.]

Sec. 315. Legal Settlements—Presumption—Expenses.

1 When the superintendent of a state hospital has received a writ-
2 ten certificate from the commissioners of insanity of any county that
3 the legal settlement of any patient committed from that county is in
4 another county, the superintendent shall charge the expenses already
5 incurred and unadjusted, and all future expenses of such patient, to
6 the county so certified until it shall be otherwise determined in a law-
7 ful manner.

[C. C. 2078, modified.]

Sec. 316. Notification of Legal Settlement—Effect.

1 If the commissioners find that the person committed to a state
2 hospital has, or probably has, a legal settlement in some other county,
3 they shall, in writing, immediately after the order of commitment
4 becomes final, notify the county auditor of such other county of such
5 finding and commitment. If the legal settlement of a person com-

5 mitted cannot for a time be ascertained, and is afterwards found, said
6 notice shall then be given. Such auditor shall lay such notification
7 before the board of supervisors of his county, and it shall be con-
8 clusively presumed that such person has a legal settlement in said
9 notified county unless said county shall, within six (6) months, in
10 writing filed with the commissioners giving said notice, dispute such
11 legal settlement.

[C. C. 2079, modified.]

Sec. 317. Action to Determine Legal Settlement.

1 When a dispute arises as to the legal settlement of a person com-
2 mitted to a state hospital for the insane, the board of control shall,
3 within six (6) months from the date when the county sought to be
4 charged denies liability, without the advancement of fees, cause an
5 action to be brought in the district court of any county where such
6 dispute exists, to determine such legal settlement. All counties which
7 may be the place of such legal settlement, so far as known, shall be
8 made defendants and the allegation of such settlement may be in the
9 alternative.

[C. C. 2079, modified.]

Sec. 318. Manner of Trial—Decision.

1 Such action shall be tried as in equity. Such patient shall be
2 treated as a state patient, if the final decision is that such person was
3 a nonresident when committed, or that such settlement is unknown.

[C. C. 2079, modified.]

Sec. 319. Counsel for Board.

1 The attorney general shall appear on behalf of the board in all
2 actions contemplated by the two (2) preceding sections.

[New.]

Sec. 320. Nonresident Insane.

1 Such costs and expense, when the patient has no legal settlement
2 in this state, or when such settlement is unknown, shall be paid by
3 the state. The board of control may authorize the superintendent to
4 remove any patient who has no legal settlement within the state, the
5 cost of such removal to be paid directly from the state treasury, upon
6 a sworn statement of the superintendent and the approval of the board
7 appended to each voucher.

[C. C. 2081.]

Sec. 321. Nonresidents—Conditions Attending Commitment.

1 No nonresident patient or patient whose residence is unknown
2 shall be received in a state hospital, to be maintained at the expense
3 of the state, without the formal order of the board of control.

[C. C. 2082.]

Sec. 322. Procedure in Case of Nonresidents.

1 If the commissioners find that the patient to be committed has
2 no legal settlement in the state, or that such settlement is unknown,
3 they shall at once report the case to the board of control and furnish
4 it with a copy of the evidence taken on the question of legal settlement.

[C. C. 2082.]

Sec. 323. Duty of Board.

1 The board shall investigate the case and if the legal settlement
2 can not be ascertained the board shall cause him to be taken to a state
3 hospital for the insane as a charge of the state, and if the legal settle-
4 ment of the patient is found thereafter to be in any county of this
5 state the cost of maintaining him shall be charged to that county and
6 collected as provided by law in other cases.

[C. C. 2082.]

Sec. 324. Transfers of Insane Persons—Expenses.

1 The transfer of such insane persons to state hospitals or to the
2 places of their legal settlement shall be made according to the direc-
3 tions of the board of control, and when practicable by employees of
4 state hospitals, and the actual and necessary expenses of such trans-
5 fers shall be paid on itemized vouchers sworn to by the claimants and
6 approved by the board of control from any funds in the state treasury
7 not otherwise appropriated.

[C. C. 2083.]

Sec. 325. Reception of Nonresident Patients.

1 If the board of control find that the insane person is a nonresi-
2 dent of this state it may cause him to be conveyed to the place of his
3 legal settlement forthwith or to a state hospital for the insane, there
4 to be treated and cared for, at the cost of the state, until released.
5 When the legal settlement of any nonresident patient received in a
6 state hospital is known, or if then unknown is afterwards ascertained,
7 he may be transferred to the place of his legal settlement if his condi-
8 tion permit such transfer, unless the cost thereof, or other reasons,
9 shall, in the opinion of the board of control, make the transfer inad-
10 visable.

[C. C. 2082.]

Sec. 326. County of Commitment to Pay Costs—Recovery.

1 When a person committed to a state hospital for the insane has
2 no legal settlement in the county from which committed, all necessary
3 and legal costs and expenses attending the arrest, care, investigation,
4 commitment and support of such person, shall in the first instance be
5 paid by said county. Should it later appear that such person has a

6 legal settlement in some other county, such latter county shall repay
7 such costs and expenses, with interest, to the county first paying
8 them.

[C. C. 2080, 2086.]

Sec. 327. Recovery From State.

1 If such person be found to have no legal settlement within this
2 state such necessary and legal costs and expenses shall be paid out
3 of any money in the state treasury not otherwise appropriated, on
4 itemized vouchers executed by the auditor of the county which has
5 paid them, and approved by the board of control.

[C. C. 2080.]

Sec. 328. Personal Liability of Insane Person and Others.

1 Insane persons and persons legally liable for their support shall
2 remain liable for the support of such insane. The county auditor,
3 subject to the direction of the board of supervisors, shall enforce the
4 obligation herein created as to all sums advanced by the county.

[C. C. 2084.]

Sec. 329. Presumption.

1 In actions to enforce the liability imposed by the preceding sec-
2 tion, the certificate from the superintendent and the notice from the
3 auditor of state stating the sums charged in such cases, shall be pre-
4 sumptively correct.

[C. C. 2084.]

Sec. 330. Relief From Liability.

1 If the board of supervisors in the case of any insane patient who
2 has been supported at the expense of the county shall deem it a hard-
3 ship to compel the relatives of such patient to bear the burden of his

4 support, or charge the estate of such patient therewith, they may
5 on application relieve such relatives or estate from any part or all
6 of such burden as may seem to them reasonable and just.

[C. C. 2084.]

Sec. 331. Expense in County or Private Hospitals.

1 The estates of insane or idiotic persons who may be treated or
2 confined in any county asylum or home, or in any private hospital or
3 sanitarium, and the estates of persons legally bound for their sup-
4 port, shall be liable to the county for the reasonable cost of such sup-
5 port, or so much thereof as may be determined by the board of super-
6 visors.

[C. C. 2084, modified.]

Sec. 332. Nonresidents Liable to State—Presumption.

1 The estates of all nonresident patients provided for and treated
2 in state hospitals for the insane in this state, and all persons legally
3 bound for the support of such patients shall be liable to the state for
4 the reasonable value of the care, maintenance and treatment of such
5 patients while in such hospitals. The certificate of the superintend-
6 ent of the state hospital in which any nonresident is or has been a
7 patient, showing the amounts drawn from the state treasury or due
8 therefrom as provided by law on account of such nonresident patient,
9 shall be presumptive evidence of the reasonable value of the care,
10 maintenance and treatment furnished such patient.

[C. C. 2085.]

Sec. 333. Expenses Certified to Counties.

1 Each superintendent of a state hospital where drug habituates
2 are cared for shall certify to the auditor of state on the first days of

3 January, April, July and October, the amount not previously certified
4 by him due the state from the several counties having patients charge-
5 able thereto, and the auditor of state shall thereupon charge the same
6 to the county so owing. A duplicate certificate shall also be mailed
7 to the auditor of each county having patients chargeable thereto.

[C. C. 2087.]

Sec. 334. Duty of County Auditor and Treasurer.

1 The county auditor, upon receipt of such certificate, shall there-
2 upon enter the same to the credit of the state in his ledger of state
3 accounts, and at once issue a notice to his county treasurer, author-
4 izing him to transfer the amount from the insane or county fund, to
5 the general state revenue, which notice shall be filed by the treasurer
6 as his authority for making such transfer, and shall include the
7 amount so transferred in his next remittance of state taxes to the
8 treasurer of state, designating the fund to which it belongs.

[C. C. 2087.]

Sec. 335. Penalty for Nonpayment.

1 Should any county fail to pay these bills within sixty (60) days
2 from the date of certificate from the superintendent, the auditor of
3 state shall charge the delinquent county the penalty of one per cent
4 (1%) per month on and after sixty (60) days from date of certificate
5 until paid.

[C. C. 2087.]

Sec. 336. Tax for Hospital Support Fund.

1 The board of supervisors shall at the time of levying other taxes
2 estimate the amount necessary to meet said expense the coming year,
3 including cost of commitment and transportation of patients, and

4 shall levy a tax therefor. Should any county fail to levy a tax suffi-
 5 cient to meet this expense the deficiency shall be paid from the general
 6 county fund.

[C. C. 2087.]

Sec. 337. County Fund for Insane.

1 The board of supervisors shall, annually, levy a tax of one and
 2 one-half ($1\frac{1}{2}$) mills or less, as may be necessary, for the purpose
 3 of raising a fund for the support of such insane persons as are cared
 4 for and supported by the county in the insane ward of the county
 5 home, or elsewhere outside of any state hospital for the insane, which
 6 shall be known as the county fund for the insane, and shall be used
 7 for no other purpose than the support of such insane persons.

[C. C. 2088.]

CHAPTER 14.

JUVENILE COURT.

Sec. 338. Juvenile Court—Jurisdiction.

1 There is hereby established in each county a juvenile court,
 2 which, and the judges thereof, shall have and exercise the jurisdic-
 3 tion and powers provided in this and the following chapter of this
 4 title.

[C. C. 2090, modified.]

Sec. 339. Juvenile Court—How Constituted.

1 The juvenile court of each county shall be constituted as follows:
 2 1. Of the judges of the district court.
 3 2. In counties wherein there is a superior or municipal court, of
 4 the judges thereof, respectively, when designated as judges of the
 5 juvenile court by the judges of the district court.

[C. C. 2090, 2092, modified.]

Sec. 340. Designation of Judge.

1 The judges of the district court may designate one (1) of their
2 number to act as judge of the juvenile court in any county or coun-
3 ties, and may designate a superior or municipal court judge to act as
4 judge of the juvenile court in cases arising in any city in which any
5 such court is organized and in cases arising in any part of any county
6 convenient thereto. In counties having a population of one hundred
7 thousand (100,000) or over, unless said district judges designate a su-
8 perior or municipal court judge to act as juvenile judge, they shall,
9 after each election, designate one (1) of their number to act as juve-
10 nile judge for the ensuing four (4) years.

[C. C. 2090, 2092, modified.]

Sec. 341. Designation of Judge—Effect.

1 The designation of any judge to hold the juvenile court shall not
2 deprive him of other judicial functions, or the other judges of the
3 power to act as judges of the juvenile court.

[C. C. 2092, modified.]

Sec. 342. Courts Always Open.

2 Juvenile courts shall always be open for the transaction of busi-
2 ness, but the hearing of any matter requiring notice shall be had
3 only at such time and place as the judge may fix.

[C. C. 2090.]

Sec. 343. Records of Court.

1 The juvenile court shall be a court of record, and the proceed-
2 ings, orders, findings, and decisions thereof shall be entered in books
3 kept for that purpose and designated as the juvenile court records.

[C. C. 2090.]

Sec. 344. Clerk of Juvenile Court.

1 The clerk of the court whose judge acts as the juvenile court shall
2 act as clerk of the juvenile court.

[C. C. 2093, modified.]

Sec. 345. Probation Officers—Salary.

1 The judge designated as juvenile judge in each county, or in cases
2 where there is more than one (1) such judge in any county the judges
3 so designated acting jointly, shall appoint probation officers as follows:

4 1. In and for any county having a population of less than thirty-
5 five thousand (35,000), not more than four (4) probation officers,
6 who shall serve without pay.

[C. C. 2091, modified.]

7 2. In counties having a population in excess of thirty-five thou-
8 sand (35,000), a chief probation officer, at a salary of not to exceed
9 fifteen hundred dollars (\$1,500.00) per year, and not to exceed two
10 (2) deputies at a salary of not to exceed twelve hundred dollars
11 (\$1,200.00) per year.

[C. C. 2091, modified.]

Sec. 346. Physicians and Nurses.

1 In any county having a population of one hundred thousand
2 (100,000) or more, the judges of the juvenile court may appoint a
3 competent physician at a salary of not more than fifty dollars (\$50.00)
4 per month, and a visiting nurse, who shall be a trained graduate, at a
5 salary of not more than one hundred dollars (\$100.00) per month,
6 and prescribe their duties.

[C. C. 2094, 2095, modified.]

Sec. 347. Powers and Duties—Office and Supplies.

1 Probation officers, in the discharge of their duties as such, shall
2 possess the powers of peace officers. They shall be furnished by the
3 county with a proper office and all necessary blanks, books and sta-
4 tionery. It shall be the duty of said probation officers to make such
5 investigation as may be required by the court; to be present in court
6 in order to represent the interests of the child when the case is heard;
7 to furnish to the court such information and assistance as the judge
8 may require, and to take such charge of any child before and after
9 trial as may be directed by the court.

[C. C. 2091, 2094, modified.]

Sec. 348. Duties of Clerk of Court.

1 The clerk of court shall, if practicable, notify a convenient pro-
2 bation officer in advance when any child is to be brought before the
3 said court.

[C. C. 2091.]

Sec. 349. Salaries—Expenses—How Paid.

1 The judges making the appointments shall fix the salary of all
2 appointees at not exceeding the amount authorized by law. All ap-
3 pointees shall serve during the pleasure of such judges, and in addi-
4 tion to salaries shall receive their necessary and actual expenses in-
5 curred while performing their duties. All salaries and expenses shall
6 be paid by the county.

[C. C. 2091, 2094, 2097, modified.]

CHAPTER 15.

CARE OF NEGLECTED, DEPENDENT AND DELINQUENT CHILDREN.

Sec. 350. Applicable Only to Certain Children.

1 This chapter shall not apply to any child who is accused of an
2 offense which is punishable by life imprisonment or death, but shall
3 otherwise apply to all children who are not feeble-minded and who
4 are under eighteen (18) years of age and who are not inmates of
5 any state institution or of any institution incorporated under the
6 laws of this state.

[C. C. 2089, modified.]

Sec. 351. Dependent and Neglected Child Defined.

1 The term "dependent child" or "neglected child" shall mean any
2 child who, for any reason:

3 1. Is destitute, or homeless or abandoned.

4 2. Is dependent upon the public for support.

5 3. Is without proper parental care or guardianship, or habitually
6 begs or receives alms.

7 4. Is engaged in giving any public entertainment in public places
8 for pecuniary gain for himself or for another, or who accompanies,
9 or is used in aid of, any person so doing.

10 5. Is found living in any house of ill fame, or with any vicious
11 or disreputable person.

12 6. Is living in a home which is unfit for such child.

13 7. Is living under such other unfit surroundings as bring such
14 child, in the opinion of the court, within the spirit of this chapter.

[C. C. 2089.]

Sec. 352. Delinquent Child Defined.

1 The term "delinquent child" means any child:

2 1. Who violates any law of this state, or of any town or city
3 ordinance.

4 2. Who is incorrigible.

5 3. Who knowingly associates with thieves, or vicious or immoral
6 persons.

7 4. Who is growing up in idleness or crime.

8 5. Who knowingly frequents a house of ill fame.

9 6. Who patronizes any policy shop or place where any gaming
10 device is located.

11 7. Who habitually wanders about any railroad yards or tracks,
12 gets upon any moving train or enters any car or engine without law-
13 ful authority.

[C. C. 2089.]

Sec. 353. Child, Parent, and Institution Defined.

1 The word "child" or "children" may mean one (1) or more chil-
2 dren, and shall include any person under eighteen (18) years of age.

3 The word "parent" or "parents" may mean one (1) or both parents
4 when consistent with the intent of this chapter. The word "institu-
5 tion" shall include any corporation which includes in its purposes the
6 care or disposition of children coming within the meaning of this
7 chapter.

[C. C. 2089.]

Sec. 354. Petitions—By Whom Filed.

1 Petitions, verified on information and belief, setting forth the
2 facts which render a child, found in the county, dependent, neglected,

3 or delinquent within the meaning of this chapter, may be filed, with-
4 out payment of filing fee, with the clerk of the juvenile court, by any
5 reputable resident of the county.

[C. C. 2098, 2099, modified.]

Sec. 355. Petition May Embrace Several Children.

1 Complaint with reference to more than one (1) child may be
2 embraced in one (1) count of the petition, subject to being later di-
3 vided on order of the juvenile court if such order appears advisable.

[New.]

Sec. 356. Judge to Fix Time and Place of Hearing—Notice.

1 Upon the filing of the petition, the court or judge shall fix a time
2 for the hearing and a place within the district convenient to the
3 parties, and cause notice to issue as hereinafter provided.

[C. C. 2099, modified.]

Sec. 357. Notice—Requirements.

1 Said notice shall apprise all parties entitled to notice of the filing
2 of said petition, and of the time and place of hearing thereon, and
3 shall require the custodian of said child to appear with said child at
4 said time and place. A copy of the petition shall be attached to said
5 notice.

[C. C. 2099.]

Sec. 358. Manner of Service.

1 The court or judge may, in all cases, specify the particular man-
2 ner in which said notice shall be served.

[New.]

Sec. 359. Service of Notice.

1 Said notice shall be served on the custodian of said child or on

2 the person with whom such child is living, and on all other persons
3 entitled to notice, at least five (5) days before the day of hearing.
4 No further service shall be required than on the parent when the
5 parent is the custodian or guardian of said child or children. If the
6 said custodian is not the parent or guardian, then additional service
7 shall be made in the following order :

- 8 1. On the parents if their residence in this state is known.
- 9 2. On the guardian if his residence in this state is known.
- 10 3. On some relative if his residence in this state is known.

[C. C. 2099, modified.]

Sec. 360. Refusal to Produce Child.

1 If the person summoned as herein provided shall fail to appear
2 or bring the child, without reasonable cause, and abide the order of
3 the court, he may be proceeded against as in case of contempt of court
4 in addition to any criminal proceedings authorized by law.

[C. C. 2099.]

Sec. 361. Warrant of Arrest.

1 In case the notice can not be served, or the party served fails to
2 obey the same, or when it shall be made to appear to the court that
3 such notice will be ineffectual, a warrant may issue on the order of
4 the court, either against the parent or guardian or custodian, or
5 against the child himself.

[C. C. 2099.]

Sec. 362. Hearing—Continuance.

1 On the day set for hearing, the court shall, if the required notice
2 has been given, or at any time, if the parties entitled to such notice
3 are in court, proceed to try the cause in equity unless a continuance

4 appears advisable in the interest of justice.

[C. C. 2099.]

Sec. 363. Custody of Child Pending Hearing.

1 When, in the opinion of the court, an emergency exists temporary
2 provision may be made for the custody of the child pending further
3 hearing.

[C. C. 2099.]

Sec. 364. Appointment to Represent Child.

1 The court may, at any time after the filing of the petition, ap-
2 point an attorney, or other suitable person to represent and appear
3 for said child.

[C. C. 2099.]

Sec. 365. Information Charging Crime.

1 In any case after an investigation of the facts and circumstances,
2 the court may, in its discretion, cause the child to be charged with
3 either:

4 1. An indictable offense, in which case the court shall proceed
5 to hold a preliminary examination, and shall exercise the powers of
6 other magistrates.

7 2. An offense not triable on indictment, in which case the court
8 may order any peace officer to file forthwith an information against
9 such child and proceed to try the case before a jury of twelve (12)
10 men. When no regular jury is in attendance at the district, superior,
11 or municipal court, as the case may be, the judge shall cause to be
12 issued by the clerk and served by any peace officer a summons for such
13 number of persons qualified to act as jurors as in his judgment are
14 necessary to secure an impartial jury, allowing to the state and the

15 defendant, each, three (3) peremptory challenges.

[C. C. 2099, modified.]

Sec. 366. Commitment of Child.

1 If a child is unable to furnish a required bail pending the final
2 disposition of the case, he may be committed to the care of a probation
3 or peace officer, or other person, who shall keep such child in some
4 suitable place provided by the city or county, outside the inclosure
5 of any jail or police station. No child shall be confined in the same
6 yard or inclosure with adult convicts.

[C. C. 2099, 2100, modified.]

Sec. 367. Misdemeanor Cases Transferred.

1 Any child, taken before any justice of the peace or police court,
2 charged with a public offense shall, together with the case, be at once
3 transferred by said court, to the juvenile court.

[C. C. 2100, 2150.]

Sec. 368. Exclusion From Courtroom.

1 The judge of the juvenile court shall fix a time and place for the
2 hearing of cases transferred thereto, which shall be disposed of in
3 the same manner as cases originally brought before said court. Dur-
4 ing his examination into or trial of the case as a court of equity, the
5 court may exclude from the courtroom any and all persons who, in
6 his opinion, are not necessary for the hearing of the case.

[C. C. 2101, modified.]

Sec. 369. Conviction of Crime—Alternative Procedure.

1 When there is a conviction in the district court of any delinquent
2 child of an indictable offense, the district court may enter judgment
3 thereon or, if the punishment be not imprisonment for life, or death, it
4 may transfer the cause to the juvenile court. The juvenile court shall

5 have power to proceed with such child under the alternative or manda-
6 tory commitments provided in this chapter, but if the results, in the
7 opinion of the court, be not conducive to the public interest and the
8 welfare of the child, it may, at any time, revoke such orders of commit-
9 ment and enter such judgment of conviction as the district court might
10 have entered.

[C. C. 2102, modified.]

Sec. 370. Alternative Commitments.

1 The juvenile court, in the case of any neglected, dependent or de-
2 linquent child, may:

3 1. Continue the proceedings from time to time and commit said
4 child to the care and custody of a probation officer or other discreet
5 person.

6 2. Commit said child to some suitable family home or allow it
7 to remain in its own home.

8 3. Commit said child to any institution in the state, incorporated
9 and maintained for the purpose of caring for such children.

10 4. Cause the child to be placed in a public or state hospital for
11 treatment or special care, or in a private hospital which will receive
12 it for such purpose, when such course seems necessary for the welfare
13 of the child.

[C. C. 2103, 2104.]

Sec. 371. Guardianship and Adoption.

1 In case the court commits said child to the custody of some proper
2 person or institution, such person or institution shall, by virtue of
3 such custody, be the legal guardian of the person of such child and
4 may be made a party to any proceeding for the legal adoption of such

5 child, but any such adoption shall be approved by the court.

[C. C. 2108, 2109.]

Sec. 372. Conditions Attending Commitment.

1 In any case contemplated by the second preceding section, the
2 court may, from time to time, incorporate in its order such conditions
3 and restrictions as it may deem advisable for the welfare of the child,
4 and the jurisdiction of the court over said proceedings and said child
5 shall continue until the child is legally adopted, or until the child is
6 committed to a state institution.

[C. C. 2103, 2104.]

Sec. 373. Religious Belief.

1 The court, in committing children, shall place them, as far as
2 practicable, in the care and custody of some individual holding the
3 same religious belief as the parents of said child, or with some insti-
4 tution which is controlled by persons of like religious faith with the
5 parents of said child.

[C. C. 2106.]

Sec. 374. Aid to Widow in Care of Child.

1 If the juvenile court finds of record that the mother of a neglected
2 or dependent child is and has been a resident of the county for one (1)
3 year and is a widow and a proper guardian but, by reason of indi-
4 gency, is unable to properly care for such child, and that the welfare
5 of said child will be promoted by remaining in its own home, it may,
6 by proper order, determine the amount of money, not exceeding four
7 dollars (\$4.00) per week, necessary to enable said mother to properly
8 care for said child. The board of supervisors shall cause said amount
9 to be paid from the county treasury as provided in said order. Such

10 order may, at any time, be modified or vacated by the court. No pay-
11 ment shall be made after said child reaches the age of sixteen (16)
12 years.

[C. C. 2104, modified.]

Sec. 375. Widow Defined.

1 In addition to its ordinary meaning, the term "widow" shall
2 embrace:

3 1. Any indigent mother of good character who is unmarried, di-
4 vorced or deserted.

5 2. Any indigent mother of good character whose husband is an
6 inmate of any institution under the care of the board of control, but
7 only while such husband is so confined.

[C. C. 2105, modified.]

Sec. 376. Compelling Support by Parent.

1 The court, in any proceeding hereunder relative to a neglected
2 or dependent child, shall have jurisdiction, on reasonable notice to
3 the parents of said child, to inquire into the ability of said parents
4 to support said child and make all proper orders in reference thereto.
5 The court may require such parent to enter into a bond, with or with-
6 out surety, and in a reasonable sum, conditioned for the proper care,
7 support, and supervision of such child. If it finds that the parent
8 is able to support such child in any reasonable degree, it may require
9 such parent to pay a reasonable amount of money into court at such
10 times as it may provide, which sum shall be applied to the care of
11 said child. All orders for the payment of money shall be enforced
12 by execution and in such case the parent ordered to make payment
13 ~~shall~~ not be entitled to hold any property as exempt from such exe-

14 cution. All other orders may be enforced by process of contempt
15 until such orders are complied with.

[C. C. 2107, 2116, 2122, modified.]

Sec. 377. Action on Bond.

1 In case of the breach of a bond given as required in the preceding
2 section, the amount thereof shall be deemed liquidated damages, which,
3 when collected, shall, under the orders of the court, be applied to the
4 care of said child. The county attorney shall, on the order of the
5 court, prosecute all actions on such bonds.

[C. C. 2116, 2117, modified.]

Sec. 378. Mandatory Commitments.

1 If commitment of any child is not made under the foregoing
2 provisions of this chapter, or if made thereunder and the results, in
3 the opinion of the court, are not conducive to the welfare of the child,
4 the court shall proceed as follows:

5 1. If the child is neglected or dependent and not delinquent, it
6 shall be committed to the soldiers' orphans' home.

7 2. If the child is delinquent and under the age of ten (10) years,
8 it shall be committed to the state juvenile home.

9 3. If the child is over the age of ten (10) years and, in the opinion
10 of the court or judge is seriously delinquent or so disposed, it shall
11 be committed to the state training school for boys or for girls, as the
12 case may be; but married women, prostitutes, and girls who are preg-
13 nant shall not be committed to the training school.

14 4. If the child is over the age of ten (10) years and, in the opinion
15 of the court or judge is not seriously delinquent nor so disposed, it

16 shall be committed to the state juvenile home.

[C. C. 2103, 2104, 2150, 2462, modified.]

Sec. 379. Interpretive Clause.

1 It is the intent of the preceding section to so classify commit-
2 ments that the merely neglected and dependent child will not be asso-
3 ciated with the delinquent, and that delinquent children will be so
4 segregated that the least delinquent will not suffer by association with
5 those of greater delinquency.

[New.]

Sec. 380. Right to Transfer.

1 The board of control, at any time, for the purpose of effecting, as
2 nearly as practicable, the declared intent of this chapter, may transfer
3 an inmate of any of said three (3) state institutions to any other of
4 said institutions. It may also transfer any feeble-minded child from
5 said institutions, to the institution for feeble minded. The expense
6 of such transfers shall be charged to the support fund of the institu-
7 tion from which the transfers are made.

[New.]

Sec. 381. Term of Commitment.

1 Commitments shall be until the child attains the age of twenty-
2 one (21) years, unless otherwise discharged by law.

[C. C. 2103.]

Sec. 382. Court Notified of Application for Discharge.

1 When application, written or otherwise, is made to the board of
2 control for the release or discharge of any delinquent child under
3 twenty-one (21) years of age, who has been committed by a juvenile
4 court to any state institution, such board shall at once, by letter, give

5 written notice of such application to the judge of the juvenile court
6 which made the commitment, and such child shall not be discharged
7 or released in less than thirty (30) days after such notice has been
8 given.

[New.]

Sec. 383. Record of Discharge.

1 The board shall keep a full record of the discharge by it of all
2 delinquent children which record shall among other matters show the
3 reasons therefor and whether the discharge was on application or on
4 the motion of the board.

[New.]

Sec. 384. Statement to Superintendent of State Institution.

1 In case of a commitment to a state institution, the judge shall
2 forward to the superintendent a statement of the nature of the com-
3 plaint, and such other particulars as he may be able to ascertain, in-
4 cluding the date of birth of the child, its habits and environments,
5 the number of times it has been arrested and the cause therefor, the
6 influence of the parent or custodian on such child, and the substance
7 of the evidence introduced on the hearing.

[C. C. 2050, 2051.]

Sec. 385. Detention Home and School in Certain Counties.

1 In counties having a population of more than forty thousand
2 (40,000), the board of supervisors shall provide and maintain, sep-
3 arate, apart and outside the inclosure of any jail or police station, a
4 suitable detention home and school for dependent, neglected and de-
5 linquent children.

[C. C. 2110.]

Sec. 386. Tax Authorized.

1 The board of supervisors may annually levy a tax of not to ex-
2 ceed one (1) mill for the purpose of maintaining such home, and
3 paying the salary and expenses of all appointees authorized by this
4 chapter.

[C. C. 2111.]

Sec. 387. Board of Control to Approve Institutions.

1 The board of control shall designate and approve the institutions
2 to which such children may be legally committed and shall have super-
3 vision, and right of visitation and inspection at all times over all such
4 institutions.

[C. C. 2112.]

Sec. 388. Reports by Court and Institutions.

1 The juvenile court, and all institutions receiving such children,
2 shall, between the first and fifteenth day of January of each year,
3 make report to the board of control. The report shall embrace the
4 number of children of each sex brought before the court during the
5 past year, the number for whom homes have been provided, the num-
6 ber sent to state institutions, and the number in charge of each in-
7 stitution.

[C. C. 2112.]

Sec. 389. Statutes Construed Liberally.

1 This chapter shall be liberally construed to the end that its pur-
2 pose may be carried out.

[C. C. 2113.]

CHAPTER 16.

PRIVATE INSTITUTIONS FOR NEGLECTED, DEPENDENT AND DELINQUENT CHILDREN.

Sec. 390. **Private Institutions for Care of Children.**

1 Any institution, incorporated under the laws of this state for the
2 purpose of caring for, placing out for adoption, or otherwise improv-
3 ing the condition of unfortunate children, may:

4 1. Receive neglected, dependent or delinquent children, who are
5 under eighteen (18) years of age, under commitment from the juvenile
6 court, and control and dispose of them subject to the provisions of
7 chapter fifteen (15) of this title.

8 2. Receive neglected, dependent and delinquent children under
9 twenty-one (21) and over eighteen (18) years of age, under commit-
10 ment from the juvenile court, and control and dispose of them as in
11 this chapter provided.

12 3. Receive, control and dispose of all minor children voluntarily
13 surrendered to such institutions.

[C. C. 2130.]

Sec. 391. **Jurisdiction to Revoke.**

1 The district court of any county in which any such institution
2 may be located shall have jurisdiction to revoke the powers herein
3 granted upon a showing that any such institution has abused the trust
4 imposed, or that the welfare of its wards demands that they be taken
5 from the control of such institution. It shall be the duty of the state
6 board of control to institute such proceedings whenever, in its judg-
7 ment, they are advisable.

[C. C. 2138.]

Sec. 392. Terms Defined.

1 The meaning of the terms "neglected", "dependent" and "delin-
2 quent" child shall be the same as provided in chapter fifteen (15) of
3 this title.

[New.]

Sec. 393. Who May Surrender Child.

1 Minor children may be surrendered to such institutions:

2 1. By the parents jointly.

3 2. By either parent, when the other is dead, or hopelessly insane,
4 or a habitual drunkard, or has abandoned the family, or is in prison
5 for crime, or is an inmate or keeper of a house of ill fame.

6 3. By the mother alone, if the child is illegitimate and in her
7 care and custody.

[C. C. 2131.]

Sec. 394. Commitment of Children Over Eighteen Years Old.

1 Any reputable citizen of the county may file a petition with the
2 juvenile court as provided in chapter fifteen (15) of this title, against
3 any neglected, dependent or delinquent minor child who is over the
4 age of eighteen (18) years and therein ask that said child be com-
5 mitted to such an institution, or otherwise dealt with as may appear
6 best for the welfare of said child, and in such case the procedure shall,
7 so far as applicable, be as provided in said chapter, except that such
8 child shall not be committed thereunder to any state institution.

[C. C. 2132, 2136, modified.]

Sec. 395. Duty of Institution.

1 All children in such institutions, over seven (7) years and under
2 fourteen (14) years of age, shall be kept in school during the school

3 sessions of the district in which such child is kept, or in some parochial
4 school for a like period.

[C. C. 2132.]

Sec. 396. Revocation of Commitment.

1 The juvenile court of the county in which an institution is located
2 may at any time revoke a commitment to such institution when it is
3 made to appear that the trust imposed has been abused, or that the
4 welfare of the child requires such revocation.

[C. C. 2138.]

Sec. 397. Board of Control to Supervise.

1 All institutions receiving children under this chapter shall be sub-
2 ject to the supervision and inspection of the board of control which
3 may at any time require such information of such institutions as it
4 may deem necessary to effect such supervision and inspection.

[C. C. 2139.]

Sec. 398. Institutions to Report.

1 Every such institution shall file with the board of control, during
2 the month of January of each year, an annual written or printed
3 report, which shall show:

- 4 1. The number of children cared for during the preceding year.
- 5 2. The number of children received for the first time and the num-
6 ber returned from families.
- 7 3. The number placed in homes.
- 8 4. The number deceased.
- 9 5. The number returned to friends.
- 10 6. The number placed in state institutions.

11 7. The number and names and number of months of each of those
12 attending school.

13 8. A statement showing the receipts and disbursements of such
14 association.

15 9. The amount expended for salaries and other expenses, specify-
16 ing the same.

17 10. The amount expended for lands, buildings, and investments.

[C. C. 2139.]

Sec. 399. Commitments Prohibited.

1 No child shall be committed to the care of any such institution
2 which shall fail to file a satisfactory report for the calendar year last
3 preceding with the state board of control, unless it be an institution
4 organized within the current year.

[C. C. 2139.]

Sec. 400. Foreign Institutions.

1 Institutions of the nature contemplated by this chapter, and or-
2 ganized under the laws of a foreign state, shall not place any child in
3 any family home or other place in this state unless it first executes the
4 bond hereinafter provided and satisfies the board of control that it
5 will not bring into this state any child which has a contagious or incur-
6 able disease, or which is deformed, feeble-minded or of vicious charac-
7 ter and that it will promptly remove from the state any child brought
8 into the state by its agents in case said child becomes a public charge
9 within five (5) years after being brought into the state.

[C. C. 2141.]

Sec. 401. Bond by Foreign Institution.

1 Such foreign institution shall execute and file with the said board

2 a bond, to be approved by the said board, in the sum of one thousand
3 dollars (\$1,000.00) conditioned to comply with the preceding section.

[C. C. 2141.]

Sec. 402. Action on Bond.

1 In case of a breach of said bond a conclusive presumption shall
2 prevail that the amount of said bond was intended to constitute liqui-
3 dated damages.

[New.]

Sec. 403. Construction of Statute.

1 The third preceding section shall not be construed as prohibiting
2 any resident of the state from receiving and adopting any child which
3 is a resident of a foreign state.

[C. C. 2141.]

Sec. 404. Monthly Allowance.

1 The institution receiving and caring for a child under eighteen
2 (18) years of age and under commitment from the juvenile court, shall
3 receive, from the county of the legal settlement of such child a monthly
4 allowance of not to exceed sixteen dollars (\$16.00).

[C. C. 2143.]

Sec. 405. Commitments in Lieu of Jail Sentence.

1 When any court may pronounce sentence committing any female
2 to any jail, such female may be committed to any institution as herein
3 provided, if such institution is willing to receive her, without expense
4 to the state, but such commitment shall not exceed the maximum jail
5 sentence.

[C. C. 2145.]

Sec. 406. Commitment Subsequent to Jail Sentence.

1 If the court has already committed such female to a jail and there-
2 after it appears that any such institution is willing to receive her under
3 a commitment, and under the conditions herein imposed, the court may
4 make an additional order, releasing her from such jail and ordering
5 her committed to such institution for the unexpired time of the orig-
6 inal commitment.

[C. C. 2145.]

Sec. 407. Surrender of Female.

1 Any such female may be surrendered at any time to the court,
2 judge or presiding magistrate making the original order, which court,
3 judge or magistrate may make a further order committing the accused
4 to a proper jail for the unexpired term of the original commitment.

[C. C. 2145.]

Sec. 408. Release on Bond.

1 If, after any female is so committed to such institution, a bond
2 is given under which such female is entitled to a release from such
3 commitment, such female shall be released by an order issued by the
4 officer approving said bond.

[C. C. 2146.]

Sec. 409. Custody and Control—Labor.

1 Any such female committed to an institution as herein provided
2 shall be in the legal custody and control of the immediate managing
3 head, and such female, whether the commitment so provides or not,
4 shall, while being held under such commitment, perform such reason-
5 able, fit and proper labor as such managing head may direct, which
6 labor shall be the sole compensation to such institution for the keep of

7 such female.

[C. C. 2147.]

Sec. 410. Institution Defined.

1 The term "institution" as used in the five (5) preceding sections
2 shall embrace any institution having for its objects, in whole or in
3 part, the furnishing of relief, care and assistance to the poor, destitute,
4 needy or unfortunate, or any other charitable or benevolent object.

[C. C. 2147.]

Sec. 411. Visitation by Board of Control.

1 Any institution having any such female in its custody shall be
2 subject to supervision and inspection by the board of control to the
3 same extent as the other institutions named in this chapter.

[C. C. 2148.]

CHAPTER 17.

TRAINING SCHOOLS

Sec. 412. Iowa Training Schools.

1 The state training school at Eldora shall be known as the Iowa
2 training school for boys. The state training school at Mitchellville
3 shall be known as the Iowa training school for girls.

[C. C. 2149.]

Sec. 413. Superintendent—Powers and Duties.

1 The superintendent shall have charge and custody of the inmates
2 of the school. He shall discipline, govern, instruct, employ, and use
3 his best endeavors to reform the pupils in his care, so that, while
4 preserving their health, he may promote, as far as possible, moral,
5 religious and industrious habits, and regular, thorough and progressive
6 improvement in their studies, trade and employment.

[C. C. 2153.]

Sec. 414. Salary.

1 The salary of the superintendent of the state training school
2 for boys shall be twenty-five hundred dollars (\$2,500.00) per year,
3 and for girls two thousand dollars (\$2,000.00) per year.

[C. C. 1884.]

Sec. 415. Instruction and Employment.

1 The board of control shall cause the boys and girls in said schools
2 to be instructed in piety and morality, in such branches of useful
3 knowledge as are adapted to their age and capacity, and in some regu-
4 lar course of labor, either mechanical, agricultural or manufactural, as
5 is best suited to their age, strength, disposition, capacity, reforma-
6 tion, and well being.

[C. C. 2152.]

Sec. 416. Procedure to Commit.

1 The procedure for the commitment of children to the state training
2 school, except as otherwise provided, shall be the same as provided in
3 chapter fifteen (15) of this title.

[C. C. 2151, modified.]

Sec. 417. Commitments in Case of Conviction for Crime.

1 When a boy or girl over ten (10) and under eighteen (18) years
2 of age, of sound mind, is found guilty in the district court of any crime
3 except murder, the court may order the child sent to the state train-
4 ing school for boys, or for girls, as the case may be.

[C. C. 2150.]

Sec. 418. Placing in Families.

1 All children committed to and received in the training schools
2 may, with the written approval of the board of control, be placed by

3 the superintendent, with any persons or in families of good standing
4 and character where they will be properly cared for and educated.

[C. C. 2155.]

Sec. 419. Articles of Agreement.

1 Such children shall be so placed under articles of agreement, ap-
2 proved by the board of control and signed by the person or persons
3 taking them and by the superintendent. Said articles shall provide
4 for the custody, care, education, maintenance and earnings of said
5 children for a time to be fixed in said articles, which shall not extend
6 beyond the time when the persons bound shall attain the age of twen-
7 ty-one (21) years.

[C. C. 2155, modified.]

Sec. 420. Resuming Custody of Child.

1 In case a child so placed be not given the care, education, treat-
2 ment and maintenance required by such agreement, the board of con-
3 trol may cause the child to be taken from the person with whom placed
4 and returned to the institution, or may replace, release, or finally dis-
5 charge him as may seem best.

[C. C. 2155.]

Sec. 421. Unlawful Interference With Child.

1 It shall be unlawful for any parent or other person not a party to
2 such placing of a child to interfere in any manner or assume or exer-
3 cise any control over such child or his earnings. Said earnings shall
4 be used, held or otherwise applied for the exclusive benefit of such
5 child.

[C. C. 2155.]

Sec. 422. County Attorney to Appear for Child.

1 In case legal proceedings are necessary to enforce any right con-
2 ferred on any child by the four (4) preceding sections, the county
3 attorney of the county in which such proceedings should be insti-
4 tuted shall, on request of the superintendent, approved by the board
5 of control, institute and carry on in the name of the superintendent,
6 the proceedings in behalf of the superintendent.

[C. C. 2155.]

Sec. 423. Discharge or Parole.

1 The board of control may at any time after one (1) year's service
2 order the discharge or parole of any inmate as a reward for good con-
3 duct, and may, in exceptional cases, discharge or parole inmates with-
4 out regard to the length of their service or conduct, when satisfied
5 that the reasons therefor are urgent and sufficient. If paroled upon
6 satisfactory evidence of reformation, the order may remain in effect
7 or terminate under such rules as the board may prescribe.

[C. C. 2156.]

Sec. 424. Effect of Binding Out or Discharge.

1 The binding out or the discharge of an inmate as reformed, or
2 having arrived at the age of twenty-one (21) years, shall be a com-
3 plete release from all penalties incurred by the conviction for the
4 offense upon which the child was committed to the school.

[C. C. 2156.]

Sec. 425. Assisting Escape.

1 Whoever aids or assists any inmate lawfully committed to a
2 training school in escaping or attempting to escape therefrom, or
3 knowingly conceals such inmate after escape, shall be punished by a

4 fine not exceeding one thousand dollars (\$1,000.00), or imprisonment
5 in the penitentiary not exceeding five (5) years

[C. C. 2158.]

Sec. 426. **Appropriation.**

1 For the support of the training schools there is appropriated out
2 of any money in the state treasury not otherwise appropriated the
3 following sums, or so much thereof as may be needed:

4 1. For the boys' department, twenty-four dollars (\$24.00)
5 monthly for each inmate actually supported in said school. The su-
6 perintendent on the first day of each month shall certify to the board
7 the average number of inmates supported by the state in the school
8 for the preceding month. Upon receipt of such certificate the board
9 shall certify to the auditor and treasurer of state the total amount
10 payable by the state for the support of the school for the preceding
11 month and the auditor and treasurer of state shall credit the school
12 with said amount. The amount so credited shall be drawn from the
13 state treasury in the manner provided in chapter two (2) of this title.
14 When the average number of inmates in said school shall be less than
15 four hundred eighty (480) for any month, the auditor and treasurer
16 of state, upon the presentation of the proper certificate by the board,
17 shall credit said school with the sum of eleven thousand five hundred
18 twenty dollars (\$11,520.00), and the sum so credited shall be drawn
19 from the state treasury in the same manner and for the same purposes
20 as the regular monthly per capita allowance is drawn.

21 2. For the girls' department, twenty-four dollars (\$24.00) month-
22 ly for each inmate actually supported in said school, counting the
23 average number therein for the preceding month, which shall be certi

24 fied to the auditor and treasurer of state as provided in the preceding
25 paragraph, and credited by said officers to the school in like manner.
26 When the average number of inmates in said school shall be less than
27 two hundred thirty (230) for any month, the auditor and treasurer
28 of state shall, upon the proper showing, credit said school with the
29 sum of five thousand five hundred twenty dollars (\$5,520.00) in the
30 manner provided in the preceding paragraph. The sums provided in
31 this paragraph shall be drawn from the state treasury in the manner
32 provided in the preceding paragraph.

[C. C. 2159.]

CHAPTER 18.

WOMEN'S REFORMATORY

Sec. 427. **Women's Reformatory—Object.**

1 The women's reformatory shall be maintained for the purpose
2 of preparing the inmates to lead orderly and virtuous lives and to
3 become self-supporting and useful members of society, and to this
4 end to instruct them in the common school and other branches of
5 learning, in morality, physical culture, domestic science, mechanical
6 arts and such other branches of industry as may be practicable.

[C. C. 2162.]

Sec. 428. **Superintendent—Salary.**

1 The superintendent of the women's reformatory shall be a female
2 and shall receive a salary of not to exceed two thousand dollars
3 (\$2,000.00) per year.

[C. C. 2160, 2161.]

Sec. 429. **Service Required.**

1 The superintendent may, with the approval of the board of con-
2 trol, require any inmate to perform any service suited to her strength

3 and attainments and which may be needed for the benefit of the re-
4 formatory or for the welfare of such inmate.

[C. C. 2162.]

Sec. 430. Commitments Generally.

1 All females, over eighteen (18) years of age, who are convicted
2 in the district court of offenses, punishable by imprisonment in excess
3 of thirty (30) days, shall, if imprisonment be imposed, be committed
4 to the women's reformatory.

[C. C. 2136-2165.]

Sec. 431. Optional Commitments for Life.

1 Any female over ten (10) and under eighteen (18) years of
2 age convicted of an offense punishable by life imprisonment may be
3 committed either to the Iowa training school for girls or to the
4 women's reformatory.

[C. C. 2165.]

Sec. 432. Commitment on Appeal.

1 A female, over eighteen (18) years of age, convicted, on appeal
2 from a conviction of a nonindictable offense, may, if imprisonment be
3 imposed, be committed to the women's reformatory for an indeter-
4 minate period not exceeding ninety (90) days.

[C. C. 2166.]

Sec. 433. Term of Commitments.

1 A female convicted of a felony shall not be detained in said re-
2 formatory under one (1) commitment for a period longer than the
3 maximum term of imprisonment provided by law for said felony. A
4 female convicted of a crime less than felony shall not be detained

5 therein longer than five (5) years under one (1) commitment

[C. C. 2170.]

Sec. 434. Manner of Committing Females.

1 Females committed to said reformatory shall be taken thereto
2 by some woman, or by some peace officer accompanied by some woman,
3 appointed by the court.

[C. C. 2167.]

Sec. 435. Costs of Commitment.

1 The costs and expenses allowed for taking females to the re-
2 formatory shall be the same as those allowed by law for taking girls
3 to the training school and shall be audited and paid in like manner
4 by the counties from which they are sent.

[C. C. 2167.]

Sec. 436. Transfer of Inmates—Costs

1 The board of control may transfer inmates from the said reform-
2 atory to the training school for girls, and from such training school
3 to such reformatory, whenever such course will be conducive to the
4 welfare of the institution or of the other inmates therein, or of the
5 inmate so transferred. The costs of such transfer shall be paid from
6 the funds of the institution from which the transfer is made

[C. C. 2157, 2169, modified.]

Sec. 437. Effect of Transfer of Inmates

1 After a transfer to either institution is made, under the preceding
2 section, the person transferred shall be subject to all the provisions
3 of law and regulations of the institution to which she is transferred
4 the same as though she had originally been committed thereto

[C. C. 2169.]

Sec. 438. Parole or Discharge.

1 The board of control may parole any inmate of said reformatory
2 at such time and under such conditions as it may determine. Paroles
3 may be revoked by the board for a violation of the conditions thereof.
4 The board may, instead of detaining an inmate for the maximum time
5 allowed, discharge her if such course appears advisable in view of
6 all the circumstances.

[C. C. 2171.]

Sec. 439. Employment for Discharged Inmate.

1 It shall be the duty of the superintendent, so far as is practicable,
2 to obtain for each inmate before she is paroled or discharged a home
3 and suitable employment if they are not otherwise provided.

[C. C. 2172.]

Sec. 440. Clothing, Transportation and Money.

1 The superintendent may, with the consent of the board, furnish
2 a discharged inmate with proper clothing, and a receptacle therefor,
3 and transportation to her place of employment, or home, or other
4 place not more distant than the place of commitment, and a sum of
5 money not exceeding twenty-five dollars (\$25.00).

[C. C. 2172.]

Sec. 441. Escape.

1 Any inmate of said reformatory who shall escape therefrom, or
2 who violates the condition of her parole, may be arrested and returned
3 to said reformatory, by an officer or employee thereof without any
4 other authority than this chapter, and by any peace officer or other
5 person on the request in writing of the superintendent or board of
6 control.

[C. C. 2173.]

Sec. 442. Costs of Returning Inmate.

1 The costs attending the return of escaped or paroled inmates
2 shall be paid from the funds of the institution.

[C. C. 2173.]

Sec. 443. Aiding Escape.

1 Whoever aids or assists any inmate lawfully committed or trans-
2 ferred to the women's reformatory to escape therefrom, or knowingly
3 conceals such inmate after her escape, shall be punished by a fine
4 not exceeding one thousand dollars (\$1,000.00), or imprisonment in
5 the penitentiary not exceeding five (5) years.

[C. C. 2174, modified.]

Sec. 444. Appropriation.

1 There is hereby appropriated out of any money in the state treas-
2 ury not otherwise appropriated for the purpose of maintaining the
3 women's reformatory, including the payment of the compensation of
4 officers and employees, for instruction of inmates, the furnishing of
5 food, clothing, and all necessary supplies, and transportation for pa-
6 roled and discharged inmates and return to the reformatory of paroled
7 and escaped inmates, the sum of twenty-four dollars (\$24.00) per
8 month, or so much thereof as shall be necessary for each inmate. The
9 superintendent on the first day of each month shall certify to the
10 board the average number of inmates supported and domiciled in the
11 reformatory for the preceding month. Upon receipt of such certifi-
12 cate the board shall certify to the auditor and treasurer of state the
13 total amount payable by the state for the support of the reformatory
14 for the preceding month, and the auditor and treasurer of state shall
15 credit the reformatory with said amount. The amount so credited

16 shall be drawn from the state treasury in the manner provided in
17 chapter two (2) of this title. In case the average number of inmates
18 shall be fewer in any one (1) month than one hundred sixty-five
19 (165), the auditor and treasurer of state shall, upon presentation of
20 the proper certificate from the board, credit said institution with the
21 sum of three thousand nine hundred sixty dollars (\$3,960.00), which
22 sum is appropriated out of any unappropriated money in the state
23 treasury, or so much thereof as may be needed, and the sum so cred-
24 ited shall be drawn from the state treasury in the same manner and
25 for the same purposes as the regular monthly per capita allowance
26 is drawn.

[C. C. 2176.]

CHAPTER 19.

PENITENTIARY AND MEN'S REFORMATORY.

Sec. 445. **Duty of Wardens.**

1 The wardens of the penitentiary, and of the men's reformatory,
2 shall live within the precincts of said institutions, respectively, and
3 shall devote their entire time to the duties of their positions.

[C. C. 2179.]

Sec. 446. **Maximum Salaries.**

1 Monthly salaries in the penitentiaries and men's reformatory
2 shall not exceed the following sums:

- 3 1. Warden, two hundred fifty dollars (\$250.00).
- 4 2. Deputy warden, one hundred fifty dollars (\$150.00).
- 5 3. Assistant deputy warden, one hundred twenty-five dollars
6 (\$125.00).
- 7 4. Clerk, one hundred fifty dollars (\$150.00).

- 8 5. Chaplain, one hundred twenty-five dollars (\$125.00).
 9 6. Additional chaplain, twenty-five dollars (\$25.00).
 10 7. Physician, one hundred twenty-five dollars (\$125.00).
 11 8. Storekeeper, one hundred twenty-five dollars (\$125.00).
 12 9. Record clerk, receiving officer and captain of the night guards,
 13 each, one hundred ten dollars (\$110.00).

[C. C. 2189.]

Sec. 447. Salary of Guards.

- 1 Turnkeys and guards shall receive the following monthly salaries:
 2 Of the first class, one hundred dollars (\$100.00); of the second class,
 3 ninety dollars (\$90.00); of the third class, eighty dollars (\$80.00).

[C. C. 2189.]

Sec. 448. How Salaries Paid.

- 1 All salaries shall be paid out of any money in the state treasury
 2 not otherwise appropriated.

[C. C. 2189.]

Sec. 449. Household and Domestic Service.

- 1 The wardens of the penitentiary and men's reformatory shall be
 2 entitled to receive the labor of prisoners, not exceeding three (3) at
 3 one (1) time, for household and domestic service in their own family.

[C. C. 2190.]

Sec. 450. Dwellings for Subordinate Officers.

- 1 Each deputy warden shall be furnished with a dwelling house by
 2 the board of control, or house rent, and also furnished with water,
 3 heat, ice and lights, and domestic service in his family by not more
 4 than one (1) prisoner at one (1) time.

[C. C. 2190.]

Sec. 451. Punishment and Records Thereof.

1 Disobedience by the convicts of the disciplinary rules of the insti-
2 tution shall be punished by the infliction of such penalties as are pro-
3 vided by law and the rules which are prescribed for the government of
4 said institution. The warden shall keep a register of all punishments
5 inflicted on any convict, and the cause for which they were inflicted.

[C. C. 2191.]

Sec. 452. According Prohibited Privileges to Prisoners.

1 If any officer or other person employed in either of said institu-
2 tions or its precincts, negligently suffer any convict confined therein to
3 be at large without its precincts, or out of the cell or apartment as-
4 signed to him, or to be conversed with, relieved or comforted contrary
5 to law or the rules of the institution, he shall be punished by a fine
6 not exceeding five hundred dollars (\$500.00).

[C. C. 2194.]

Sec. 453. Failure to Perform Duty.

1 Any person required to perform any duty relative to either of
2 said institutions who wilfully fails to perform the same, shall be
3 punished by a fine not exceeding one thousand dollars (\$1,000.00), and
4 shall forfeit his office. Should said failure result in the escape of any
5 of the convicts, or in loss of any of the funds appropriated to the use
6 and benefit of the said institution, exceeding twenty dollars (\$20.00),
7 he shall be punished by imprisonment in the penitentiary for a term
8 not less than two (2) nor more than ten (10) years.

[C. C. 2195.]

Sec. 454. Federal Prisoners.

1 Convicts sentenced for any term at hard labor by any court of the

2 United States may be received by the warden into the penitentiary or
3 men's reformatory and there kept in pursuance of their sentences.

[C. C. 2197.]

Sec. 455. Transfers From Penitentiary.

1 The board of control may transfer first term and promising pris-
2 oners from the penitentiary to unoccupied rooms in the men's reforma-
3 tory whenever the number of inmates in the penitentiary exceeds the
4 number of cells therein. It may also transfer to the men's reforma-
5 tory other prisoners when satisfied that such transfer will be to the
6 best interest of the institutions and of the prisoners.

[C. C. 2199, modified.]

Sec. 456. Permissive Transfers From Men's Reformatory.

1 The board of control may transfer male prisoners from the men's
2 reformatory to the penitentiary:

3 1. When the prisoner has been guilty of insubordination or of
4 repeated violations of the rules of the reformatory.

5 2. When the prisoner is not a hopeful subject for reformatory
6 treatment.

[C. C. 2200.]

Sec. 457. Mandatory Transfers From Men's Reformatory.

1 Said board shall transfer a prisoner from the men's reformatory
2 to the penitentiary when, after his commitment to the reformatory,
3 it is discovered that he is over thirty (30) years of age, or that he has,
4 prior to his last conviction, been convicted in any court of any felony,
5 but such transfer shall not be made unless there are suitable accommo-
6 dations at the penitentiary to care for such prisoner.

[C. C. 2201.]

Sec. 458. Department for Insane.

1 There shall be maintained in the men's reformatory a department
2 in which all insane convicts shall be confined and treated.

[C. C. 2202, 2204, 2205.]

Sec. 459. Transfer of Insane From Penitentiary.

1 When the said board has cause to believe that a prisoner in the
2 penitentiary is insane, it shall cause such prisoner to be examined by
3 one (1) of the superintendents of the hospitals for the insane and if
4 such prisoner be found to be insane, said board shall cause him to be
5 transferred to the department for insane at the men's reformatory,
6 where he shall be confined until the expiration of his sentence, or
7 until pronounced sane, in which latter event, he shall be returned to
8 the penitentiary, or held in the reformatory until the expiration of
9 his sentence.

[C. C. 2203, 2206.]

Sec. 460. Discharge of Insane Convict.

1 When the board has reason to believe that a prisoner in the peni-
2 tentiary or said reformatory, whose sentence has expired, is insane, it
3 shall cause examination to be made of such prisoner by competent
4 physicians who shall certify to the board whether such prisoner is
5 sane or insane. The board may make further investigation and if sat-
6 isfied that he is insane, it may cause him to be transferred to one (1)
7 of the hospitals for the insane, or may order him to be confined in the
8 department for the insane at the reformatory.

[C. C. 2207.]

Sec. 461. Employment of Prisoners.

1 Prisoners in the penitentiary or men's reformatory shall be em-

2 ployed only on state account in the maintenance of the institutions, in
3 the erection, repair or operation of buildings and works used in con-
4 nection with said institutions, and in such industries as may be estab-
5 lished and maintained in connection therewith by the board of control.
6 The labor of prisoners shall not be contracted to any private person
7 or concern.

[C. C. 2208, 2209, modified.]

Sec. 462. Hard Labor and Solitary Confinement.

1 All commitments to either of said institutions must be at hard
2 labor. Solitary imprisonment of prisoners shall not be employed ex-
3 cept for the purpose of discipline.

[C. C. 2210.]

Sec. 463. Enforcing Obedience to Orders.

1 Any officer of said institutions and his assistants shall, in case a
2 prisoner resists his lawful authority, or refuses to obey his lawful com-
3 mand, enforce immediate obedience by the use of such weapons or
4 other aids as may be effectual, and, if, in so doing, such convict is
5 wounded or killed, such officer and his assistants shall be justified.

[C. C. 2213.]

Sec. 464. Insurrection—Duty to Prevent.

1 Every officer and citizen of the state within reach shall, by every
2 means within their power, suppress and aid in suppressing any insur-
3 rection among the convicts in said institutions, and prevent and aid in
4 preventing the escape or rescue of any convict therefrom, or from any
5 legal confinement, or from any person in whose custody a convict may
6 be. If in the performance of this duty or in arresting or assisting to
7 arrest a convict who has escaped or been rescued, such officer or per-

8 son wound or kill the convict, or a person aiding or assisting him, the
9 same shall be held justifiable.

[C. C. 2214.]

Sec. 465. Escape of Prisoner—Reward.

1 If a convict escapes from the penitentiary or men's reformatory
2 the warden shall take all proper measures for his apprehension; and
3 for that purpose he may offer a reward, not exceeding fifty dollars
4 (\$50.00), to be paid by the state, for the apprehension and delivery of
5 such convict.

[C. C. 2215.]

Sec. 466. Classification of Prisoners.

1 The wardens shall, so far as practicable, prevent prisoners under
2 eighteen (18) years of age from associating with other prisoners.

[C. C. 2216.]

Sec. 467. Property of Convict.

1 The warden shall receive and care for any property any convict
2 may have on his person upon entering, and, if convenient, place the
3 same, if money, at interest for the owner's use, keeping an account
4 thereof, and on the discharge of the convict, return, and if money, re-
5 pay the same with the interest so earned, to him or his legal repre-
6 sentatives, unless in the meantime it has been previously disposed of
7 according to law.

[C. C. 2217.]

Sec. 468. Indictment Against Convict in Penitentiary.

1 Upon the return of an indictment or upon the filing of a trial
2 information for any offense which may be punished by death or life
3 imprisonment, against any person confined in the penitentiary or

4 men's reformatory, the court to which such indictment is returned
5 may enter an order directing that such person be produced before it
6 for trial. The sheriff shall execute such order by serving a copy
7 thereof on the warden having such accused person in custody and
8 thereupon such person shall be delivered to such sheriff and conveyed
9 to the place of trial.

[C. C. 2219, 2220, modified.]

Sec. 469. Defendant Returned—How Punished.

1 If the defendant be found not guilty, he shall be returned to the
2 institution from which he was taken; if convicted he shall be punished
3 as provided by law.

[C. C. 2221.]

Sec. 470. Time to Be Served.

1 No convict shall be discharged from the penitentiary or men's
2 reformatory until he has served the full term for which he was sen-
3 tenced, less good time earned and not forfeited, unless he be par-
4 doned or otherwise legally released. He shall be deemed to be serving
5 his sentence from the day on which he is received into the institution
6 but not while in solitary confinement for violation of the rules of the
7 institution.

[C. C. 2222.]

Sec. 471. Diminution of Sentence.

1 Each prisoner who shall have no infraction of the rules of disci-
2 pline of the penitentiary or men's reformatory or laws of the state,
3 recorded against him, and who performs in a faithful manner the
4 duties assigned to him, shall be entitled to a reduction of sentence as
5 follows, and if the sentence be for less than a year, then the pro rata
6 part thereof:

-
- 7 1. On the first year, one (1) month.
8 2. On the second year, two (2) months.
9 3. On the third year, three (3) months.
10 4. On the fourth year, four (4) months.
11 5. On the fifth year, five (5) months.
12 6. On each year subsequent to the fifth year, six (6) months.

[C. C. 2223.]

Sec. 472. Records of Prisoners.

1 The board of control shall cause to be kept at each of said insti-
2 tutions the following permanent records:

3 1. A record of each infraction, by a prisoner, of the published
4 rules of discipline.

5 2. Such other records for the use of the board of parole as may
6 be approved by the executive council.

[C. C. 2223, 2227.]

Sec. 473. Forfeiture of Diminution of Sentence.

1 A prisoner who violates any of such rules shall forfeit the reduc-
2 tion of sentence earned, by him, as follows:

3 1. For the first violation, two (2) days.

4 2. For the second violation, four (4) days.

5 3. For the third violation, eight (8) days.

6 4. For the fourth violation, sixteen (16) days and, in addition,
7 whatever number of days more than one (1) that he is in punishment.

8 5. For the fifth and each subsequent violations, or for an escape,
9 or attempt to escape, the warden shall have the power, with the ap-
10 proval of the board of control, to deprive the prisoner of any portion
11 or all of the good time that the convict may have earned, but not less

12 than as provided for the fourth offense.

[C. C. 2224.]

Sec. 474. Separate Sentences.

1 When a convict is committed under several convictions with sep-
2 arate sentences, they shall be construed as one (1) continuous sen-
3 tence in the granting or forfeiting of good time.

[C. C. 2225.]

Sec. 475. Special Reduction in Sentence.

1 Any prisoner in either of said institutions who may be employed
2 in any service outside the walls of the institution, or who may be
3 listed as a trusty, may, with the approval of the board of control, be
4 granted a special reduction of sentence, in addition to the reduction
5 heretofore authorized, at the rate of ten (10) days for each month.

[C. C. 2226.]

Sec. 476. Discharge—Transportation, Clothing and Money.

1 When a prisoner is discharged the warden shall furnish him at
2 the expense of the state, with a railroad ticket to the point in the state
3 nearest his home, or to any point of a like distance without the state,
4 a suit of common clothing, and not more than twenty-five dollars
5 (\$25.00), an account of which shall be kept by the warden.

[C. C. 2228, modified.]

Sec. 477. Visitors—Admission Fee.

1 The wardens shall charge each adult visitor to the institution an
2 admission fee of twenty-five cents (25c), of which he shall render an
3 account each month to the board of control. The board shall cause said
4 fund to be expended for the benefit of the prisoners in the purchase of
5 furnishings for a library, reading matter therein, and musical instru-

6 ments and entertainments for the prisoners. This section shall not
7 apply to state officers, and others exempt by law, nor to relatives of a
8 prisoner.

[C. C. 2229.]

Sec. 478. Who May Visit.

1 The following persons are authorized to visit said institutions at
2 pleasure: The governor, secretary, auditor and treasurer of state,
3 members of the general assembly, judges of the supreme, district,
4 superior and municipal courts, county attorneys, and all regular offici-
5 ating ministers of the gospel. No other person shall be granted ad-
6 mission except by permission of the warden.

[C. C. 2230, modified.]

Sec. 479. Per Capita Appropriation for Support.

1 For the general support of the prisoners confined in the men's
2 reformatory at Anamosa and the penitentiary at Fort Madison there
3 is appropriated from any money in the state treasury not otherwise
4 appropriated the sum of seventeen dollars (\$17.00) monthly or so
5 much thereof as may be needed for each prisoner in each of said insti-
6 tutions, which sum shall be in addition to the monthly salary allow-
7 ances for each officer and employee of said institutions. The warden
8 of each of said institutions on the first day of each month shall certify
9 to the board the average number of inmates supported by the state
10 in the institution of which he is warden for the preceding month.
11 Upon receipt of such certificate the board shall certify to the auditor
12 and treasurer of state the total amount payable by the state for the
13 support of the institution for the preceding month, and the auditor
14 and treasurer of state shall credit the institution with said amount.

15 The amount so credited shall be drawn from the state treasury in
16 the manner provided in chapter two (2) of this title.

[C. C. 2232.]

Sec. 480. Special Appropriation.

1 If the average number of prisoners at Anamosa shall be less than
2 six hundred fifty (650) in any month, the auditor and treasurer of
3 state, upon presentation of the proper certificate from the board, shall
4 credit said institution with the sum of eleven thousand fifty dollars
5 (\$11,050.00).

6 If the average number of prisoners at Fort Madison shall be less
7 than six hundred twenty-five (625) in any month, the auditor and
8 treasurer of state shall, upon proper showing, credit said institution
9 with the sum of ten thousand six hundred twenty-five dollars
10 (\$10,625.00). The sums herein provided are appropriated from any
11 unappropriated funds in the state treasury, or so much thereof as
12 may be needed, and shall be in addition to the monthly salary allow-
13 ances for each officer and employee, and shall be drawn from the state
14 treasury in the same manner and for the same purposes as the regular
15 per capita allowance is drawn.

[C. C. 2232.]

CHAPTER 20.

PAROLES.

Sec. 481. Board of Parole—Qualifications—Term—Vacancy—Chairman.

1 The board of parole shall consist of three (3) electors of the state.
2 Not more than two (2) members shall belong to the same political
3 party. One (1) member shall be a practicing attorney at law at the

4 time of his appointment. Each member shall serve for six (6) years
5 from July first of the year of his appointment, except appointees to
6 fill vacancies who shall serve for the balance of the unexpired term.

[C. C. 2242.]

Sec. 482. Appointment—Vacancies.

1 The governor shall, during each regular session of the general
2 assembly and within sixty (60) days after the convening thereof,
3 appoint, with the approval of the senate, a successor to that member
4 of the board whose term will expire on July first following. Appoint-
5 ments may be made when the general assembly is not in session, to fill
6 vacancies, but such appointments shall be subject to the approval of
7 the senate when next in session. Vacancies occurring during a ses-
8 sion of the general assembly shall be filled as regular appointments
9 are made and before the end of said session, and for the unexpired
10 portion of the regular term.

[C. C. 2242.]

Sec. 483. Secretary and Employees.

1 The board shall appoint a secretary and such other employees
2 as the executive council may, by written resolution, authorize.

[C. C. 2242.]

Sec. 484. Salaries of Board.

1 Each member of the board shall receive ten dollars (\$10.00) for
2 each day actually spent in the discharge of his duties of said office
3 and, in addition; all necessary traveling expenses, by the nearest trav-
4 eled route, while engaged in official business.

[C. C. 2242.]

Sec. 485. Salary of Secretary.

1 The secretary shall receive a salary, to be fixed by the board, of
2 not to exceed two thousand dollars (\$2,000.00) per year.

[C. C. 2242.]

Sec. 486. Expenses of Employees.

1 Said secretary and all other employees shall, in addition to salary,
2 be entitled to receive their necessary traveling expenses by the near-
3 est traveled route while engaged in official business.

[C. C. 2242.]

Sec. 487. Trips to Other States.

1 No traveling expenses to other states shall be allowed unless the
2 trip is authorized by the board by a written resolution which shall
3 state the purpose and declare the necessity for the trip prior to the
4 actual making thereof, but emergency trips may be made on written
5 order of the chairman which shall be reported to the board at its
6 next meeting.

[C. C. 2243.]

Sec. 488. Appropriation.

1 There is hereby appropriated from any unappropriated funds in
2 the state treasury an amount sufficient to pay the salaries and ex-
3 penditures heretofore authorized.

[C. C. 2245.]

Sec. 489. Power to Parole After Commitment.

1 The board of parole shall, except as to prisoners serving life
2 terms, have power to parole persons convicted of crime and com-
3 mitted to either the penitentiary or men's reformatory.

[C. C. 2247.]

Sec. 490. Rules.

1 Said board shall have power to establish the rules and conditions
2 under which paroles may be granted.

[C. C. 2247.]

Sec. 491. Parole Before Commitment.

1 Said board may, on the recommendation of the trial judge and
2 prosecuting attorney, and when it appears that the good of society
3 will not suffer thereby, parole after sentence for less than life im-
4 prisonment and before commitment, prisoners who have not been
5 previously convicted of a felony.

[C. C. 2247.]

Sec. 492. Employment for Paroled Prisoners.

1 No person shall be released on parole until the board of parole
2 shall have satisfactory evidence that arrangements have been made
3 for his employment or maintenance for at least six (6) months. Said
4 board may render assistance to prisoners about to be paroled in pro-
5 curing employment and the necessary expense incident thereto shall
6 be paid as other expenses of the board are paid.

[C. C. 2247, 2249.]

Sec. 493. Legal Custody of Paroled Prisoners.

1 All paroled prisoners shall remain, while on parole, in the legal
2 custody of the warden, and under the control of said board, and shall
3 be subject, at any time, to be taken into custody and returned to the
4 penitentiary or men's reformatory from which they were paroled.

[C. C. 2247.]

Sec. 494. Order for Recommitment—Fees.

1 The written order of said board, certified to by the secretary of

2 said board, that a prisoner on parole shall be taken into custody and
3 returned to the institution from which paroled, shall be served by
4 any peace officer or other person, to whom it may be delivered for
5 service, and such officer or person shall receive the same fees for
6 serving such order as sheriffs receive for like service. Said fees
7 shall be paid from the appropriation herein made.

[C. C. 2247.]

Sec. 495. Parole Time Not Counted on Sentence.

1 The time when a prisoner is on parole or absent from the peni-
2 tentiary or men's reformatory shall not be held to apply upon his
3 sentence if he shall violate the term of his parole.

[C. C. 2247.]

Sec. 496. Investigations.

1 Said board shall have power to make any investigation which it
2 may deem necessary in order to determine the facts relative to mat-
3 ters coming before it, but shall not receive, unsolicited by them, any
4 petition or communication or argument in regard to application for
5 parole, pardon, or discharge unless provided for in their adopted
6 rules. Every public officer to whom inquiry may be addressed by
7 the board of parole concerning any prisoner shall give said board all
8 information possessed by or accessible to him which may throw light
9 upon the question of the fitness of a prisoner to receive the benefits
10 of parole.

[C. C. 2248, 2249.]

Sec. 497. Duty of Clerk of District Court.

1 The clerk of the district court shall, as to each commitment to
2 the penitentiary or men's reformatory, furnish the board of parole

3 with a copy of the indictment, the minutes of testimony attached
4 thereto, the name and residence of the trial judge, of the prosecuting
5 attorneys, and of the jurors and witnesses sworn at the trial.

[C. C. 2246.]

Sec. 498. Duty of Trial Judge and Prosecutor.

1 The trial judge and the prosecuting attorney shall, when re-
2 quested by the board, furnish it with a full statement of the facts
3 and circumstances attending the commission of the offense so far as
4 known or believed by them.

[C. C. 2246.]

Sec. 499. Clothing, Transportation and Money Furnished.

1 When a prisoner is paroled, he shall be furnished, by the warden,
2 with such clothing, transportation and money as is provided for pris-
3 oners when discharged at the termination of their sentence, but no
4 further allowance shall be made if final discharge is granted while
5 on parole.

[C. C. 2250.]

Sec. 500. Parole by Court.

1 The trial judge before whom a person has been convicted of any
2 crime, except treason, murder, rape, robbery or arson, may, if said
3 defendant has not been previously convicted of a felony, by record
4 entry suspend the execution of the sentence and order such person,
5 during good behavior, committed to the custody, care, and guardian-
6 ship of any suitable resident citizen of the state.

[C. C. 2254.]

Sec. 501. Report by Custodian.

1 The person having the custody of such paroled person shall, each

2 thirty (30) days, or oftener if required by the court, make written
3 report to the judge as to the conduct of such paroled person.

[C. C. 2254.]

Sec. 502. Revocation of Court Parole.

1 A suspension of a sentence by the court as herein provided may
2 be revoked at any time, without notice, by the court or judge, and the
3 defendant committed in obedience to such judgment.

[C. C. 2255.]

Sec. 503. Effect of Violation of Parole.

1 If the suspended sentence be an order for commitment to the
2 training school, the fact that the dependent first violated his or her
3 parole after reaching the age of eighteen (18) years, and before reach-
4 ing the age of twenty-one (21) years, shall not prevent the enforce-
5 ment of such sentence.

[New.]

Sec. 504. Clerk to Report Criminal Statistics.

1 The clerk of the district court shall, on or before July fifteenth
2 each year, report to the board of parole:

3 1. The number of convictions of all offenses in that court, in his
4 county, for the year ending June thirtieth preceding, the character
5 of each offense, the sentence imposed, occupation of the offender, and
6 whether such offender can read or write.

7 2. Number of acquittals.

8 3. Number of dismissals by the court without trial, and the na-
9 ture of the charges so dismissed.

10 4. The expenses of the county for criminal prosecutions during
11 said year.

[C. C. 2256.]

Sec. 505. Itemization of Statistics.

1 The fourth item required by the preceding section shall be item-
2 ized as follows:

- 3 1. Jury fees in criminal cases.
- 4 2. Meals for jurors in criminal cases.
- 5 3. Bailiffs' fees for service while attending criminal cases.
- 6 4. Expense of taking prisoners to prison.
- 7 5. Attorney fees under appointment to defend.
- 8 6. Grand jury fees.
- 9 7. Witness fees paid in criminal cases.
- 10 8. Reporters' fees for reporting and transcribing testimony in
11 criminal cases at expense of county.
- 12 9. Grand jury witness fees paid.
- 13 10. Compensation to clerk of grand jury.
- 14 11. Compensation to bailiff of grand jury.
- 15 12. Fees and expenses paid sheriff and other officers by the coun-
16 ty in connection with the grand jury.
- 17 13. Expense of jail, not including board of prisoners.
- 18 14. Board of prisoners.
- 19 15. Compensation and expense of county attorney and his as-
20 sistants in criminal cases.
- 21 16. All jurors' fees, jurors' meals, witness fees, constable's fees,
22 and justice fees paid by the county in all criminal cases before a jus-
23 tice of the peace, magistrate or police court.

[C. C. 2256.]

Sec. 506. Auditor to Report Statistics to Clerk.

1 The county auditor shall report to the clerk of the district court.

2 on or before July fifth of each year, the expenses of the county
3 in criminal prosecutions during the year ending June thirtieth
4 preceding, including but distinguishing the compensation of the coun-
5 ty attorney. Such report shall include all the items of criminal ex-
6 penses which appear in the records of his office and which are required
7 to be reported by the clerk of the district court to the board of parole.
8 The clerk of the district court shall furnish to the auditor the blanks
9 to be used in making such report.

[C. C. 2257.]

CHAPTER 21.

PARDONS, COMMUTATIONS, REMISSION OF FINES AND FORFEITURES, AND RESTORATION TO CITIZENSHIP.

Sec. 507. **Power of Governor to Grant Reprieves and Pardons.**

1 Nothing in the preceding chapter shall be construed as impairing
2 the power of the governor under the constitution, to grant a reprieve,
3 pardon or commutation of sentence in any case.

[C. C. 2253.]

Sec. 508. **Pardon.**

1 A person whose sentence has been suspended may be pardoned
2 by the governor at any time after such suspension on such conditions
3 as he may think proper.

[C. C. 2254.]

Sec. 509. **Recommendation for Pardon.**

1 The board of parole shall recommend to the governor the pardon
2 of such prisoners as have acceptably served not less than twelve (12)
3 months of their parole and who have, by their conduct, given satis-
4 factory evidence that they will continue to be law-abiding citizens.

[C. C. 2251.]

Sec. 510. Pardon of Soldiers, Sailors and Marines.

1 Said board may also recommend to the governor the pardon of a
2 paroled prisoner who, during parole, and during the war with the
3 central powers of Europe, entered the army or navy of the United
4 States or of any of the countries with which the United States was
5 allied, or who, during said war, was employed upon or in public works
6 by or for the immediate benefit of the United States, and who has
7 been honorably discharged from such army or navy.

[C. C. 2251.]

Sec. 511. Conditions Prerequisite to Pardon.

1 After conviction for a felony, no pardon shall be granted by the
2 governor until he shall have presented the matter to, and obtained
3 the advice of, the board of parole thereon, but he may commute a
4 death sentence to imprisonment in the penitentiary for life, without
5 making such reference or obtaining such advice.

[C. C. 2258.]

Sec. 512. Publication in re Pardon.

1 Before presenting an application for pardon to the board of
2 parole for its action, where the sentence is death or imprisonment for
3 life, the governor shall cause a notice containing the reasons assigned
4 for granting the pardon to be published in two (2) newspapers of
5 general circulation, one (1) of which shall be published at the capital
6 and the other in the county where the conviction was had, once each
7 week, for four (4) successive weeks, the last publication to be at
8 least twenty (20) days prior to the session of the board of parole to
9 which the matter shall be presented.

[C. C. 2258.]

Sec. 513. Investigation of Applications for Pardon.

1 The board of parole shall, under the direction of the governor,
2 take charge of all correspondence in reference to the pardon of per-
3 sons convicted of crimes and carefully investigate each application,
4 and file its recommendation with the governor with its reasons for
5 the same.

[C. C. 2252.]

Sec. 514. Information Relative to Applications.

1 When an application is made to the governor for a pardon, re-
2 prieve or commutation, or for the remission of a fine or forfeiture,
3 he may require the judge of the court, or the county attorney or at-
4 torney general by whom the action was prosecuted, or the clerk of
5 such court, to furnish him without delay a copy of the minutes of
6 the evidence taken on the trial, and of any other facts having refer-
7 ence to the propriety of his exercise of his powers in the premises.

[C. C. 2259.]

Sec. 515. Governor May Take Testimony.

1 The governor may also take such testimony, bearing upon appli-
2 cations, as he may deem advisable. Any person who, in giving such
3 testimony, swears falsely, and any person who shall knowingly and
4 corruptly make any false statements in an affidavit intended to be
5 used in connection with an application for pardon, or for remission
6 of fine or forfeiture, shall be guilty of perjury, and be punished ac-
7 cordingly.

[C. C. 2258.]

Sec. 516. Return of Pardon Warrant.

1 When any convict is pardoned or reprieved, or his sentence com-
2 muted, or any fine or forfeiture is remitted, the officer to whom the
3 warrant is directed shall, as soon as may be after executing the same,
4 make thereon a return in writing of his doings, sign the same with
5 his name and official title, and file the same with the secretary of
6 state, and file in the office of the clerk of the court in which the con-
7 viction was had, or in which it was to have been enforced, a certified
8 copy of the warrant and return, the proper entries in relation to
9 which shall be made by such clerk.

[C. C. 2260.]

Sec. 517. Files in Matters of Pardon.

1 All papers and documents relating to the pardon of any person
2 shall, upon the granting of such pardon, become a part of the files
3 of the governor's office.

[C. C. 2251.]

Sec. 518. Restoration to Citizenship.

1 The governor shall have the right to grant any convict, whom
2 he shall think worthy thereof, a certificate of restoration to all his
3 rights of citizenship. The warden or superintendent, upon request
4 of the governor, shall, in case of application for such restoration, fur-
5 nish him with a statement of the convict's deportment during his
6 imprisonment, and may at all times make such recommendations to
7 the governor as he shall think proper respecting such restoration.

[C. C. 2261.]

Sec. 519. Fines and Forfeitures.

- 1 The governor shall have power to remit fines and forfeitures
- 2 upon such conditions as he may think proper.

[C. C. 2258.]

Code Commissioners' Bill No. 85

Subject: EDUCATION—INSTRUCTION IN PATRIOTISM

Senate File No. Referred to Committee on
 House File No.
 By Date

A BILL FOR

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), twenty-five hundred seventy-five (2575) and twenty-six hundred twenty-eight (2628) of the compiled code of Iowa, relating to education.

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

That chapter one (1) of title ten (10) and section twenty-two hundred seventy-one (2271), twenty-two hundred seventy-three (2273), twenty-five hundred seventy-three (2573), twenty-five hundred seventy-five (2575) and twenty-six hundred twenty-eight (2628) of the compiled code of Iowa are amended, revised and codified to read as follows:

CHAPTER 1.**ENGLISH MEDIUM OF INSTRUCTION—AMERICANISM.****Section 1. Definitions.**

- 1 The expression "public school" means any school maintained in
- 2 whole or in part by taxation; the expression "private school" means
- 3 any other school.

[New.]

Sec. 2. Display of United States Flag—Flagstaff.

1 The board of directors of each public school corporation and the
2 authorities in charge of each private school shall provide and main-
3 tain a suitable flagstaff on each school site under its control, and a
4 suitable United States flag therefor which shall be raised on all school
5 days when weather conditions are suitable. The person in charge of
6 the school may arrange for the raising of such flag with appropriate
7 services.

[C. C. 2573, 2628, modified.]

Sec. 3. English—Medium of Instruction.

1 The medium of instruction in all secular subjects taught in all of
2 the schools, public and private, shall be the English language, and the
3 use of any language other than English in secular subjects in said
4 schools is hereby prohibited; but nothing herein shall prohibit the
5 teaching and studying of foreign languages as such as a part of the
6 regular school course in any such school, in any course above the eighth
7 grade.

[C. C. 2263.]

Sec. 4. Penalty.

1 Any person violating any of the provisions of the two (2) pre-
2 ceding sections shall be fined not less than twenty-five dollars (\$25.00)
3 nor more than one hundred dollars (\$100.00).

[C. C. 2264, modified.]

Sec. 5. American Citizenship to Be Taught.

1 Each public and private school located within the state of Iowa
2 shall be required to teach the subject of American citizenship in all

3 grades.

[C. C. 2271, modified.]

Sec. 6. Minimum of Instruction in American History and Civics.

1 Public and private high schools, academies, and other institutions
2 ranking as secondary schools which maintain three-year or longer
3 courses of instruction shall offer, and all students shall be required
4 to take, a minimum of instruction in American history and civics of
5 the state and nation to the extent of two (2) semesters and schools
6 of this class which have four-year or longer courses shall offer in
7 addition one (1) semester in social problems and economics.

[C. C. 2273, modified.]

Sec. 7. Books, Texts, and Outlines Approved.

1 All schools, public and private, shall cause the use of such books,
2 texts, and outlines for instruction in the subjects mentioned in the
3 two (2) preceding sections as are approved by the superintendent of
4 public instruction.

[New.]

Sec. 8. No Instruction Inimical to Americanism—Petition.

1 No instruction inimical to the principles of government of the
2 United States or this state shall be given in any school, public or
3 private. Whenever such instruction is being given, school officers
4 cognizant thereof shall, and any five (5) citizens of lawful age may,
5 present to the governing body of such school a petition for discon-
6 tinuance thereof, and of the use of the books or texts from which such
7 instruction is given.

[New.]

Sec. 9. Notice of Petition—Hearing.

1 Said governing body shall notify the person giving such instruc-
2 tion or using such books or texts, and any party with whom any con-
3 tract for such books or texts has been made, or any agent of such
4 party, of the time and place of a public hearing before it on said peti-
5 tion, which shall be not less than five (5) nor more than ten (10)
6 days from the date of filing such petition. At the hearing, the gov-
7 erning body shall receive and consider evidence and hear arguments
8 in support of and in opposition to the petition, if offered.

[New.]

Sec. 10. Decision—Contracts Void.

1 If said body shall decide that said instruction or use of books or
2 texts is in violation of the provisions of the second preceding section,
3 it shall order the same to be discontinued and shall enforce such order
4 by the discharge of such instructor, unless he desists, and the removal
5 of said books or texts from the schools. All contracts for such in-
6 struction and for such books or texts shall be void.

[New.]

Sec. 11. Appeal.

1 Any person may appeal from the decision of said governing body
2 to the state superintendent within the same time and in the same
3 manner that appeals are taken from decisions of the county super-
4 intendent. The state superintendent may, pending his decision, sus-
5 pend the order of the governing body.

[New.]

Sec. 12. Propaganda Prohibited in Schools.

1 No propaganda shall be conducted nor money collected for the

2 objects thereof through the public schools of the state, except for edu-
3 cational purposes and in compliance with law.

[New.]

Sec. 13. Advertising Matter Prohibited in Schools.

1 No person shall be permitted to distribute any advertising matter
2 or collect money in the schools or upon the school grounds, or in the
3 streets adjacent thereto, nor solicit pupils or teachers therein or
4 thereon for any purpose except with the approval of the board of
5 education and the superintendent of such school, or the county super-
6 intendent if there be no other superintendent.

[New.]

Sec. 14. Peddlers, Book Agents, Solicitors Forbidden.

1 No peddler, book agent, solicitor, or person taking pictures for
2 the purpose of sale, shall be permitted to pursue his business in any
3 school building or on any school grounds or in the streets adjacent
4 thereto, except with the approval of the board of education or the
5 superintendent of such school, or the county superintendent if there
6 be no other superintendent.

[New.]

Sec. 15. Penalty.

1 Any person violating any of the provisions of the two (2) preced-
2 ing sections shall be punished by a fine not exceeding one hundred
3 dollars (\$100.00) or imprisonment in the county jail not exceeding
4 thirty (30) days, or both.

[New.]

Sec. 16. Bible Not Excluded From Schools.

1 The bible shall not be excluded from any public school or insti-

2 tution in the state, nor shall any child be required to read it contrary
3 to the wishes of his parent or guardian.

[C. C. 2575.]

Code Commissioners' Bill No. 86

Subject: EDUCATION—SUPERINTENDENT OF PUBLIC INSTRUCTION

Senate File No..... Referred to Committee on
 House File No.....
 By Date.....

A BILL FOR

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-seven (2277), inclusive, of the compiled code of Iowa, 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-seven (2277), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Qualifications.

1 The superintendent of public instruction shall be a graduate of
 2 an accredited university or college, or of a four-year course above
 3 high school grade in an accredited normal school, and shall have had
 4 at least five (5) years' experience as a teacher or school superin-
 5 tendent.

[C. C. 2266.]

Sec. 2. Office.

1 The office of the superintendent of public instruction shall be in
2 the capitol and be known as the department of public instruction.

[C. C. 2265, 2267.]

Sec. 3. General Powers.

1 He shall have general supervision and control over secular edu-
2 cation in private schools and over the rural, graded, and high schools
3 of the state, and over such other state and public schools as are not
4 under the control of the state board of education or board of control
5 of state institutions.

[C. C. 2267, modified.]

Sec. 4. Duties.

1 The superintendent of public instruction shall:

2 1. *Inspection.* Ascertain, so far as practicable, by inspection or
3 otherwise, the condition, needs, and progress of the schools under the
4 supervision and control of his department.

[C. C. 2267-1.]

5 2. *Recommendations.* Suggest, through public addresses, pam-
6 phlets, bulletins, and by meetings and conferences with school officers,
7 teachers, parents, and the public generally such changes and improve-
8 ments relating to educational matters as he may think desirable, and
9 publish and distribute such views and information as he may deem
10 important.

[C. C. 2267-2.]

11 3. *Promotion of interest in education.* Endeavor to promote
12 among the people of the state an interest in education, including
13 industrial and commercial education, agriculture, manual and voca-

14 tional training, domestic science and continuation work.

[C. C. 2267-3.]

15 4. *Days for special observance.* Publish and distribute from time
16 to time leaflets and circulars relative to such days and occasions as
17 he may deem worthy of special observance in the public schools.

[C. C. 2267-6.]

18 5. *Classification.* Classify and define the various schools under
19 the supervision and control of his department, formulate suitable
20 courses of study therefor, and publish and distribute such classifica-
21 tions and courses of study.

[C. C. 2267-4.]

22 6. *Outline for teaching American citizenship.* Prepare and dis-
23 tribute to all elementary schools, public and private, lists of books and
24 texts and an outline of American citizenship for all grades from one
25 to eight, inclusive.

[C. C. 2272.]

26 7. *Distribution of outline of courses of study.* Distribute to all
27 high schools, academies, and institutions ranking as secondary schools,
28 public and private, lists of books and texts and an outline of a course
29 of study in American history, civics of the state and nation, social
30 problems and economics, prepared under his direction.

[C. C. 2274.]

31 8. *Officers' and teachers' reports—forms.* Prescribe the reports,
32 both regular and special, which shall be made by public school officers,
33 superintendents, teachers, and other persons and officers having cus-
34 tody and control of public school funds or property, and prepare

35 suitable forms and furnish blanks for such reports.

[C. C. 2267-5.]

36 9. *Reports from private schools.* Inspect and require reports
37 from all private schools of such matters as in his judgment may be
38 in the public interest. If any private school refuses or unreasonably
39 neglects to furnish such reports, the property belonging to said school
40 shall not be exempted from state and local taxation.

[New.]

41 10. *Report to auditor.* Report to the auditor of state on the first
42 day of January of each year the number of persons of school age in
43 each county.

[C. C. 2267.8.]

44 11. *Report to governor.* Report on or before September first in
45 each even numbered year to the governor the condition of the schools
46 under his supervision, including the number and kinds of school dis-
47 tricts, the number of schools of each kind, the number and value of
48 school houses, the enrollment and attendance in each county for the
49 previous year, any measures proposed or plans matured for the im-
50 provement of the public schools, such financial and statistical informa-
51 tion as may be of public importance, and such general information
52 relating to educational affairs and conditions within the state or else-
53 where as he may deem beneficial.

[C. C. 2267-8, modified.]

54 12. *Institutes.* Appoint at least one (1) and not more than two
55 (2) county educational meetings or institutes to be held in each county
56 each year and designate the time and place for holding them. The
57 program therefor, and the instructors and lecturers therein, shall be

58 subject to his approval.

[C. C. 2267-10.]

59 13. *Examinations.* Prepare and supply questions for the exam-
60 ination of pupils completing the eighth grade in the rural schools, and
61 fix the times of such examinations.

[C. C. 2267-11, modified.]

62 14. *Plans and specifications for buildings.* When deemed neces-
63 sary, cause to be prepared and published a pamphlet containing suit-
64 able plans and specifications for public school buildings, including the
65 most approved means and methods of heating, lighting, and ventilat-
66 ing the same, together with information and suggestions for the
67 proper and economical construction thereof.

[C. C. 2267-9.]

68 15. *Printing of school laws.* During the months of June and July
69 in the year nineteen hundred twenty-one (1921) and every four (4)
70 years thereafter, if deemed necessary, cause to be printed in book
71 form all school laws then in force, with such forms, rulings, and de-
72 cisions, and such notes and suggestions as may aid school officers in
73 the proper discharge of their duties. The number of copies to be
74 printed shall be determined by the document editor, and a sufficient
75 number shall be furnished to the county superintendent of each county
76 to supply therein school officers, directors, superintendents, and to
77 others in such numbers as may be reasonably requested.

[C. C. 2269, 2270, modified.]

78 16. *Printing of changes in school laws.* Cause to be printed in
79 pamphlet form after each session of the general assembly, any amend-
80 ments or changes in the school laws with necessary notes and sugges-

81 tions to be distributed as above prescribed.

[C. C. 2270.]

82 17. *Appeals.* Examine and determine all appeals taken to him,
83 according to law, prescribe rules of practice therefor not inconsistent
84 with law, and render written opinions upon questions submitted by
85 school officers pertaining to their duties.

[C. C. 2267-7.]

Sec. 4. Teachers' Employment Bureau.

1 The superintendent of public instruction shall:

2 1. Adopt and publish regulations for carrying out the provisions
3 of this section, and obtaining and furnishing information as to the
4 experience, qualifications, and character of persons seeking employ-
5 ment as teachers.

6 2. Enroll any person having a certificate to teach in this state
7 who shall be deemed by his department to be qualified and suitable
8 for such employment, on written application made in compliance with
9 such regulations.

10 3. Upon request furnish information as to teachers seeking em-
11 ployment to proper authorities of public schools, and furnish enrolled
12 teachers with information relative to vacancies in public schools.

13 4. Employ such additional help as may be necessary to carry out
14 the provisions of this section.

15 No person connected with the office of the superintendent of pub-
16 lic instruction shall be held responsible or be understood to vouch for
17 the fitness or success of any teacher.

[C. C. 2268, modified.]

Sec. 5. Appropriation.

1 There is hereby appropriated from any funds in the state treas-
2 ury not otherwise appropriated the sum of two thousand five hundred
3 dollars (\$2,500.00) annually, for the purpose of carrying out the pro-
4 visions of the preceding section.

[C. C. 2268.]

Sec. 6. Reports From School Officers and Others—Delinquency.

1 The superintendent of public instruction may require from time
2 to time reports under oath from all officers and persons who have any
3 authority over, or who have any duties in connection with, public
4 school affairs, or who have, or who have lately had, the custody or
5 control of any public school funds or property. He shall furnish the
6 the proper blanks for such reports, and any such officer or person who
7 unreasonably neglects or refuses to make a report required by him
8 shall be deemed guilty of a misdemeanor.

[C. C. 2275.]

Sec. 7. Deputy—Chief Clerk—Inspectors.

1 He may appoint a deputy whose appointment must be approved
2 by the governor. The qualifications of the deputy shall be the same
3 as required for the superintendent. The deputy shall, in the absence
4 or inability of the superintendent, perform the duties of the office.
5 The superintendent of public instruction shall also appoint a chief
6 clerk and such regular inspectors of the public and private schools
7 of the state, including rural, graded, and high schools, as he may deem
8 necessary, not exceeding three (3).

[C. C. 2276, modified.]

Sec. 8. Expenses.

1 The superintendent of public instruction, his deputy and the regu-
2 lar inspectors in his department shall receive their actual necessary
3 traveling expenses incurred in the performance of their official duties

[C. C. 2277.]

Code Commissioners' Bill No. 87

Subject: EDUCATION—VOCATIONAL

Senate File No. Referred to Committee on

House File No. . . .

By Date

A BILL FOR

An act to amend, revise and codify chapter three (3) of title ten (10) of the compiled code of Iowa, 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 is amended, revised and codified to read as follows:

Section 1. Provisions of Federal Act Accepted.

1 The provisions of the act of congress entitled, "An Act to provide
2 for the promotion of vocational education; to provide for cooperation
3 with the states in the promotion of such education in agriculture and
4 in the trades and industries; to provide for cooperation with the
5 states in the preparation of teachers of vocational subjects; and to
6 appropriate money and regulate its expenditure", approved February
7 23, 1917, and the benefit of all funds appropriated under said act, are
8 accepted.

[C. C. 2278, 2279.]

Sec. 2. State Board for Vocational Education—Members.

1 The superintendent of public instruction, the president of the
2 state board of education, and the labor commissioner shall constitute
3 the state board for vocational education.

[C. C. 2280.]

Sec. 3. Executive Officer—Assistants.

1 The superintendent shall be chairman of the board and its execu-
2 tive officer, and shall, with its approval, appoint such assistants as
3 may be necessary to carry out the provisions of this chapter.

[C. C. 2282.]

Sec. 4. Duties of Board.

1 The board shall:

2 1. Cooperate with the federal board for vocational education in
3 the administration of said act of congress.

4 2. Provide for making studies and investigations relating to pre-
5 vocational and vocational training, in agricultural, industrial, home
6 economics, and commercial subjects.

7 3. Promote and aid in the establishment in local communities and
8 public schools of departments and classes giving instruction in such
9 subjects.

10 4. Cooperate with local communities in the maintenance of such
11 schools, departments, and classes.

12 5. Establish standards for teachers of such subjects in approved
13 schools, departments, and classes.

14 6. Cooperate in the maintenance of teachers' training schools,
15 departments and classes, supported and controlled by the public, for
16 the training of teachers and supervisors of such subjects.

17 7. Establish standards for, and annually inspect as a basis of
18 approval, all schools, departments, and classes, and all teachers' train-
19 ing schools, departments, and classes, applying for federal and state
20 moneys under the provisions of this chapter.

[C. C. 2281, 2283, 2284.]

Sec. 5. Federal Aid—Conditions.

1 Approved schools, departments, and classes, and approved teach-
2 ers' training schools, departments, and classes shall be entitled to
3 federal and state moneys so long as they are approved by such board
4 as to site, plant, equipment, number and qualification of teachers,
5 employment of teachers, admission and number of pupils, courses of
6 study, methods of instruction, and expenditure of money. "Approved
7 school, department, or class" shall mean a school, department, or class
8 approved by said board as entitled under the provisions of this chapter
9 to federal moneys for the salaries of teachers of vocational subjects.
10 "Approved teachers' training school, department, or class" shall mean
11 a school, department, or class approved by the board as entitled under
12 the provisions of this chapter to federal moneys for the training of
13 teachers of vocational subjects.

[C. C. 2284, 2285.]

Sec. 6. Advisory Committee—Qualifications—Tenure—Meetings.

1 The board shall appoint a state advisory committee for vocational
2 education, consisting of nine (9) members. The term of each mem-
3 ber shall be for three (3) years. The terms of three (3) members
4 shall expire on the first day of July each year. The committee shall
5 consist of three (3) educators, one member experienced in agricul-
6 ture, one an employer, one a representative of labor, one experienced
7 in business and commerce, one experienced in social work, and one
8 woman experienced in women's work. The committee shall meet in
9 conference with the board at least twice a year, and at such other
10 times as the board shall deem advisable.

[C. C. 2286, modified.]

Sec. 7. State Aid to Equal Federal Aid.

1 The state shall pay for the salaries of teachers of vocational sub-
2 jects in such approved schools, departments, and classes, and for the
3 maintenance of approved teachers' training schools, departments, and
4 classes, an amount equal to the amount of federal money which they,
5 respectively, receive for the same purpose for the same year. When-
6 ever in any year the federal and state funds available shall not be
7 sufficient to meet the requirements of such schools, and training
8 schools, the state board for vocational education shall as nearly as
9 practicable prorate the moneys available for such purposes respec-
10 tively.

[C. C. 2287.]

Sec. 8. Appropriation Recommended by Board.

1 The board shall recommend to each session of the general assem-
2 bly the amount of money which should be appropriated by the general
3 assembly for approved schools, departments, and classes, and for ap-
4 proved teachers' training schools, departments, and classes, for each
5 succeeding biennium.

[C. C. 2287.]

Sec. 9. Local Advisory Committee.

1 The board of directors of any school district having a population
2 of more than five thousand (5,000) persons, maintaining a school,
3 department, or class receiving the benefit of federal moneys under
4 the provisions of this chapter shall, as a condition of approval by
5 such state board as herein provided, appoint a local advisory com-
6 mittee for vocational education, consisting of persons of experience
7 in agriculture, industry, home economics, and business, to give advice

8 and assistance to such board of directors in the establishment and
9 maintenance of such schools, departments, and classes. The state
10 board may require the board of directors of any school district that
11 maintains an approved school, department, or class, to appoint such
12 an advisory committee. Members of such advisory committee shall
13 serve without compensation.

[C. C. 2288.]

Sec. 10. Powers of School District Boards.

1 The board of directors of any school district is authorized to
2 carry on prevocational and vocational instruction in subjects relating
3 to agriculture, commerce, industry and home economics, and to pay
4 the expense of such instruction in the same way as the expenses for
5 other subjects in the public schools are now paid.

[C. C. 2289.]

Sec. 11. Salary and Expenses—Appropriation.

1 The board is authorized to make such expenditures for salaries
2 of assistants, actual expenses of the board and the state advisory
3 committee incurred in the discharge of their duties, and such other
4 expenses as in the judgment of the board are necessary to the proper
5 administration of this chapter; and there is hereby appropriated
6 therefor out of any funds in the state treasury not otherwise appro-
7 priated, the sum of nine thousand dollars (\$9,000.00) per annum.

[C. C. 2290, 2291.]

Sec. 12. Custodian of Funds—Reports.

1 The state treasurer shall be custodian of the funds paid to the
2 state from the appropriations made under said act of congress, and
3 shall disburse the same on vouchers audited as provided by law. He

4 shall report the receipts and disbursements of said funds to the general
5 assembly at each biennial session.

[C. C. 2293, 2294.]

Sec. 13. **Biennial Report of Board.**

1 The board shall report to the general assembly at each biennial
2 session, its doings and recommendations, and the receipts and ex-
3 penditures of funds under the provisions of this chapter.

[C. C. 2294.]

Code Commissioners' Bill No. 88.

Subject: EDUCATION—BOARD OF EXAMINERS

Senate File No.	.	Referred to Committee on
House File No.	. . . . .	. . . . .
By	. . . . .	Date

A BILL FOR

An act to amend, revise and codify chapter four (4) of title ten (10) and sections two thousand four hundred eighty-one (2481) to two thousand four hundred eighty-three (2483), inclusive, two thousand four hundred eighty-five (2485) to two thousand four hundred eighty-eight (2488), inclusive, two thousand four hundred ninety-one (2491) to two thousand four hundred ninety-nine (2499), inclusive, of the compiled code of Iowa, relating to education.

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

That chapter four (4) of title ten (10) and sections two thousand four hundred eighty-one (2481) to two thousand four hundred eighty-three (2483), inclusive, two thousand four hundred eighty-five (2485) to two thousand four hundred eighty-eight (2488), inclusive, two thousand four hundred ninety-one (2491) to two thousand four hundred ninety-nine (2499), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Members Board of Educational Examiners—Term.

1 The board of educational examiners shall consist of the superin-

2 tendent of public instruction, the president of the university, the pres-

3 ident of the Iowa state teachers college, the president of the Iowa state

4 college of agriculture and mechanic arts, and two (2) persons to be

5 appointed by the governor, one (1) of whom shall be a woman. Each

6 appointee shall hold office for a term of four (4) years and be ineligible
7 for reappointment as his own successor.

[C. C. 2295.]

Sec. 2. Executive Officer—Meetings.

1 The superintendent of public instruction shall be president, and
2 the executive officer of the board. The board shall meet for the trans-
3 action of business at such times and places as it may determine, and
4 meetings may be called by the president or upon the written request of
5 three (3) members.

[C. C. 2295, 2296, modified.]

Sec. 3. Secretary—Assistants.

1 The board may employ a secretary, and prescribe his duties. He
2 shall receive his actual necessary expenses while engaged in the per-
3 formance of his duties at places other than the capitol. The board
4 may employ such persons as are necessary to assist in examinations
5 and in reading answer papers and for clerical and other necessary
6 work, who shall receive their actual traveling expenses to and from
7 the places where their services are rendered.

[C. C. 2306.]

Sec. 4. Examinations—Issuance of Certificates.

1 It shall provide for the holding of examinations of candidates for
2 teachers' diplomas and certificates, and the issuance of such classes of
3 diplomas and certificates as to grades and requirements as the several
4 kinds of educational work required of teachers shall demand, and shall
5 name and classify certificates so as to comply with the teachers' mini-
6 mum wage law.

[C. C. 2296, modified.]

Sec. 5. Certificates Defined.

1 All certificates issued to candidates whose examination papers in
2 didactics are graded by the county superintendent shall be known as
3 "county certificates." All other certificates shall be known as "state
4 certificates."

[New.]

Sec. 6. Holding of Examination.

1 It shall cause to be held in the several counties examinations on
2 the last Friday and the Wednesday and Thursday preceding, of the
3 months of January, June, July, August, and October of each year, at
4 which time such classes of candidates shall appear as the board may
5 direct.

[C. C. 2296, 2481, modified.]

Sec. 7. Special Examinations—Provisional and Emergency Certificates.

1 When a sufficient number of certificated teachers cannot be se-
2 cured to fill the schools of any county, the board may, upon request of
3 the county superintendent, appoint a special examination for such
4 county to be conducted in all respects as a regular examination, and
5 provisional certificates may be issued by the board, valid in said
6 county, for the remainder of the school year in which issued, but a
7 second provisional certificate shall not be issued to the same person.
8 The board may also make regulations under which certificates may be
9 issued to teachers to teach in cases of emergency.

[C. C. 2497, modified.]

Sec. 8. Registration of Certificates.

1 All diplomas and certificates shall be valid in any county when
2 registered therein, and no person shall teach in any public school, or

3 give instruction in any private school or otherwise which is to be in
4 lieu of education required in the public schools, whose certificate has
5 not been registered in that year with the county superintendent of
6 the county in which the school is located. If a sufficient number of
7 other regularly issued diplomas and certificates are held in any county
8 to supply the schools thereof, the county superintendent may decline
9 to register third class certificates.

[C. C. 2495, 2496, modified.]

Sec. 9. Life Diplomas.

1 The board may issue life diplomas to teachers on standards of
2 examination as to experience, education, and training that are deemed
3 of the highest grade of excellence, after the candidate has had ten
4 (10) years' experience as a teacher in the public schools.

[C. C. 2296, 2298, modified.]

Sec. 10. State Certificate, How Long Valid—Graduates From Accredited Colleges.

1 A state certificate shall authorize the holder to teach in the kinds
2 of schools therein named for a period of five (5) years after its issu-
3 ance. The board may grant state certificates upon proof of graduation
4 from the regular and collegiate courses in the state university, state
5 teachers college, state college of agriculture and mechanic arts, and
6 from other institutions of higher learning giving regular and collegiate
7 courses of equal rank therewith; but the board shall ascertain and
8 determine that the applicant has the professional fitness and moral
9 character required by law.

[C. C. 2298, 2299, 2300, 2301, modified.]

Sec. 11. Certification Teachers Other States.

1 The board may issue certificates to successful teachers from
2 other states under such rules as it may prescribe.

[C. C. 2302, modified.]

Sec. 12. County Certificates—How Long Valid.

1 All county certificates shall expire on the thirtieth day of June;
2 those of the first class in the third year after issuance; of the second
3 class in the second year, and of the third class in the first year.

[C. C. 2485, 2486, 2487, modified.]

Sec. 13. Renewal of Certificates.

1 Certificates may be renewed without examination for the period
2 for which they were issued, and holders of lower class certificates
3 shall be given higher grade standings on existing certificates and
4 issued higher class certificates, all under such regulations as the board
5 may prescribe. Third class certificates shall be renewed only once.

[C. C. 2303, 2315, 2485, 2486, 2487, modified.]

Sec. 14. Reissue for Life.

1 Certificates shall be reissued for life by the board upon compliance
2 by the holder with the following conditions:

3 1. The applicant shall show by testimonials from county or city
4 superintendents, or from principals having immediate supervision of
5 his school work, and from a member of the local board, that he has
6 had at least five (5) years' successful teaching experience, at least
7 three (3) of which shall have been immediately prior to the time
8 reissue is sought, and under the class of certificate for which such
9 reissue is desired.

10 2. If a county certificate is presented for reissue under this sec-

11 tion, the standing of the applicant in the several branches shown upon
12 his certificate shall average not less than eighty-five per cent (80%),
12 his certificate shall average not less than eighty-five per cent (85%),
14 3. The applicant shall furnish proof of professional study during
15 the entire five (5) year period, under rules to be fixed by the board.

[C. C. 2303, 2304, modified.]

Sec. 15. Revocation.

1 Any diploma or certificate issued by the board may be revoked by
2 it for any cause which would have authorized or required a refusal to
3 grant the same, and the holder shall have ten (10) days' notice by
4 registered mail and be allowed to be present and make defense.

[C. C. 2498, 2298, modified.]

Sec. 16. Revocation by County Superintendent.

1 When in the judgment of the county superintendent there is
2 probable cause for the revocation of a certificate or diploma held by
3 any teacher employed in his county, or when complaint is filed, sup-
4 ported by affidavits, charging incompetency, immorality, intemperance,
5 cruelty, or general neglect of the business of the school, the county
6 superintendent shall within ten (10) days transmit to such person a
7 written statement of the charges preferred and set the time, not less
8 than ten (10) days thereafter, and place for the hearing of the same at
9 which trial the teacher may be present and make defense.

[C. C. 2499, modified.]

Sec. 17. Trial—Order Revoking Certificate.

1 The trial and making and preservation of the record shall be,
2 so far as applicable, in conformity to the provisions of law relating
3 to the trial of civil actions in the district court. If upon the trial it

4 appears to the county superintendent that there is sufficient ground
5 for the revocation of the diploma or certificate, he shall at once issue
6 in triplicate an order revoking the diploma or certificate, and the same
7 shall become effective, unless an appeal is taken, fifteen (15) days
8 thereafter. One (1) copy of the order shall be filed and recorded in his
9 office, one (1) mailed to the superintendent of public instruction, and
10 the other sent by registered mail to the holder of the certificate.

[C. C. 2499, modified.]

Sec. 18. Appeal.

1 The person aggrieved by such order may appeal to the board of
2 educational examiners within fifteen (15) days from the date of filing
3 such order. On the appeal the trial shall be de novo on the record made
4 before the county superintendent, and the board may make and en-
5 force such order as in its judgment shall meet the requirements of
6 the case, and its decision shall be final. The board may appoint com-
7 mittees of three (3) of its members any of which shall have all the
8 power of the board to hear and determine such appeals. The state
9 superintendent shall be ex officio chairman of each such committee.

[C. C. 2499, modified.]

Sec. 19. Fees.

1 Each applicant for examination or for renewal shall pay fees as
2 follows:

3 For diploma or life certificate, five dollars (\$5.00).

4 For state certificate, two dollars (\$2.00).

5 For county certificate, including normal training high school cer-
6 tificates, one dollar (\$1.00).

7 All money received by the board shall be paid into the state treas-
8 ury, and the board shall keep an accurate and detailed account of all
9 money received and expended, and a complete register of each person
10 to whom a diploma or certificate is issued, which shall be published by
11 the superintendent of public instruction in his annual report.

[C. C. 2298, 2303, 2304, 2307, 2297, 2487, 2493, modified.]

Sec. 20. Expenses.

1 Each member of the board shall receive his actual necessary ex-
2 penses, incurred in the discharge of his duties.

[C. C. 2306.]

Sec. 21. Expenses—How Paid.

1 All expenses authorized to be incurred by the board and its mem-
2 bers shall be certified by the president and after proper audit shall be
3 paid from any funds in the state treasury accumulated under the
4 provisions of this chapter and from examinations of teachers by county
5 superintendents.

[C. C. 2306, modified.]

Code Commissioners' Bill No. 89.

Subject: EDUCATION—NORMAL TRAINING HIGH SCHOOLS

Senate File No..... Referred to Committee on

House File No.....

By Date.....

A BILL FOR

An act to amend, revise and codify sections two thousand three hundred thirteen (2313) and two thousand three hundred fifteen (2315) of the compiled code of Iowa, relating to education.

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

That section two thousand three hundred thirteen (2313) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Admission—Instruction—Rules—Graduation.

1 The superintendent of public instruction shall, with the advice
2 and consent of the board of educational examiners, prescribe the con-
3 ditions of admission to the normal training classes, the course of
4 instruction, the rules under which such instruction shall be given, and
5 the requirements for graduation, subject to the provisions of this
6 chapter.

[C. C. 2313, modified.]

That section two thousand three hundred fifteen (2315) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 2. Certificate—License to Teach.

1 A certificate of graduation from the normal training course pro-
2 vided for in this chapter shall be issued by the president of the board

3 of educational examiners, and shall be a valid license to teach in any
4 public school in the state for a term of two (2) years, subject to reg-
5 istration as provided for other teachers' certificates.

[C. C. 2315, modified.]

Code Commissioners' Bill No. 90.

Subject: EDUCATION—STATE BOARD OF EDUCATION

Senate File No. _____ Referred to Committee on _____

House File No. _____ .. _____ .. _____ ..

By _____ Date _____

A BILL FOR

An act to amend, revise and codify chapter six (6) of title ten (10) and sections two thousand three hundred forty-three (2343), two thousand three hundred forty-four (2344), 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, relating to education.

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

That chapter six (6) of title ten (10) and sections two thousand three hundred forty-three (2343), two thousand three hundred forty-four (2344), 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 are amended, revised and codified to read as follows:

Section 1. State Board of Education.

- 1 The state board of education shall consist of nine (9) members,
- 2 who shall be selected from the state at large solely with regard to their

3 qualifications and fitness to discharge the duties of the office. Not
4 more than five (5) members shall be of the same political party. Not
5 more than one (1) alumnus of each the state university, the college of
6 agriculture and mechanic arts, and the Iowa state teachers college
7 shall be members of said board at one time.

[C. C. 2318, 2319.]

Sec. 2. Term of Office.

1 The term of each member of said board shall be for six (6) years.
2 The terms of three (3) members of the board shall expire on the first
3 day of July of each odd-numbered year.

[C. C. 2319.]

Sec. 3. Appointment.

1 During each regular session of the legislature, the governor shall
2 appoint, with the approval of two-thirds ($\frac{2}{3}$) of the members of the
3 senate in executive session, three (3) members of said board, to suc-
4 ceed those whose terms expire on the first day of July next thereafter.

[C. C. 2319.]

Sec. 4. Confirmation.

1 No nominations shall be considered by the senate until the same
2 have been referred to a committee of five (5), not more than three (3)
3 of whom shall belong to the same political party. Said committee shall
4 be appointed by the president of the senate, without motion, and shall
5 report to the senate in executive session. Such report shall be made at
6 any time when called for by the senate. The consideration of nomina-
7 tions by the senate shall not be had on the same legislative day that
8 nominations are so referred.

[C. C. 2319.]

Sec. 5. Removals During Legislative Session.

1 The governor, with the approval of a majority of the senate dur-
2 ing a session of the general assembly, may remove any member of the
3 board for malfeasance in office, or for any cause which would render
4 him ineligible for appointment or incapable or unfit to discharge the
5 duties of his office, and his removal, when so made, shall be final.

[C. C. 2319.]

Sec. 6. Suspension.

1 When the general assembly is not in session, the governor may
2 suspend any member so disqualified and shall appoint another to fill
3 the vacancy thus created, subject to the approval of the senate when
4 next in session.

[C. C. 2319.]

Sec. 7. Vacancies.

1 All vacancies on said board which may occur when the general
2 assembly is not in session shall be filled by appointment by the gov-
3 ernor, which appointment shall expire at the end of thirty (30) days
4 after the general assembly next convenes. Vacancies occurring during
5 a session of the general assembly shall be filled before the end of said
6 session in the same manner in which regular appointments are required
7 to be made.

[C. C. 2319.]

Sec. 8. Institutions Governed by the Board.

1 The state board of education shall govern the following insti-
2 tutions:

3 1. The state university of Iowa.

4 2. The college of agriculture and mechanic arts, including the
5 agricultural experiment station.

6 3. The Iowa state teachers college.

7 4. The state school for the blind.

8 5. The state school for the deaf.

[C. C. 2318.]

Sec. 9. Meetings.

1 The board shall meet four (4) times a year. Special meetings may
2 be called by the board, by the president of the board, or by the secre-
3 tary of the board upon written request of any five (5) members
4 thereof. Members shall not receive compensation for more than sixty
5 (60) days in any one (1) year.

[C. C. 2320, 2328.]

Sec. 10. Powers and Duties of the Board.

1 The board shall:

2 1. Each even-numbered year elect, from its members, a president
3 of the board, who shall serve for two (2) years and until his successor
4 is elected and qualified.

[C. C. 2321, modified.]

5 2. Elect a president of each of said institutions of higher learning ;
6 a superintendent of each of said other institutions ; a treasurer and a
7 secretarial officer for each institution annually ; professors, instructors,
8 officers, and employees ; and fix their compensation.

[C. C. 2321, 2432, 2437, 2441.]

9 3. Establish uniform rules under which professors and other
10 members of the educational staffs of the several institutions may be

11 granted leaves for outside educational work.

[New.]

12 4. Make rules for admission to and for the government of said
13 institutions, not inconsistent with law.

[C. C. 2321, 2432.]

14 5. Manage and control the property, both real and personal, be-
15 longing to said institutions.

[C. C. 2321.]

16 6. Acquire real estate for the proper uses of said institutions, and
17 dispose of real estate belonging to said institutions when not necessary
18 for their purposes.

[C. C. 2321, modified.]

19 7. Accept and administer trusts deemed by it beneficial to, and
20 perform obligations of the institutions.

[C. C. 2321.]

21 8. Direct the expenditure of all appropriations made to said insti-
22 tutions, and of any other moneys belonging thereto, but in no event
23 shall the perpetual funds of the state college of agriculture and me-
24 chanic arts, nor the permanent funds of the university derived under
25 acts of congress be diminished.

[C. C. 2321, 2344, 2409, 2410.]

26 9. Collect the highest rate of interest, consistent with safety, ob-
27 tainable on daily balances in the hands of the treasurer of each insti-
28 tution.

[New.]

29 10. With the approval of the executive council, publish, from time
30 to time, and distribute, such circulars, pamphlets, bulletins, and re-

31 ports as may be in its judgment for the best interests of the institu-
32 tions under its control, the expense of which shall be paid out of any
33 funds in the treasury not otherwise appropriated.

[C. C. 2325.]

34 11. Perform all other acts necessary and proper for the execution
35 of the powers and duties conferred by law upon it and the finance com-
36 mittee.

[C. C. 2321, modified.]

[C. C. 2344, 2400 to 2408, inclusive, 2313, 2432, 2437, 2441.]

Sec. 11. Purchase From Members of Board or Committee.

1 If any member of said board or of the finance committee has any
2 interest in any property, and the same is necessary for the use of any
3 of said institutions, it shall be acquired by condemnation proceedings
4 or at a fair value fixed by three (3) disinterested appraisers appointed
5 by the governor on application of said board.

[New.]

Sec. 12. Record.

1 All acts of the board relating to the management, purchase, dis-
2 position, or use of lands and other property of said institutions shall
3 be entered of record, which shall show the members present, and how
4 each voted upon each proposition.

[C. C. 2323, modified.]

Sec. 13. Finance Committee—Organization—Duties.

1 The board shall appoint a finance committee of three (3) from
2 outside its membership, and shall designate one (1) of such committee
3 as chairman and one (1) as secretary. Not more than two (2) of its
4 members shall be of the same political party, and its members shall

5 hold office for a term of three (3) years, unless sooner removed by a
6 vote of two-thirds ($\frac{2}{3}$) of the members of the board. In addition to
7 the duties imposed upon the finance committee by law, the committee
8 and members thereof shall make such investigations and reports and
9 perform such ministerial duties as the board by resolution may direct,
10 and the committee may make such recommendations to the board as
11 it may deem proper.

[C. C. 2323, modified.]

Sec. 14. Secretary of Board and Committee—Duties.

1 The secretary shall be secretary of the board and of the committee,
2 and shall separately keep and carefully preserve complete files of docu-
3 ments and records of the proceedings of the board and the committee.

[C. C. 2323.]

Sec. 15. Authority to Loan Funds—Conditions.

1 The finance committee may loan funds belonging to said institu-
2 tions, subject to the following regulations:

[C. C. 2333, 2334.]

3 1. Each loan shall be secured by a mortgage paramount to all
4 other liens upon approved farm lands in this state, accompanied by ab-
5 stract showing merchantable title in the borrower. The loan shall not
6 exceed fifty per cent (50%) of the cash value of the land, exclusive of
7 buildings.

[C. C. 2334, modified.]

8 2. Each such loan shall be for a term not exceeding ten (10)
9 years, at a rate of interest to be fixed by said board, payable annually,
10 and the borrower shall have the privilege of paying one hundred dol-

11 lars (\$100.00) or any multiple thereof on any interest pay day.

[C. C. 2334.]

12 3. Any portion of said funds not otherwise invested and any sur-
13 plus income on funds not immediately required for other purposes may
14 be invested by the finance committee on order of the board in bonds of
15 the United States, or this state, or some county thereof, yielding not
16 less than five per cent (5%) per annum on the amount so invested.

[C. C. 2344, 2409, 2410.]

17 4. A register containing a complete abstract of each loan and in-
18 vestment, and showing its actual condition, shall be kept by the secre-
19 tary of said committee, and be at all times open to inspection.

[C. C. 2334.]

Sec. 16. Foreclosures and Collections.

1 The finance committee shall have charge of the foreclosure of all
2 mortgages and of all collections from delinquent debtors to said institu-
3 tions. All actions shall be in the name of the state board of education,
4 for the use and benefit of the appropriate institution.

[C. C. 2335.]

Sec. 17. Satisfaction of Mortgages.

1 When loans are paid, the finance committee shall release mort-
2 gages securing the same as follows:

- 3 1. By a satisfaction piece signed and acknowledged by the chair-
4 man or secretary of said committee, which shall be recorded in the
5 office of the recorder of the county where said mortgage is of record; or
- 6 2. By entering a satisfaction thereof on the margin of the record
7 of said mortgage, dated, and signed by the chairman or secretary of

8 the committee.

[C. C. 2335.]

Sec. 18. Bidding in Property.

1 In case of a sale upon execution, the premises may be bid off in
2 the name of the board of education, for the benefit of the institution to
3 which the loan belongs.

[C. C. 2335.]

Sec. 19. Deeds Held in Trust.

1 Deeds for premises so acquired shall be held for the benefit of the
2 appropriate institution and such lands shall be subject to lease or sale
3 the same as other lands.

[C. C. 2335.]

Sec. 20. Actions Not Barred.

1 No lapse of time shall be a bar to any action to recover on any
2 loan made on behalf of any institution.

[C. C. 2343.]

Sec. 21. Business Offices—Visitation.

1 A business office shall be maintained at each of the institutions of
2 higher learning. The committee shall, once each month, attend each
3 of the institutions for the purpose of transacting any business that
4 may properly come before it, and the performance of its duties.

[C. C. 2326.]

Sec. 22. Finance Committee—Expenses—Official Residences.

1 The members of the finance committee shall devote their entire
2 time to the work of said institutions. The members of the finance com-
3 mittee and other employees shall maintain their official residences at
4 the places designated by the board, and shall be entitled to their neces-

5 sary traveling expenses therefrom by the nearest traveled and prac-
6 ticable route incurred in visiting the different institutions and other
7 places and returning therefrom when on official business, and such
8 other expenses as are actually and necessarily incurred in the perform-
9 ance of their official duties.

[C. C. 2328.]

Sec. 23. **Auditor's Report.**

1 The auditor of state shall include in his report to the governor the
2 amount paid for such services and expenses and to whom paid.

[C. C. 2332.]

Sec. 24. **Duties of Treasurer.**

1 The treasurer of each of said institutions shall:

2 1. Receive all appropriations made by the general assembly for
3 said institution, and all other funds from all other sources, belonging
4 to said institution.

5 2. Pay out said funds only on order of the board of education, or
6 of the finance committee, on bills duly audited in accordance with the
7 rules prescribed by said board.

8 3. Retain all bills, so paid by him, with receipts for their payment
9 as his vouchers.

10 4. Keep an accurate account of all revenue and expenditures of
11 said institution, so that the receipts and disbursements of each of its
12 several departments shall be apparent at all times.

13 5. Annually, and at such other times as the board may require,
14 report to it said receipts and disbursements in detail.

[C. C. 2343, 2398, 2431.]

Sec. 25. Reports of Executive Officers.

1 The executive officer of each of said institutions shall, on or before
2 the first day of August of each even-numbered year, make a report to
3 the board, setting forth such observations and recommendations as in
4 his judgment are for the benefit of the institution, and also his recom-
5 mendations of a budget for the several colleges and departments of the
6 institution, in detail, and estimates of the amount of funds required
7 therefor for the ensuing biennium.

[C. C. 2336, 2347, 2436, 2440, 2444, modified.]

Sec. 26. Reports of Secretarial Officers.

1 The secretarial officer shall, for the institution of which he acts as
2 secretary, on or before August first of each year, report to the board
3 in such detail and form as it may prescribe:

4 1. The funds available each fiscal year from all sources for the
5 erection, equipment, improvement, and repair of buildings.

6 2. Interest on endowment funds, tuition, laboratory and janitor
7 fees, donations, rents, and income from all sources affecting the annual
8 income of the support funds of said institution.

9 3. How the funds so received were expended, giving under sep-
10 arate heads the cost of instruction, administration, maintenance and
11 equipment of departments, and the general expense of the institution.

12 4. The number of professors, instructors, fellows, and tutors, and
13 the number of students enrolled in each course during each year, stat-
14 ing separately the number of students attending short courses.

15 5. The amount of unexpended balances of departments remaining
16 in the hands of the treasurer, and the amounts undrawn from the state
17 treasury on June thirtieth of each year.

18 The report for the state college of agriculture and mechanic arts
19 shall also show the receipts of the experiment station from all sources
20 for each fiscal year, and how the same were expended.

[C. C. 2337.]

Sec. 27. Report of Board.

1 The board shall, on or before October first of each even-num-
2 bered year, for the biennial period ending June thirtieth of said year,
3 report to the governor and the legislature such facts, observations, and
4 conclusions respecting each of such institutions as in the judgment of
5 the board should be considered by the legislature. Such report shall
6 contain an itemized account of the expenditures of the board and com-
7 mittee, also the reports made to the board by the officers of the insti-
8 tutions or a summary thereof.

[C. C. 2336.]

Sec. 28. Colonel of Cadets.

1 The commandant and instructor of military science and tactics
2 at each of the institutions for higher learning is given the rank of
3 colonel of cadets, and the governor shall issue such commissions upon
4 the request of the president of such institution.

[C. C. 2342.]

Sec. 29. Appropriations—Paid in Monthly Installments.

1 All appropriations made payable annually to each of the institu-
2 tions under the control of the board of education shall be paid in
3 twelve (12) equal monthly installments on the last day of each month
4 on order of said board.

[C. C. 2338.]

Sec. 30. Appropriation.

1 There is hereby appropriated from any funds in the state treasury
2 not otherwise appropriated, sufficient thereof to pay the salaries and
3 expenses of the board and the finance committee, including the salaries
4 and expenses of their assistants.

[C. C. 2327.]

Sec. 31. Contracts for Training Teachers.

1 The board of directors of any school district in the state of Iowa
2 may enter into contract with the state board of education for furnish-
3 ing instruction to pupils of such school district, and for training teach-
4 ers for the schools of the state in such particular lines of demonstra-
5 tion and instruction as are deemed necessary for the efficiency of the
6 Iowa state teachers college, state university of Iowa, and college of
7 agriculture and mechanic arts as training schools for teachers.

[C. C. 2339.]

Sec. 32. Payment.

1 The contract for such instruction shall authorize the payment for
2 such service furnished the school district or for such service furnished
3 the state, the amount to be agreed upon by the state board of educa-
4 tion and the board of the school district thus cooperating.

[C. C. 2340.]

Sec. 33. Contract in Writing—Time Limit.

1 Such contracts shall be in writing and shall extend over a period
2 of not to exceed two (2) years, and a copy thereof shall be filed in the
3 office of the superintendent of schools of the county.

[C. C. 2341.]

Code Commissioners' Bill No. 91

Subject: EDUCATION—STATE UNIVERSITY

Senate File No..... Referred to Committee on
 House File No.....
 By Date.....

A BILL FOR

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) to two thousand three hundred fifty-four (2354), inclusive, of the compiled code of Iowa, 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.**

1 The university shall never be under the exclusive control of any
 2 religious denomination. Its object shall be to provide the best and
 3 most efficient means of imparting to men and women, upon equal
 4 terms, a liberal education and thorough knowledge of the different
 5 branches of literature and the arts and sciences, with their varied
 6 applications. It shall include colleges of liberal arts, law, medicine,
 7 and such other colleges and departments, with such courses of instruc-
 8 tion and elective studies as the state board of education may deter-
 9 mine from time to time. Instruction in the liberal arts college shall

10 begin, so far as practicable, at the points where the same is completed
11 in high schools.

[C. C. 2346.]

Sec. 2. Degrees.

1 No one shall be admitted to courses of instruction in the univer-
2 sity who has not completed the elementary instruction in such branches
3 as are taught in the common schools throughout the state. Graduates
4 shall receive degrees or diplomas, or other evidences of distinction
5 such as are usually conferred and granted by universities and are
6 authorized by the state board of education.

[C. C. 2346.]

Sec. 3. Cabinet of Natural History.

1 For the purpose of supplying a cabinet of natural history, all
2 geological and mineralogical specimens which are collected by the state
3 geologists, or by others appointed by the state to investigate its nat-
4 ural history and physical resources, shall belong to and be the prop-
5 erty of the university, under the charge of the professors of those
6 departments.

[C. C. 2345.]

That sections two thousand three hundred red fifty-two (2352) to two
thousand three hundred fifty-four (2354), inclusive, of the compiled code
of Iowa are amended, revised and codified to read as follows:

Sec. 4. Bacteriological Laboratory—Investigations.

1 The bacteriological laboratory shall be a permanent part of the
2 medical college of the university. It shall make or cause to be made
3 bacteriological and chemical examinations of water, and necessary
4 investigations by both laboratory and field work to determine the

5 source of epidemics of disease, and to suggest methods of overcoming
6 and preventing the recurrence of the same, whenever requested to do
7 so by any state institution or by any citizen, school, or municipality
8 when in the judgment of the local board of health the same is neces-
9 sary in the interests of the public health and for the purpose of pre-
10 venting epidemics of disease.

[C. C. 2352, 2353.]

Sec. 5. Reports—Tests.

1 Such examination shall be made without charge, except for
2 transportation and actual cost of examination, not to exceed two dol-
3 lars (\$2.00) for each. A copy of the report of each epidemiological ex-
4 amination and investigation shall be promptly sent to the secretary of
5 the state board of health. In addition to its regular work, the labora-
6 tory shall perform all scientific analyses and tests, chemical, micro-
7 scopical, bacteriological and epidemiological or other scientific investi-
8 gations which may be required by the state board of health. All the
9 laboratory work of said board shall be done at or through said labora-
10 tory and said board shall establish rules therefor.

[C. C. 2352, 2353, 2354.]

Sec. 6. Appropriation.

1 There is hereby appropriated out of any money in the state treas-
2 ury not otherwise appropriated, for the bacteriological and epidemi-
3 ological laboratory at the state university, the sum of eight thousand
4 dollars (\$8,000.00) annually, or so much thereof as may be necessary.

[C. C. 2354.]

Code Commissioners' Bill No. 92

**Subject: EDUCATION—MEDICAL AND SURGICAL TREATMENT
INDIGENT PERSONS**

Senate File No.

Referred to Committee on

House File No.

By

Date .

A BILL FOR

An act to amend, revise and codify chapters nine (9) and ten (10) of title ten (10) of the compiled code of Iowa, 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 are amended, revised and codified to read as follows:

Section 1. Medical and Surgical Treatment Indigent Persons—Complaint.

1 Any adult resident of the state may file a complaint in the office
2 of the clerk of any juvenile court, charging that any legal resident of
3 Iowa is suffering from some malady or deformity that can probably be
4 improved or cured by medical or surgical treatment or hospital care,
5 and that neither such person nor persons legally chargeable with his
6 support are able to pay therefor.

[C. C. 2375, 2386, modified.]

Sec. 2. Duty of Public Officers and Others.

1 It shall be the duty of physicians, public health nurses, members
2 of boards of supervisors and township trustees, overseers of the poor,
3 sheriffs, policemen, and public school teachers, having knowledge of
4 persons suffering from such malady or deformity, to file or cause such

5 complaint to be filed.

[C. C. 2375, 2386, modified.]

Sec. 3. Patient Defined.

1 The word "patient" used in this chapter means the person against
2 whom the complaint is filed.

[New.]

Sec. 4. Examination by Physician.

1 Upon the filing of such complaint, the clerk shall docket the same
2 and shall appoint a competent physician and surgeon, living in the
3 vicinity of the patient, who shall personally examine the patient with
4 respect to his malady or deformity.

[C. C. 2375, 2386, modified.]

Sec. 5. Report by Physician.

1 Such physician shall make a report in duplicate on blanks fur-
2 nished as hereinafter provided, answering the questions contained
3 therein and setting forth the information required thereby, giving
4 such history of the case as will be likely to aid the medical or surgical
5 treatment or hospital care of such patient, describing the deformity
6 or malady in detail, and stating whether or not in his opinion the same
7 can probably be improved or cured, which report shall be filed in the
8 office of the clerk within such time as the clerk may fix.

[C. C. 2376, 2387, modified.]

Sec. 6. Investigation and Report by County Attorney.

1 When such complaint is filed, the clerk shall furnish the county
2 attorney a copy thereof, who shall make a thorough investigation of
3 the facts as to the legal residence of the patient, and the ability of the
4 patient or others chargeable with his support to pay the expenses of

5 such treatment and care, and shall file a report of such investigation
6 in the office of the clerk, at or before the time of hearing.

[C. C. 2376, 2386, modified.]

Sec. 7. Notice of Hearing—Duty of County Attorney.

1 When the physician's report has been filed, the clerk shall, with
2 the consent of the court or judge, fix a time and place for hearing of
3 the matter by the court, and the county attorney shall cause such
4 patient and the parent or parents, guardian, or person having the
5 legal custody of said patient, if under legal disability, to be served
6 with such notice of the time and place of the hearing as the judge or
7 clerk may prescribe.

[C. C. 2376, 2387.]

Sec. 8. Hearing—Order of Commitment.

1 The county attorney of the county where the hearing is held shall
2 appear thereat. The complainant, the county attorney and the patient,
3 or any person representing him, may introduce evidence and be heard.
4 If the court finds that said patient is a legal resident of Iowa and is
5 suffering from a malady or deformity which can probably be im-
6 proved or cured by medical or surgical treatment or hospital care, and
7 that neither the patient nor any person legally chargeable with his
8 support is able to pay the expenses thereof, the court shall enter an
9 order directing that said patient be sent to the hospital of the college
10 of medicine of the state university for proper medical and surgical
11 treatment and hospital care.

[C. C. 2376, 2387.]

Sec. 9. Order in Cases of Emergency.

1 In cases of great emergency, when the court or judge is satisfied

2 that delay would be seriously injurious to the patient, he may make
 3 such order with the consent of the patient, if adult, or of the parent
 4 or parents, guardian, or person having the legal custody of said pa-
 5 tient, if a minor or incompetent, without examination, report, notice,
 6 or hearing.

[C. C. 2376, 2387, modified.]

Sec. 10. Certified Copy of Order Sent to Hospital.

1 The clerk shall prepare a certified copy of said order, which,
 2 together with a copy of the physician's report, shall be delivered to
 3 the admitting physician of said hospital at or before the time of the
 4 reception of the patient into the hospital.

[New.]

Sec. 11. Attendant—Expenses—Physician—Compensation.

1 The court or judge may appoint an attendant to accompany the
 2 patient to said hospital, who shall receive not exceeding three dollars
 3 (\$3.00) per day for the time thus necessarily employed, and his actual,
 4 necessary traveling expenses; but if such appointee is a relative of
 5 the patient or a member of his immediate family, or receives a salary
 6 or other compensation from the public for his services, no such per
 7 diem shall be paid him. The physician appointed by the court to
 8 make the examination and report shall receive therefor five dollars
 9 (\$5.00) for each examination and report so made, and his actual,
 10 necessary expenses incurred in making such examination. The actual,
 11 necessary expenses of transporting and caring for the patient shall
 12 be paid.

[C. C. 2381, 2392.]

Sec. 12. Expenses—How Paid.

1 An itemized, verified statement of all charges provided for in the
2 preceding section, when approved by the judge under whose order
3 the same were incurred, shall be filed with the superintendent of the
4 hospital of the state university, and be charged on the regular bill
5 for maintenance of the patient, and be audited and paid in the same
6 manner as the bills for treatment and hospital care of the patient.

[C. C. 2381, 2392.]

Sec. 13. Duty of Admitting Physician at Hospital.

1 The authorities in control of the medical college shall designate
2 some physician to pass upon the admission of such patients, and it
3 shall be his duty to receive such patient into the hospital and to pro-
4 vide for him, if available, a cot, bed, or room in said hospital, and to
5 assign him to the appropriate clinic and for treatment by the proper
6 physician, unless, in his judgment, the presence of the patient in the
7 hospital would be dangerous to other patients, or there is no reason-
8 able probability that he may be benefited by the proposed treatment
9 or hospital care. If the admitting physician shall deny admission to
10 the patient, he shall make a report in duplicate of his reasons therefor.

[C. C. 2377, 2387, 2388, modified.]

Sec. 14. Report of Physician or Surgeon in Charge of Clinic.

1 If the physician or surgeon in charge of said clinic, or to whom
2 such patient has been assigned for treatment, declines to treat such
3 patient, he shall make a report in duplicate of his examination of
4 such patient, and state therein his reasons for declining such treat-
5 ment.

[C. C. 2377, modified.]

Sec. 15. Reports.

1 One duplicate of each of the reports named in the two preceding
2 sections shall be preserved in the records of said hospital, and the
3 other transmitted to the clerk of the court where said order commit-
4 ting the patient to said hospital was entered, and by the clerk filed
5 and preserved among the records in the cause.

[C. C. 2377, modified.]

Sec. 16. Hospital Treatment.

1 When any patient has been admitted to the hospital for treat-
2 ment, the physician or surgeon in charge of the case shall proceed
3 with due care and diligence to perform such operation or bestow such
4 treatment upon such patient as in his judgment shall be necessary
5 and proper. Adequate nursing and hospital care shall be provided
6 for said patient during such treatment.

[C. C. 2377, 2388.]

Sec. 17. Out Patient Treatment.

1 If, in the judgment of the physician or surgeon to whom the
2 patient has been assigned for treatment, continuous residence of the
3 patient in the hospital is unnecessary, such patient may, by the hos-
4 pital authorities, be sent to his home or other appropriate place, and
5 be required to return to the hospital when and for such length of time
6 as may be for his benefit. The hospital authorities may, if neces-
7 sary, appoint an attendant to accompany such patient and discharged
8 patients, whose compensation shall be the same and whose expenses
9 shall be audited and paid as provided for an attendant appointed by
10 the court.

[C. C. 2383, 2393, modified.]

Sec. 18. Treatment Authorized.

1 No minor or incompetent person shall be treated for any malady
2 or deformity except such as is reasonably well described in the order
3 of court or the report of the examining physician, unless permission
4 for such treatment is provided for in the order of court, or is granted
5 by his parents or guardian; but the physician in charge may ad-
6 minister such treatment or perform such surgical operations as are
7 usually required in cases of emergency.

[C. C. 2385, modified.]

Sec. 19. Treatment Gratuitous.

1 No physician, surgeon, or nurse who shall treat or care for such
2 patient shall charge or receive any compensation therefor except the
3 salary or compensation fixed by the state board of education to be
4 paid from the hospital funds.

[C. C. 2378, 2389.]

Sec. 20. Record and Report of Expenses.

1 The superintendent of said hospital shall keep a correct account
2 of all medicine, care, and maintenance furnished to said patients, and
3 shall make and file with the state board of audit an itemized, sworn
4 statement of all expenses thereof incurred in said hospital. But he
5 shall render separate bills showing the actual cost of all special appli-
6 ances, instruments, and X-ray service used in connection with such
7 treatment.

[C. C. 2379, 2390, modified.]

Sec. 21. Audit of Accounts of Hospital for Basis of Payment.

1 To arrive at a proper basis for the payment of said bills for
2 treatment, care, and maintenance, the state board of education shall

3 cause to be made annually an audit of the accounts of the university
4 hospital, and determine the average cost per day for the care and
5 maintenance of each patient therein, exclusive of the salaries of the
6 members of the faculty of said university college of medicine, and
7 said bills shall be allowed at such average cost. All accounts shall
8 be so adjusted and paid as to reimburse the funds of the hospital used
9 for the purposes of this chapter.

[New.]

Sec. 22. Expenses—How Paid.

1 Warrants issued under the preceding section shall be promptly
2 drawn on the treasurer of state and forwarded by the auditor to the
3 treasurer of the state university, and the same shall be by him placed
4 to the credit of the funds which are set aside for the support of said
5 hospital. Said warrants shall be paid by the treasurer of state from
6 the general funds of the state not otherwise appropriated.

[C. C. 2381, 2392.]

Sec. 23. Faculty to Prepare Blanks—Printing—Distribution.

1 The medical faculty of the state university hospital shall from
2 time to time prepare blanks containing such questions and requiring
3 such information as may, in its judgment, be necessary and proper
4 to be obtained by the physician who examines such patient under
5 order of court. Such blanks shall be printed by the state, and a suffi-
6 cient supply thereof shall be furnished by the state board of printing
7 to the clerk of each juvenile court in the state. The cost of printing
8 said blanks shall be audited, allowed, and paid in the same manner as
9 other bills for public printing.

[C. C. 2383, 2394.]

Sec. 24. Transfer Patient State Institutions.

1 The board of control of state institutions, and the board in control
2 of the school for the blind, the school for the deaf, the soldiers'
3 orphans' home, and the juvenile home, may, respectively, send any in-
4 mate of any of said institutions, or any person committed or applying
5 for admission thereto, to the hospital of the medical college of the state
6 university for treatment and care as provided in this chapter, without
7 securing the order of court required in other cases. Said boards shall
8 respectively pay the traveling expenses of any patient thus committed,
9 and when necessary the traveling expenses of an attendant for such
10 patient, out of funds appropriated for the use of the institution from
11 which he is sent.

[C. C. 2384.]

Code Commissioners' Bill No. 93

**Subject: EDUCATION—STATE COLLEGE OF AGRICULTURE AND
MECHANIC ARTS**

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

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.**

1 There shall be adopted and taught at said college practical courses
2 of study, embracing in their leading branches such as relate to agri-
3 culture and the mechanic arts, mines and mining, and ceramics, and
4 such other branches as are best calculated to educate thoroughly the
5 agricultural and industrial classes in the several pursuits and pro-
6 fessions of life, including military tactics.

[C. C. 2396, 2415.]

Sec. 2. **Tuition—Admission.**

1 Tuition in the college shall be forever free to pupils from the

2 state over sixteen (16) years of age, who have been residents of this
3 state six (6) months previous to their admission. Students of the
4 college shall be charged such laboratory and other fees, and non-
5 resident students such tuition in addition thereto as may be fixed by
6 the state board of education.

[C. C. 2397, modified.]

Code Commissioners' Bill No. 94

Subject: EDUCATION—IOWA STATE TEACHERS COLLEGE

Senate File No. Referred to Committee on
 House File No.
 By Date.....

A BILL FOR

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.**

- 1 The normal school at Cedar Falls, for the special instruction and
- 2 training of teachers for the common schools, shall be officially desig-
- 3 nated and known as the "Iowa State Teachers College."

[C. C. 2431.]

Sec. 2. **Branches of Study.**

- 1 Physiology and hygiene shall be included in the branches of study
- 2 regularly taught to and studied by all pupils in the college, and special
- 3 reference shall be made to the effect of alcoholic drinks, stimulants,

4 and narcotics upon the human system.

[C. C. 2433.]

Sec. 3. Contract With School Districts.

1 The state board of education may contract in writing with the
2 board of directors of the school district in which the college is situated
3 and those contiguous thereto, for a period not exceeding two (2) years
4 at a time, to receive the pupils thereof into the state teachers college
5 and furnish them with instruction; and payment therefor shall be
6 made out of the general funds of such districts, but shall not exceed
7 fifty cents (50c) per week for each pupil. A copy of such contract
8 shall be filed with the county superintendent, and all reports required
9 by law to be made to the board of directors of such townships or
10 schools and the county superintendent by the teachers thereof shall
11 be made by the president of the college. All sums received for tuition
12 shall be placed to the credit of the general fund of the college.

[C. C. 2434, 2435.]

Code Commissioners' Bill No. 95

Subject: EDUCATION—SCHOOL FOR THE BLIND

Senate File No..... Referred to Committee on
 House File No.....
 By Date.....

A BILL FOR

An act to amend, revise and codify sections two thousand four hundred thirty-eight (2438) and two thousand four hundred thirty-nine (2439) of the compiled code of Iowa, relating to the school for the blind.

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

That sections two thousand four hundred thirty-eight (2438) and two thousand four hundred thirty-nine (2439) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Admission.

1 All blind persons and persons whose vision is so defective that
 2 they cannot be properly instructed in the common schools, who are
 3 residents of the state and of suitable age and capacity, shall be en-
 4 titled to an education in the school for the blind at the expense of the
 5 state. Nonresidents also may be admitted to the school for the blind
 6 if their presence would not be prejudicial to the interests of residents,
 7 upon such terms as may be fixed by the state board of education.

[C. C. 2438, modified.]

Sec. 2. Expenses—Residence of Indigents.

1 The provisions of sections two thousand four hundred forty-five
 2 (2445) and two thousand four hundred forty-six (2446) of the com-

3 piled code of Iowa are hereby made applicable to the school for the
4 blind.

[C. C. 2439, modified.]

Code Commissioners' Bill No. 96

Subject: EDUCATION—SCHOOL FOR THE DEAF

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

An act to amend, revise and codify sections two thousand four hundred forty-one (2441) to two thousand four hundred forty-three (2443), inclusive, of the compiled code of Iowa, relating to the school for the deaf.

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

That sections two thousand four hundred forty-one (2441) to two thousand four hundred forty-three (2443), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Superintendent—Labor of Pupils.

1 The superintendent of the school for the deaf shall be proficient
2 in the use of the sign language, and in lip reading. His salary may
3 include residence in the institution and board from the funds or sup-
4 plies thereof, but no such allowance shall be made except by express
5 contract in advance. The board may utilize the labor of any pupil
6 of the institution on the farm, in the workshops, in erection of build-
7 ings for the institution, or in domestic service, so far as practicable,
8 without interference with their proper education.

[C. C. 2441, 2442, modified.]

Sec. 2. Admission.

1 Every resident of the state of Iowa who is not less than five
2 (5) nor more than twenty-one (21) years of age, who is deaf and
3 dumb, or so deaf as to be unable to acquire an education in the com-
4 mon schools, and every such person who is over twenty-one (21) and
5 under thirty-five (35) years of age who has the consent of the state
6 board of education, shall be entitled to receive an education in the
7 institution at the expense of the state; and nonresidents similarly
8 situated may be entitled to an education therein upon such terms as
9 may be fixed by the state board of education.

[C. C. 2443.]

Code Commissioners' Bill No. 97

Subject: EDUCATION—IOWA SOLDIERS' ORPHANS' HOME

Senate File No..... Referred to Committee on
 House File No.....
 By Date.....

A BILL FOR

An act to amend, revise and codify chapter fifteen (15) of title ten (10) of the compiled code of Iowa, relating to education.

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

That chapter fifteen (15) of title ten (10) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. **Objects.**

1 The Iowa soldiers' orphans' home shall be maintained for the pur-
 2 pose of providing for children therein a common school education and
 3 such useful and regular employment and training as will enable them
 4 to be self-sustaining. The board in control and superintendent of the
 5 home shall assist all discharged children in securing a suitable home
 6 and proper employment.

[C. C. 2452.]

Sec. 2. **Salary of Superintendent.**

1 The salary of the superintendent of said home shall be twenty-
 2 four hundred dollars (\$2,400.00) per year.

[C. C. 1884.]

Sec. 3. **Admissions.**

1 Admission to said home shall be granted to resident children of

2 the state under eighteen (18) years of age, as follows, giving prefer-
3 ence in the order named:

4 1. Destitute children, and orphans unable to care for themselves,
5 of soldiers, sailors, or marines.

6 2. Neglected or dependent children committed thereto by the ju-
7 venile court.

8 3. Other destitute children.

[C. C. 2449, modified.]

Sec. 4. Procedure for Admission.

1 The procedure for commitment to said home shall be the same as
2 provided by chapter fifteen (15) of title nine (9), but admission may
3 be granted on voluntary applications signed by the legal custodian of
4 the child and approved by a judge of a court of record, or by the board
5 of supervisors, of the county of the child's residence. Such applica-
6 tions shall be subject to the approval of the board in control of the
7 home, and shall be in such form as it may prescribe.

[C. C. 2449.]

Sec. 5. Transfer To and From Home.

1 The board of control may transfer to the home minor wards of
2 the state from any institution under its charge; but no person shall
3 be so transferred who is not mentally normal, or who is incorrigible,
4 or has any vicious habits, or whose presence in the home would be
5 inimical to the moral or physical welfare of normal children therein,
6 and any such child in the home may be transferred to the proper state
7 institution.

[New.]

Sec. 6. Profits and Earnings of Child.

1 Any profits arising from labor at the home shall be placed at
2 interest in some savings bank, and each child paid, when discharged,
3 in proportion as his labor contributed to the fund. The earnings of a
4 child who is placed with others under contract shall be used, held, or
5 otherwise applied for the exclusive benefit of said child.

[C. C. 2452.]

Sec. 7. Regulations.

1 All children admitted or committed to the home shall be wards of
2 the state and subject to the rules of the home. Subject to the approval
3 of the board, any child received under voluntary application may be
4 expelled by the superintendent for disobedience and refusal to submit
5 to proper discipline. Children shall be discharged upon arriving at the
6 age of eighteen (18) years, or sooner if possessed of sufficient means
7 to provide for themselves.

[C. C. 2449, 2451, 2454, modified.]

Sec. 8. Enumeration of Soldiers' Orphans.

1 The assessor in each odd-numbered year, shall take an enumera-
2 tion of the children of deceased soldiers who were in the military serv-
3 ice of the government, naming the company or organization to which
4 the soldiers belonged, with the age and sex of the children. The audit-
5 ors of the several counties shall furnish the assessors with the proper
6 blanks for taking such lists. The lists so returned shall be revised
7 from time to time, as may be necessary, by the board of supervisors,
8 and a record made of such action.

[C. C. 2450.]

Sec. 9. Adoption of Children.

1 Any child in said home who is an orphan, or who has been aban-
2 doned by his parents, or whose parents or surviving parent consent in
3 writing, may be adopted by any citizen of this state, upon the recom-
4 mendation of the superintendent, and with the approval of the board.

[C. C. 2453.]

Sec. 10. Articles of Adoption.

1 The adoption shall be by written instrument, signed by the super-
2 intendent and by the person adopting, subject to the written approval
3 of the board. Except as herein otherwise provided, such instrument
4 shall be signed and recorded as provided by the general adoption stat-
5 utes of the state, and the adoption shall create the rights and liabili-
6 ties provided by said statutes.

[C. C. 2453.]

Sec. 11. Placing Child Under Contract.

1 Any child received in said home, unless adopted, may, under
2 written contract approved by the board, be placed by the superintend-
3 ent in the custody and care of any proper person or family. Such con-
4 tract shall provide for the custody, care, education, maintenance, and
5 earnings of the child for a fixed time which shall not extend beyond
6 the age of majority. Such contracts shall be signed by the superin-
7 tendent and by the persons taking the child.

[C. C. 2454.]

Sec. 12. Recovery of Possession of Child.

1 In case of a violation of the terms of such articles of adoption, or
2 contract, the board may cause the child to be taken from the person
3 or persons with whom placed, and may make such other disposition of

4 him as shall seem to be for his best interests.

[C. C. 2455.]

Sec. 13. Recovery of Child—Duty of County Attorney.

1 In case legal proceedings are necessary to recover the possession
2 of such child, they may be instituted and carried on in the name of the
3 superintendent, and the county attorney of the county in which the
4 child is placed shall, if requested by the superintendent, act as his
5 attorney in the proceedings.

[C. C. 2455.]

Sec. 14. Interference With Child.

1 It shall be unlawful for any parent or other person not a party to
2 the placing of a child by adoption or for a term of years, to interfere
3 in any manner with or to assume or exercise any control over such
4 child or his earnings while such adoption or contract is in force.

[C. C. 2456.]

Sec. 15. Counties Liable.

1 Each county shall be liable for sums paid by the home in support
2 of all its children, other than the children of soldiers, to the extent of
3 seven dollars (\$7.00) per month for each child, and when the average
4 number of children shall be less than five hundred (500) in any month,
5 each county shall be liable for its just proportion for each child of the
6 amount credited to the home for that month. The sums for which each
7 county is so liable shall be charged to the county and collected as a part
8 of the taxes due the state, and paid by the county at the same time
9 state taxes are paid.

[C. C. 2458.]

Sec. 16. Appropriation.

1 For the support of the home there is appropriated out of any
2 money in the state treasury not otherwise appropriated the sum of
3 twenty-five dollars (\$25.00) per month, or so much thereof as may be
4 needed, for each child actually supported, and in addition the expense
5 of his transmission to the home. The number of children shall be ascer-
6 tained by taking the average attendance for the preceding month. If
7 the average number of children shall be less than three hundred sixty
8 (360) in any month, the auditor of state and treasurer of state shall
9 credit the home with the sum of nine thousand dollars (\$9,000.00) for
10 that month, and the sum so credited shall be drawn from the state
11 treasury in the same manner and for the same purposes as the regu-
12 lar monthly per capita allowance is drawn.

[C. C. 2457.]

Code Commissioners' Bill No. 98.

Subject: EDUCATION—JUVENILE HOME

Senate File No..... Referred to Committee on
House File No.....
By Date

A BILL FOR

An act to amend, revise and codify chapter sixteen (16) of title ten (10) of the compiled code of Iowa, relating to education.

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

That chapter sixteen (16) of title ten (10) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Iowa Juvenile Home—Objects.

1 The Iowa juvenile home shall be maintained for the care, custody,
2 and education of children therein, who shall be wards of the state.
3 Such education shall embrace instruction in the common school
4 branches, in such other higher branches as may be practical, and in
5 such manual training, as shall best fit and develop such children and
6 render them self-sustaining. Instruction may also be given in ele
7 mentary military tactics.

[C. C. 2459, 2461, 2466, modified.]

Sec. 2. Procedure for Commitment.

1 The procedure for the commitment of such children to said home
2 shall be the same as provided in chapter fifteen (15) of title nine (9)

[C. C. 2462.]

Sec. 3. Admission Under Voluntary Applications.

1 Children of the class which might be admitted to said home by
2 the juvenile court may be admitted to said home on voluntary applica-
3 tions signed by the legal custodian of such children, and approved in
4 writing by the board of supervisors of the county where such child
5 has a legal residence. Such applications shall be subject to the ap-
6 proval of the board in control of the home and shall be in such form as
7 it may prescribe.

[C. C. 2463, 2464, modified.]

Sec. 4. Transfer To and From Home.

1 Transfers to and from the juvenile home may be made as provided
2 in the chapter relating to the soldiers' orphans' home.

[New.]

Sec. 5. Adoption or Placing Child Under Contract.

1 Children in the juvenile home may be adopted, or placed with
2 other persons under contract, and repossessed by the board for other
3 disposition, in the same manner and with the same effect as provided
4 in the chapter relating to the soldiers' orphans' home. The provision
5 of said chapter which prohibits interference with said children while
6 under adoption or contract shall also apply to children committed to
7 or received in the juvenile home.

[C. C. 2465, 2468.]

Sec. 6. Counties Liable for Support.

1 Each county shall be liable for sums paid by the home in support
2 of all children committed or received from said county to the extent of
3 one-half ($\frac{1}{2}$) of the per capita cost per month for each child, and when
4 the average number of children is less than three hundred sixty (360)

5 in any month, each county shall be liable for its just proportion for
6 each child of the amount credited to the home for that month. The
7 sum for which each county is so liable shall be charged to the county,
8 and collected as a part of the taxes due the state, and paid by the
9 county at the same time state taxes are paid.

[C. C. 2470.]

Sec. 7. Appropriation.

1 For the support of the home there is appropriated out of any
2 money in the state treasury not otherwise appropriated, or so much
3 thereof as may be needed, twenty-five dollars (\$25.00) monthly, for
4 each child actually supported, and in addition the expense of his trans-
5 mission to the home. The number of children shall be ascertained by
6 taking the average attendance for the preceding month. If the average
7 number of children shall be less than three hundred sixty (360) in any
8 month, the auditor of state and treasurer of state shall credit the
9 home with nine thousand dollars (\$9,000.00) for that month.

[C. C. 2469.]

Code Commissioners' Bill No. 99

Subject: EDUCATION—COUNTY SUPERINTENDENT

Senate File No. Referred to Committee on
 House File No.
 By Date

A BILL FOR

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 six (2506), 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 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.

1 There shall be a county superintendent of schools of each county
 2 in the state, whose term of office shall be for three (3) years, from
 3 the first day of September following his election and until his suc-
 4 cessor is elected and qualified. A regular term began in nineteen
 5 hundred eighteen (1918).

[C. C. 2480.]

Sec. 2. Qualifications.

1 Such superintendent may be of either sex, shall be a holder of
 2 a regular five (5) year state certificate or life diploma, and have had

3 at least five (5) years' experience in teaching or superintending; but
4 anyone now serving shall be deemed eligible to re-election.

[C. C. 2479.]

Sec. 3. Election of County Superintendent by Convention.

1 The county superintendent shall be elected by a convention held
2 on the second Tuesday in May preceding the expiration of his regular
3 term of office, composed of representatives of school districts organ-
4 ized in the county as follows: One (1) for each school township, one
5 (1) for all the rural independent districts in each civil township, one
6 (1) for each city, town, or village independent district, and one (1)
7 for each consolidated district. Each representative shall be entitled
8 to one (1) vote. All representatives to such convention shall serve
9 until a county superintendent is elected and qualified.

[C. C. 2478, modified.]

Sec. 4. Representatives at Convention.

1 Each school corporation except rural independent districts shall
2 be represented at the convention by the president of the school board,
3 or, in his absence or inability to act, by some member of such board
4 to be selected by the board. When such selection is made, the secre-
5 tary of the board shall at once notify the county auditor thereof.
6 Rural independent districts shall be represented by some person se-
7 lected by the presidents of the boards of such districts at a meeting
8 to be held at such time and place as the county auditor shall fix in the
9 call for the convention, and the secretary of the meeting shall notify
10 the county auditor of the person so selected.

[C. C. 2478, modified.]

Sec. 5. Calling Convention—Notice.

1 Such convention shall be called by the county auditor by mailing
2 a written notice to the president and secretary of each school cor-
3 poration and by the publication of such notice in the official news-
4 papers published in the county at least ten (10) days prior to the
5 date of such convention. Such notice shall also fix the time and place
6 of the meeting of the presidents of rural independent districts in the
7 several townships for the election of representatives to the con-
8 vention.

[C. C. 2478.]

Sec. 6. Convention—Quorum—Election of County Superintendent.

1 At the time and place fixed, the county auditor shall call the
2 convention to order, shall submit a list of school corporations entitled
3 to participate in such convention and of the representatives, and shall
4 be secretary of the convention. The convention shall be the judge
5 of the qualifications of its own members and a majority of the legal
6 representatives shall constitute a quorum. Said convention shall se-
7 lect a chairman, and when so organized shall elect a county superin-
8 tendent of schools.

[C. C. 2478, modified.]

Sec. 7. May Appoint Committee to Elect.

1 The convention may, by a majority vote, elect a committee of five
2 (5) members who shall investigate the various candidates for the
3 office and report to said convention at a date to which the convention
4 may adjourn; or the convention may, by a three-fourths ($\frac{3}{4}$) vote,
5 authorize said committee to elect a county superintendent, and file its
6 election with the county auditor, and thereupon said person shall be

7 deemed duly elected.

[C. C. 2478.]

Sec. 8. Vacancies.

1 Vacancies in the office of county superintendent shall be filled at
2 special conventions called and held in the same manner as regular
3 conventions.

[C. C. 2480.]

Sec. 9. Mileage Paid.

1 Each representative shall be paid from the county treasury ten
2 cents (10c) per mile one way for the distance necessarily traveled
3 in attending the convention.

[C. C. 2478.]

Sec. 10. Certificate of Election Filed.

1 Whenever a county superintendent is elected and has qualified,
2 the county auditor shall forward to the superintendent of public in-
3 struction a certificate thereof.

[C. C. 2653.]

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 six (2506), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

Sec. 11. Duties.

1 The county superintendent shall:

2 1. *Means of communication.* Under the direction of the super-
3 intendent of the department of public instruction, serve as a means
4 of communication between such department and the various officers

5 and instructors in the county, and transmit or deliver to them all
6 books, papers, circulars, and communications designed for them.

[C. C. 2479.]

7 2. *Visiting schools.* Visit each school in the county, public and
8 private, at least once during each school year; and when requested
9 so to do by a majority of the directors of any school corporation, visit
10 the schools therein.

[C. C. 2479, modified.]

11 3. *Spccial visit and report upon schools.* At the request of the
12 superintendent of public instruction, visit and report upon such
13 school as may be designated.

[C. C. 2479.]

14 4. *Enforcement of school laws.* See that all provisions of the
15 school law, so far as it relates to the schools or school officers within
16 his county, are observed and enforced, especially those relating to
17 the fencing of schoolhouse grounds with barbed wire, the introduc-
18 tion and teaching of such divisions of physiology and hygiene as relate
19 to the effects of alcohol, stimulants, and narcotics upon the human
20 system, those relating to compulsory attendance of pupils, and those
21 relating to the exclusive use of the English language as the medium
22 of instruction in the schools, and to this end he may require the
23 assistance of the county attorney, who shall at his request bring any
24 action necessary to enforce the law or recover penalties incurred.

[C. C. 2504, modified.]

25 5. *Conduct examinations.* Conduct, in accordance with the regu-
26 lations of the board of educational examiners, examinations for teach-
27 ers' certificates, and as soon as the examination is completed, forward

28 to the president of the board of educational examiners a list of all
29 applicants examined with the standing of each in didactics and oral
30 reading, and his estimate of each applicant's personality and general
31 fitness other than scholarship for the work of teaching. He shall, at
32 the same time, forward to the president of the board of educational
33 examiners the answer papers written, with the exception of those in
34 didactics. Such examinations shall be held at the county seat, but
35 the county superintendent may, in his discretion, cause examinations
36 to be held at the same time in some other place in the county, and the
37 board of supervisors shall furnish suitable rooms for all such exam-
38 inations. The county superintendent may employ such assistants as
39 may be necessary, and the bills for their services and expenses shall
40 be verified and filed with the county auditor and allowed by the board
41 of supervisors.

[C. C. 2490, 2481.]

42 6. *May require proof of good character.* Before admitting any-
43 one to the examination, be satisfied that the person seeking a certifi-
44 cate is of good moral character, of which fact he may require proof,
45 and is in all respects other than in scholarship possessed of the neces-
46 sary qualifications as an instructor.

[C. C. 2489.]

47 7. *Uncertificated teaching may be enjoined.* Order to be closed
48 any public school or school room taught by any teacher not certificated
49 as required by law. If his order is not immediately obeyed, he may
50 enforce the same against the teacher and the school board by the
51 procurement of an injunction from any court of competent juris-

52 diction.

[New.]

53 8. *Record of examinations.* Keep a record of all examinations
54 taken within his county, with the name, age, and residence of each
55 applicant and the date of examination.

[C. C. 2484.]

56 9. *Report of applicants for teachers' certificates.* Report monthly
57 to the county auditor the names of all applicants for teachers' cer-
58 tificates.

[C. C. 2501.]

59 10. *Appointment of school directors.* When any school corpora-
60 tion is organized or reorganized according to law, and no director
61 has been elected, or any director elected has not qualified, or has quali-
62 fied and resigned, so that the matter of the completion of the organ-
63 ization or reorganization of such school corporation is prevented, and
64 the objects of its organization are thereby defeated, appoint a direc-
65 tor or board of directors of such corporation, who shall act as such
66 until their successors have been elected and qualified, and designate
67 which term or terms each director appointed shall fill. In consoli-
68 dated districts such appointments shall be made by the county super-
69 intendent of the county in which the petition was filed.

[C. C. 2550, modified.]

70 11. *Report to superintendent public instruction.* Annually, on
71 the last Tuesday in August, report to the superintendent of public
72 instruction, giving a full abstract of the several reports made to him
73 by the secretaries and treasurers of school boards, stating the manner
74 in and extent to which the requirements of the law regarding instruc-

75 tion in physiology and hygiene are observed, and such other matters
76 as he may be directed by the state superintendent to include therein,
77 or he may think important in showing the actual condition of the
78 schools in his county. He shall file a duplicate of such report with
79 the county board of education.

[C. C. 2503, modified.]

80 12. *Report of persons of school age.* Annually, on the last Tues-
81 day in August, file with the county auditor a statement of the number
82 of persons of school age in each school township and independent dis-
83 trict in the county.

[C. C. 2503.]

84 13. *Reports.* Report on or before August first each year, to the
85 superintendent of the college for the blind, the name, age, residence,
86 and post office address of every person resident of the county, with-
87 out regard to age, so blind as to be unable to acquire an education
88 in the common schools; to the superintendent of the school for the
89 deaf with the same detail persons under age thirty-five (35), whose
90 faculties with respect to speech and hearing are so deficient as to
91 prevent them from obtaining an education in the common schools;
92 and to the institution for the feeble minded all persons of school age
93 who, because of mental defects, are entitled to admission therein.

[C. C. 2503, modified to conform to the requirements of sec-
tions C. C. 2443 and 2438.]

94 14. *Transmission of fees.* On the first secular day of each month,
95 transmit to the county treasurer and the state treasurer each one-half
96 ($\frac{1}{2}$) of all moneys received for examination fees; and to the county
97 treasurer the state appropriation for institutes when received.

[C. C. 2501.]

98 15. *Expense account—how expenses paid.* On the first Monday
 99 in each month, file with the county auditor an itemized and verified
 100 statement of his actual and necessary expenses incurred during the
 101 previous month in the performance of his duties, and such expenses
 102 shall be paid by the county board of supervisors out of the county
 103 funds.

[C. C. 2479, modified.]

104 16. *Annual report of financial transactions.* Report to the board
 105 of supervisors on the first day of January annually a summary of
 106 his official financial transactions for the previous year.

[C. C. 2501.]

107 17. *Administration of oaths.* Have power to administer the oath
 108 of office to any school officer.

[New.]

Sec. 12. Penalty.

1 Should he fail to make any report required of him by law to the
 2 superintendent of public instruction or the county auditor, he shall
 3 forfeit to the school fund of his county the sum of fifty dollars
 4 (\$50.00), to be recovered in an action brought by the county for the
 5 use of the school fund, and in addition shall be liable for all damages
 6 occasioned thereby.

[C. C. 2505.]

Sec. 13. County Teachers' Institutes.

1 The county superintendent shall hold county teachers' institutes
 2 as directed by the superintendent of public instruction, and shall, with
 3 the concurrence of the superintendent of public instruction, procure
 4 such assistants as may be necessary to conduct the same, but no county

5 superintendent shall act as institute instructor or lecturer except with
6 the consent of the county board of education of the county in which
7 he is elected, nor shall he receive his regular salary during the time
8 he is so engaged.

[C. C. 2501, modified.]

Sec. 14. Adjournment.

1 The school board of every school district, except in city inde-
2 pendent school districts where twenty-five (25) or more teachers are
3 regularly employed, shall adjourn the school or schools of said dis-
4 trict for not less than two (2) days in each school year in order to
5 allow teachers to attend county teachers' institutes held in the county,
6 without loss of salary.

[C. C. 2501.]

Sec. 15. Certificate of Attendance.

1 The county superintendent shall issue a certificate of attendance
2 to each teacher showing number of days of attendance at said insti-
3 tute, and any teacher failing to attend said teachers' institutes two
4 (2) days shall forfeit his average daily salary for each day of non-
5 attendance, except when excused by the county superintendent for
6 physical disability to perform his duties in the schoolroom.

[C. C. 2501.]

Sec. 16. Part Pay for Attendance.

1 If the institute is held just before the beginning of the school
2 year, the teachers under contract to teach in the county during the
3 ensuing school year who attend said institute, shall be allowed and
4 paid by the school board employing them not less than one-half ($\frac{1}{2}$)
5 of their regular salaries for the days in attendance, not exceeding

6 two (2) weeks.

[New.]

Sec. 17. Lectures in City Independent Districts.

1 In city independent districts, where twenty-five (25) or more
2 teachers are regularly employed, the county superintendent shall co-
3 operate with the city superintendent in arranging for educational
4 lectures relating to the professional work of the teacher and to such
5 matters of public education as may best meet the needs of the teachers
6 in such districts, at times approved by the city superintendent and
7 city board of education, in so far as the condition of the county insti-
8 tute fund shall permit.

[C. C. 2501.]

Sec. 18. Plans Approved State Superintendent.

1 All arrangements concerning plans for professional teachers'
2 meetings in said city districts shall be subject to final approval by
3 the superintendent of public instruction. Teachers in said districts
4 shall attend said lectures and the county superintendent shall issue
5 a certificate showing number of lectures attended.

[C. C. 2501.]

Sec. 19. Institute Fund.

1 The institute fund of each county shall consist of:
2 1. Fifty dollars (\$50.00) annually, which is hereby appropriated.
3 2. One-half ($\frac{1}{2}$) of all examination fees collected in the county.
4 3. Two hundred fifty dollars (\$250.00) from the general county
5 fund in counties having a population of thirty thousand (30,000) or
6 less, which amount shall be appropriated by the board of supervisors
7 of such county at the January session of each year.

8 4. Three hundred dollars (\$300.00) from the general county
9 fund in counties having a population of over thirty thousand (30,000)
10 to be appropriated by the board of supervisors in like manner.

11 5. Such reasonable sum as may be appropriated by the board
12 from the general fund of any city independent district.

[C. C. 2501, modified.]

Sec. 20. Use of County Institute Fund.

1 No part of the county teachers' institute fund may be used for
2 any other purpose than to pay the expenses of teachers' institutes.

[C. C. 2501.]

Sec. 21. Disbursement of Institute Fund.

1 All disbursements of the institute fund shall be by warrants
2 drawn by the county auditor upon the written order of the county
3 superintendent, and said written order must be accompanied by an
4 itemized bill for services rendered or expenses incurred in connec-
5 tion with the institute, which bill must be signed and sworn to by
6 the party in whose favor the order is made and must be verified by
7 the county superintendent. All said orders and bills shall be kept
8 on file in the auditor's office until the final settlement of the county
9 superintendent with the board of supervisors at the close of his term
10 of office. No warrant shall be drawn by the auditor in excess of the
11 institute fund then in the county treasury.

[C. C. 2501.]

Sec. 22. Summer Schools.

1 County superintendents are hereby authorized to conduct from
2 four (4) to six (6) weeks' summer school when it may be deemed
3 advisable, for the purpose of giving teachers and prospective teachers

4 academic instruction. A fee shall be collected from each attendant
5 sufficient in the aggregate to meet all necessary expenses for the sup-
6 port of said summer school. The fee so collected shall be deposited
7 with the county treasurer, and a list of the names of all attendants
8 shall be filed with the county auditor.

[C. C. 2501.]

Sec. 23. Payment of Instructors.

1 Warrants for the purpose of paying instructors employed in sum-
2 mer schools shall be drawn by the county auditor upon written order
3 of the county superintendent, and said written order must be accom-
4 panied by a verified itemized bill for services rendered or expenses
5 incurred in connection with said summer school, but no warrant shall
6 be issued in excess of the fees received from the summer school and
7 deposited with the county treasurer.

[C. C. 2501.]

Sec. 24. Itemized Account Institute and Summer School Funds.

1 The county superintendent shall furnish to the county board of
2 supervisors a certified itemized account of all receipts and disburse-
3 ments for teachers' institutes and summer schools. They shall exam-
4 ine, and audit the account, and publish a summary thereof with the
5 proceedings of the regular June meeting of the board.

[C. C. 2501.]

Sec. 25. Compensation.

1 The county superintendent of schools shall receive the following
2 minimum compensation per year of twelve (12) months: In coun-
3 ties having a population of less than ten thousand (10,000), sixteen
4 hundred dollars (\$1,600.00); in counties having a population of ten

5 thousand (10,000) and less than twenty thousand (20,000), seven-
6 teen hundred dollars (\$1,700.00); in counties having a population
7 of twenty thousand (20,000) and less than thirty thousand (30,000),
8 eighteen hundred dollars (\$1,800.00); in counties having a popula-
9 tion of thirty thousand (30,000) and less than forty thousand
10 (40,000), nineteen hundred dollars (\$1,900.00); in counties having
11 a population of forty thousand (40,000) and less than fifty thousand
12 (50,000), two thousand dollars (\$2,000.00); in counties having a
13 population of fifty thousand (50,000) or more, twenty-five hundred
14 dollars (\$2,500.00). He shall receive such additional compensation
15 as may be determined by the county board of education, on which
16 question he shall have no vote.

[C. C. 2506, modified.]

Sec. 26. Expenses.

1 He shall receive his actual and necessary expenses incurred in
2 visiting schools, and in the performance of other duties, which, except
3 as otherwise provided for, shall not exceed the sum of four hundred
4 dollars (\$400.00) in any one (1) year, and expenses of necessary
5 office stationery and postage and those incurred in attendance upon
6 meetings called by the superintendent of public instruction.

[C. C. 2506, 2479.]

Sec. 27. Deputy—Salary.

1 He may appoint a deputy with the approval of the county board
2 of education, entered of record, for whose acts he shall be respon-
3 sible, and who may act in his stead except in the performance of
4 judicial duties. Said deputy shall hold a first class uniform county
5 certificate or higher class certificate, and his salary shall be fixed by

6 said board in accordance with the provisions of the teachers' mini-
7 mum wage law. The county board of education shall determine
8 what, if any, additional clerical help may be necessary for the county
9 superintendent's office and upon its certificate bills therefor shall be
10 audited and allowed by the board of supervisors.

[C. C. 2479, modified.]

Sec. 28. County Board of Education.

1 The county board of education shall consist of the county super-
2 intendent ex officio, and six (6) reputable citizens of the county, of
3 either sex, of good educational qualifications, no two (2) of whom
4 shall be from the same school corporation. Each regular convention
5 held for the election of county superintendents shall elect three (3)
6 members of said board, whose terms of office shall be for six (6)
7 years, and until their successors are elected and qualified. Vacancies
8 in the board may be filled by the board until the next regular conven-
9 tion, when the same shall be filled by the convention. A majority
10 of said board shall constitute a quorum. If the membership be re-
11 duced below a quorum, a special convention shall be called to fill the
12 vacancies.

[C. C. 2478.]

Sec. 29. Oaths.

1 The members of said board shall take the oath of office required
2 of county officers, and, except the county superintendent, shall serve
3 without pay; but shall be allowed their actual, necessary expenses in
4 performing their duties, not to exceed forty dollars (\$40.00) each
5 annually, to be audited by the board of supervisors and paid out of
6 the general fund.

[C. C. 2478.]

Sec. 30. Meetings of the Board.

1 Meetings of the board shall be held on the second Monday of
2 August and February in each year at the office of the county super-
3 intendent, and at such other times as may be fixed by the county
4 superintendent, or by written request of three (3) members filed
5 with him.

[C. C. 2478.]

Sec. 31. Duties of Board.

1 The board shall perform all duties imposed upon it by law, and
2 shall act in an advisory capacity upon all matters referred to it by
3 the county superintendent, and cooperate with him in formulating
4 plans and regulations for the advancement and welfare of the schools
5 under his supervision.

[C. C. 2478.]

Code Commissioners' Bill No. 100.

Subject: EDUCATION—SCHOOL DISTRICTS

Senate File No.	Referred to Committee on
House File No.	- .
By	Date

A BILL FOR

An act to amend, revise and codify sections two thousand five hundred eight (2508), two thousand five hundred nine (2509), two thousand five hundred seventeen (2517), and two thousand five hundred twenty-four (2524) to two thousand five hundred thirty-two (2532), 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 five hundred eight (2508) and two thousand five hundred nine (2509) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Names.

1 School corporations composed of subdistricts shall be called school
 2 townships, and shall be designated as the school township of (naming
 3 civil township), in the county of (naming county), state of Iowa. Other
 4 school corporations shall be designated as follows: The independent
 5 school district of (naming city, town, or village, and if there are two
 6 (2) or more districts therein, including some appropriate name or
 7 number), in the county of (naming county), state of Iowa; or, the
 8 rural independent school district of (some appropriate name or num-
 9 ber), township of (naming township), in the county of (naming
 10 county), state of Iowa; or, the consolidated school district of (some ap-

11 appropriate name or number), in the county of (naming county), state
12 of Iowa.

[C. C. 2508.]

Sec. 2. Directors.

1 The affairs of each school corporation shall be conducted by a
2 board of directors, the members of which in all independent school
3 districts shall be chosen for a term of three (3) years, and in all sub-
4 districts of school townships for a term of one (1) year, and hold office
5 until their successors are elected and qualified.

[C. C. 2509.]

That section two thousand five hundred seventeen (2517) of the com-
piled code of Iowa is amended, revised and codified to read as follows:

Sec. 3. Plats of School Districts.

1 On or before the first day of January, nineteen hundred twenty-
2 one (1921), the board of directors of each school corporation shall file
3 in the office of the county superintendent a plat showing the boundaries
4 of the district, and, in school townships, indicating the boundaries of
5 the subdistricts. Any change thereafter made in the boundaries of
6 any school district or subdistrict shall be reported to the county super-
7 intendent by the secretaries of the board of districts affected thereby,
8 and all changes shall be indicated by the county superintendent on
9 the plats.

[New.]

Sec. 4. Formation of Independent District.

1 Upon the written petition of any ten (10) voters of a city, town,
2 or village of over one hundred (100) residents, to the board of the
3 school corporation in which the portion of the town plat having the

4 largest number of voters is situated, such board shall establish the
5 boundaries of a proposed independent district, including therein all of
6 the city, town, or village, and also such contiguous territory as is
7 authorized by a written petition of a majority of the resident electors
8 of the contiguous territory proposed to be included in said district, in
9 not smaller subdivisions than entire forties of land, in the same or any
10 adjoining school corporations, as may best subserve the convenience
11 of the people for school purposes, and shall give the same notices of a
12 meeting as required in other cases.

[C. C. 2517.]

Sec. 5. Vote by Ballot—Separate Ballot Boxes.

1 At the meeting all voters upon the territory included within the
2 contemplated independent district shall be allowed to vote by ballot
3 for or against such separate organization. When it is proposed to in-
4 clude territory outside the city, town, or village, the voters residing
5 upon such outside territory shall be entitled to vote separately upon
6 the proposition for the formation of such new district, by presenting
7 a petition of at least twenty-five per cent (25%) of the voters residing
8 upon such outside territory, and if a majority of the votes so cast is
9 against including such outside territory, then the proposed indepen-
10 dent district shall not be formed, but a subdistrict containing a village
11 with a population of seventy-five (75) or more, may, under the provi-
12 sions of this and the preceding section, organize into an independent
13 school district. When such territory is included in an independent
14 district, adequate school facilities shall be provided for the increased
15 attendance.

[C. C. 2517, modified.]

That sections two thousand five hundred twenty-four (2524) to two thousand five hundred thirty-two (2532), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

Sec. 6. Consolidated Districts.

1 A consolidated school district may be formed of contiguous terri-
2 tory containing not less than sixteen (16) government sections of land
3 in one (1) or more counties, in the manner hereinafter provided.

[C. C. 2524.]

Sec. 7. Petition for Consolidated District.

1 A petition, signed by one-third ($\frac{1}{3}$) of the qualified voters resid-
2 ing in the proposed consolidated district, shall be filed in the office of
3 the county superintendent of the county in which the largest number
4 of qualified voters in the proposed district reside, describing the
5 boundaries of said district, and asking for its establishment.

[C. C. 2524.]

Sec. 8. Affidavit to Accompany Petition.

1 Such petition shall be accompanied by an affidavit of some quali-
2 fied voter residing in the proposed district, showing the number of
3 qualified voters in the proposed district, and in case such district is in
4 two (2) or more counties, separately as to each county the number of
5 qualified voters in the part thereof included in the proposed district.
6 The affidavit shall be taken as true unless objections are filed to it prior
7 to the time for filing objections provided in the following section.

[C. C. 2524, modified.]

Sec. 9. Notice—Hearing.

1 Within ten (10) days after the filing of such petition, the county
2 superintendent shall fix the time and place for the hearing of objec-

3 tions thereto, and shall give notice for at least ten (10) days by one (1)
4 publication in a newspaper published in the county and of general cir-
5 culation within the proposed district. Objections may be made by any
6 person residing upon or owning land within such proposed district, or
7 who would be injuriously affected by the formation thereof, and shall
8 be on file not later than twelve (12) o'clock noon of the day fixed for
9 the hearing.

[C. C. 2524, modified.]

Sec. 10. Hearing—Decision—Notice.

1 At the hearing parties interested may present evidence and argu-
2 ments, and the county superintendent shall carefully review the mat-
3 ter on its merits, and within five (5) days after the conclusion of the
4 hearing, shall rule on the objections, and shall enter an order fixing
5 such boundaries of the proposed district as will, in his judgment, form
6 the best possible consolidated district, having due regard to the wel-
7 fare of adjoining districts. Such boundary lines shall conform to
8 those of school corporations or subdistricts already established, unless
9 he shall decide that the welfare of the consolidated district and ad-
10 joining districts will be better served by the establishment of other
11 boundaries. He shall forthwith publish his order fixing the boundaries
12 of the district in some newspaper published in the county and of gen-
13 eral circulation in the district, and shall send by registered letter a
14 copy thereof to each person residing upon or owning land included in
15 the district other than land included in the petition.

[C. C. 2524, modified.]

Sec. 11. Appeal—Decision Final as to Boundaries.

1 Any petitioner, or any person who filed objections or any person

2 residing upon or owning land included or excluded from the district
3 by any change in the boundary lines from those proposed in the peti-
4 tion, may, within ten (10) days from the date of the publication of said
5 order appeal from the decision of the county superintendent to the
6 county board of education, by serving written notice on the said
7 county superintendent. Within five (5) days after the time for appeal
8 has expired, the county superintendent shall file with the county board
9 of education all the original papers together with his decision, and fix
10 the time and place such appeal will be heard, and shall give notice
11 thereof to each appellant by registered letter. The time fixed for such
12 hearing shall not be less than five (5) nor more than ten (10) days
13 from the date when the time for appeal expires.

[C. C. 2524, modified.]

Sec. 12. Determination of Appeal.

1 The county board of education shall determine such appeal within
2 five (5) days after the submission thereof, and shall fix such boundaries
3 for said district as in its judgment will be for the best interests of all
4 concerned. If such boundaries are neither those petitioned for nor
5 those fixed by the county superintendent, the hearing shall be ad-
6 journed, and notice of such adjourned hearing shall be given as for the
7 hearing before the county superintendent; and upon final hearing the
8 board of education shall fix the boundaries, which shall be final.

[C. C. 2524, modified.]

Sec. 13. Parties Not to Act as Judges.

1 No member of the county board of education who has filed objec-
2 tions to the establishment of the district or is a party or interested
3 in the proceedings shall take any part in determining any matter which

4 may arise in connection therewith.

[New.]

Sec. 14. Election Called.

1 When the boundaries of the proposed district have been deter-
2 mined, the county superintendent with whom said petition was filed
3 shall call a special election of the proposed consolidated district, by
4 giving notice by one (1) publication in a newspaper published in the
5 county and of general circulation within the proposed district, which
6 publication shall be made not less than five (5) nor more than fifteen
7 (15) days prior to the election.

[C. C. 2524, modified.]

Sec. 15. Judges of Election.

1 Such county superintendent shall appoint the judges of such
2 election, who shall be qualified voters of the territory or district in
3 which they are to serve, and who shall serve without pay. If any
4 judge fails to appear at the proper time, his place shall be filled by the
5 judge or judges present.

[C. C. 2524.]

Sec. 16. Voters—Separate Vote in Certain Territory.

1 At the election all qualified voters residing in the proposed con-
2 solidated district shall be entitled to vote by ballot for or against the
3 establishment thereof. When it is proposed to include in such district
4 a school corporation containing a city or town, or a village with a pop-
5 ulation of two hundred (200) or more inhabitants, the voters residing
6 upon the territory outside the limits of the said school corporation
7 shall vote separately upon the proposition to create such new district.

[C. C. 2524.]

Sec. 17. Ballot Boxes—Canvass of Votes.

1 The judges of said election shall provide separate ballot boxes
2 in which shall be deposited the votes cast by the qualified voters from
3 their respective territory. The judges of election shall count the bal-
4 lots and make return of the count to and deposit the ballots with the
5 county superintendent, who shall enter the return of record in his
6 office, and if a majority of the votes cast by the qualified voters resid-
7 ing either within or without the limits of the aforesaid school cor-
8 poration is not in favor of the proposition to form a consolidated cor-
9 poration, then the proposed corporation shall not be formed.

[C. C. 2524.]

Sec. 18. Organization—Contest of Election.

1 If a majority of the votes cast at the election when there is no
2 division of the territory for voting purposes, or if a majority of the
3 votes cast in each territory shall be in favor of such organization, the
4 same shall be thereby created and be an independent district and a
5 board of directors therefor shall be elected. Such special election may
6 be contested in the manner provided by law for contesting other elec-
7 tions, so far as applicable.

[C. C. 2524, modified.]

Sec. 19. Election of Directors.

1 The election of directors shall be called by the county superin-
2 tendent, by giving the same notice as provided for the election to
3 establish said consolidated district and he shall appoint the judges who
4 shall serve without pay. At such election two (2) directors shall be
5 chosen to serve until the next annual meeting, two (2) until the sec-
6 ond, and one (1) until the third annual meeting thereafter, and until

7 their successors are elected and qualified. The judges of election shall
8 make return to the county superintendent who shall notify the persons
9 elected directors and shall set the date of their meeting for the organ-
10 ization of the board.

[C. C. 2524, modified.]

Sec. 20. Payment of Expenses.

1 The county superintendent shall certify to the board of super-
2 visors all expenses incurred by him and the board of education in con-
3 nection with proceedings for the organization of the district, and if
4 the district is established, for the completion of such organization,
5 including the election of the first board of directors; and the board
6 shall pay the same from the general fund of the county.

[New.]

Sec. 21. Minimum Territory.

1 When a consolidated independent district is so organized, it shall
2 not be reduced to less than sixteen (16) government sections unless
3 dissolved as provided by law. No remaining portion of any school
4 corporation from which territory is taken to form such a consolidated
5 corporation shall, after the change, contain less than an area equiva-
6 lent to four (4) government sections, which territory shall be con-
7 tiguous and so situated as to form a suitable corporation.

[C. C. 2524.]

Sec. 22. Remaining Territory.

1 Where, after the formation of such consolidated school corpora-
2 tion, there is left in any school township one (1) or more pieces of terri-
3 tory containing an area equivalent to four (4) or more government
4 sections, each of such pieces of territory shall thereby become a rural

5 independent school corporation, unless two (2) or more subdistricts
6 remain in a contiguous body, in which event such remaining portion
7 of territory shall constitute a school township, and it shall be the duty
8 of the officers of the former school township to call an election in each
9 of such remaining pieces of territory for the purpose of electing school
10 officers in the manner provided by law for the election of officers in
11 rural independent districts or in school townships as the case may be.

[C. C. 2524.]

Sec. 23. New District and School Townships—Taxes.

1 The board of directors of any rural independent district or school
2 township created under the provisions of the preceding section shall
3 levy and certify the proper amount of taxes for the school or schools
4 therein.

[New.]

Sec. 24. Organization—Taxes—Levy.

1 The organization of the school board in consolidated school cor-
2 porations shall be effected on or before the first day of July following
3 their election, and when completed, all taxes previously certified shall
4 be void so far as the property within the limits of the consolidated
5 school corporation is concerned, and the board of said consolidated
6 school corporation shall at a regular meeting, or a special meeting
7 called for the purpose, at any time prior to the third Monday in
8 August of each year, levy for the general fund of said school the
9 amount of all necessary taxes for all school purposes, which shall not
10 exceed sixty-five dollars (\$65.00) for each person of school age, except
11 that where an approved high school course is maintained in such school
12 the levy may be eighty dollars (\$80.00) for each person of school age.

[C. C. 2524.]

Sec. 25. Certified to Board of Supervisors.

1 The amount so levied shall be certified to the county board of
2 supervisors on or before the first Monday of September in each year,
3 and the board of supervisors shall levy said tax at the same time and
4 in the same manner that other school taxes are required to be levied.

[C. C. 2524.]

Sec. 26. School Building—Tax Levy.

1 The board of each consolidated district shall provide and equip a
2 suitable central school building within such district, and it shall at any
3 regular meeting or at a special meeting called for that purpose submit
4 to the qualified voters of the district the question of levying a tax or
5 issuing bonds or both, for the purpose of raising money for any one
6 or all of the following objects:

7 1. The building and equipment of any school building suitable for
8 the needs of the district.

9 2. The building of a superintendent's or teachers' house.

10 3. The repair and improvement of any school building when the
11 cost will exceed the sum of two thousand dollars (\$2,000.00).

12 The ballot shall show the amount proposed to be expended for
13 each purpose, and the number of years over which the tax is to be
14 spread, and each proposition shall be voted upon separately. All
15 moneys received from such sources shall be placed in the schoolhouse
16 fund of said corporation, and be used only for the purposes for which
17 voted.

[C. C. 2524, modified.]

Sec. 27. School Building—Location.

1 In locating said building they shall take into consideration the

2 geographical position, number, and convenience of the scholars, and
3 may submit the question of location to the voters of the district at
4 any regular meeting or special meeting called for that purpose. When-
5 ever a city, town, or village containing a school population of twenty-
6 five (25) or more is included within any consolidated district, then
7 said building shall be located within the limits of said city, town, or
8 village, or upon lands contiguous to such limits.

[C. C. 2524.]

Sec. 28. Central School—Transportation.

1 The school board of any consolidated school corporation and school
2 townships maintaining a central school shall provide suitable transpor-
3 tation to and from school for every child of school age living within
4 said district, and outside the limits of any city, town, or village, but
5 the board shall not be required to cause the vehicle of transportation
6 to leave the public highway to receive or discharge pupils.

[C. C. 2524.]

Sec. 29. Suspension of Transportation.

1 The board shall from time to time, by resolution regularly adopted,
2 number and designate the routes to be traveled by each conveyance in
3 transporting children to and from school. The board shall have the
4 right on account of inclemency of the weather to suspend the transpor-
5 tation on any route upon any day or days when in its judgment it
6 would be a hardship on the children, or when the roads to be traveled
7 are unfit or impassable.

[C. C. 2524.]

Sec. 30. Transportation by Parent—Compensation.

1 The school board may require that children living an unreason-

2 able distance from school shall be transported by the parent or guard-
3 ian a distance of not more than two (2) miles to connect with any
4 vehicle of transportation to and from school or may contract with an
5 adjoining school corporation for the instruction of any child living an
6 unreasonable distance from school. It shall allow a reasonable com-
7 pensation for the transportation of children to and from their homes to
8 connect with such vehicle of transportation, or for transporting them
9 to an adjoining district. In determining what an unreasonable dis-
10 tance would be, consideration shall be given to the number and age of
11 the children, the condition of the roads, and the number of miles to be
12 traveled in going to and from school.

[C. C. 2524.]

Sec. 31. Contracts for Transportation—Rules.

1 The school board of any consolidated school corporation shall con-
2 tract with as many suitable persons as it deems necessary for the
3 transportation of children of school age to and from school. Such
4 contract shall be in writing and shall state the number of the route,
5 the length of time contracted for, the compensation to be allowed per
6 week of five (5) school days, or per month of four (4) school weeks,
7 and may provide that two (2) weeks' salary shall be retained by the
8 board pending full compliance therewith by the party contracted with,
9 and shall always provide that any party or parties to said contract, and
10 every person in charge of vehicles conveying children to and from
11 school, shall be at all times subject to any rules said board shall adopt
12 for the protection of the children, or to govern the conduct of the per-
13 son in charge of said conveyances.

[C. C. 2524.]

Sec. 32. Violation of Transportation Rules—Penalty.

1 Any person driving, managing, or in charge of any vehicle used in
2 transporting children to and from school, who shall be found guilty of
3 violating any of the rules adopted by the board of said school for the
4 guidance of such person shall be guilty of a misdemeanor, and for the
5 first offense shall be fined not less than five dollars (\$5.00) nor more
6 than ten dollars (\$10.00) and for a subsequent offense shall be fined
7 not less than twenty-five dollars (\$25.00) nor more than fifty dollars
8 (\$50.00) and shall be dismissed from the service.

[C. C. 2524, modified.]

Sec. 33. State Aid to Consolidated Schools.

1 All consolidated schools maintained with suitable grounds and the
2 necessary departments and equipment for teaching agriculture, home
3 economics, and manual training or other industrial and vocational sub-
4 jects, and employing teachers holding certificates showing their quali-
5 fications to teach said subjects, and in which said subjects are taught
6 as a part of the regular course in such schools, subject to the approval
7 of the superintendent of public instruction, shall be paid from the state
8 treasury, from moneys not otherwise appropriated, as follows:

9 1. Two (2) room schools, two hundred fifty dollars (\$250.00) for
10 equipment and two hundred dollars (\$200.00) additional annually.

11 2. Three (3) room schools, three hundred fifty dollars (\$350.00)
12 for equipment and five hundred dollars (\$500.00) additional annually.

13 3. Four (4) room schools, five hundred dollars (\$500.00) for
14 equipment and seven hundred fifty dollars (\$750.00) additional an-
15 nually.

[C. C. 2525, 2526, 2527.]

Sec. 34. Report by Secretary—Requisition—Warrant.

1 The secretary of each consolidated school corporation shall, at the
2 close of each school year, report to the superintendent of public in-
3 struction as said officer may require, who, upon receipt of a satisfac-
4 tory report, shall issue a requisition upon the auditor of state for the
5 amount due such school corporation for said year. Thereupon the
6 auditor of state shall draw a warrant on the state treasury payable to
7 such school corporation for the amount of said requisition, and forward
8 the same to the secretary of such school corporation.

[C. C. 2528.]

Sec. 35. Annual Appropriation.

1 There is hereby appropriated annually out of any money in the
2 state treasury not otherwise appropriated the sum of one hundred fifty
3 thousand dollars (\$150,000.00), or so much thereof as may be neces-
4 sary, to furnish the state aid provided for consolidated schools. Should
5 this appropriation be insufficient in any year to pay in full such state
6 aid, the same shall be distributed among the several schools pro rata in
7 proportion to the amount they would have received had said appro-
8 priation been sufficient to pay said aid in full.

[C. C. 2530.]

Sec. 36. Petition for Dissolution—Election.

1 When a petition signed by a majority of the electors in a con-
2 solidated school corporation, asking that said district be dissolved, and
3 describing the boundaries of the district or districts proposed to be
4 organized out of the territory then included in such consolidated
5 school corporation, and having the approval of the county superin-
6 tendent, if in one (1) county, and the superintendent of each if in more

7 than one (1) county, or of the state superintendent of public instruc-
8 tion if the county superintendents do not agree, is filed with the board
9 of said consolidated district, it shall within ten (10) days call an elec-
10 tion for which it shall give the same notice as is required for the annual
11 meeting of the voters of the corporation, at which election all voters
12 residing within the district shall be allowed to vote by ballot for or
13 against such dissolution.

[C. C. 2524, modified.]

Sec. 37. Dissolution—Division of Assets and Liabilities.

1 If a majority of all votes cast at said election be in favor of dis-
2 solving the consolidated district, the same shall be dissolved and the
3 organization of a new district or districts be forthwith completed by
4 the election of a board of directors as provided by statute. Such dis-
5 solution shall become effective only when the reorganization of the
6 territory included in the original consolidated district is completed.
7 The assets and liabilities of any such school corporation thus dis-
8 solved shall be equitably divided as provided in case of changing
9 boundaries of school corporations.

[C. C. 2524.]

Sec. 38. Organization of Districts in Cities.

1 All the territory embraced within the corporate limits of any city
2 may be organized into and become one (1) independent school district,
3 in the manner following.

[C. C. 2531, modified.]

Sec. 39. Petition—Vote Thereon.

1 When a written petition requesting the establishment of a district
2 whose territory shall be coextensive with that of such city, signed by

3 one hundred (100) voters of such city, is filed with the board of the
4 school corporation therein having the largest number of voters, the
5 board shall, within ten (10) days, call an election, at which all the
6 voters residing in the proposed district shall be allowed to vote by
7 ballot for or against the proposition, "Shall all the territory within
8 the city of (naming it) be united into one (1) school district?"

[C. C. 2532.]

Sec. 40. Election and Return.

1 The board calling said election shall divide the territory within the
2 proposed district into such number of precincts as it may determine,
3 and the judges of election shall make and certify a return of the vote
4 to the secretary of the same board which shall, on the next Monday
5 after the election, canvass the returns made to the secretary, ascertain
6 the result of the election, declare the same, and cause a record to be
7 made thereof. The election shall be conducted as provided by law for
8 elections in independent school districts in cities of the first class, ex-
9 cept as otherwise provided in this and the preceding section.

[C. C. 2532.]

Sec. 41. New District Organized.

1 If a majority of the votes cast at such election is favorable to the
2 proposition, the organization and formation of said independent dis-
3 trict shall thereby be effected, and the board of directors, treasurer,
4 and other officers of the school corporation then holding office in the
5 district affected having the largest number of voters, shall become the
6 board of directors, treasurer and other officers of said new district, and
7 shall continue to hold their respective offices until the terms for which
8 they were originally elected shall expire.

[C. C. 2532.]

Sec. 42. Offices Abolished—Officers of Districts Outside.

1 The terms of office of all other directors, treasurers, and officers of
2 boards in territory lying wholly within said new district shall ter-
3 minate; but in districts lying partly without the new district, the
4 directors, officers, and treasurers shall continue to have authority over
5 the territory lying within their districts and without the new district.

[C. C. 2532.]

Sec. 43. Contracts of Employment Not Affected.

1 The terms of employment of superintendents, principals, and
2 teachers for any current school year shall not be affected by the forma-
3 tion of the new district.

[C. C. 2532.]

Code Commissioners' Bill No. 101

Subject: EDUCATION—SCHOOL MEETINGS—DIRECTORS, POWERS AND DUTIES

Senate File No..... Referred to Committee on
House File No.....
By Date.....

A BILL FOR

An act to amend, revise and codify sections two thousand five hundred thirty-six (2536), two thousand five hundred thirty-seven (2537), two thousand five hundred forty-two (2542) to two thousand five hundred forty-five (2545), inclusive, two thousand five hundred forty-eight (2548) 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), two thousand five hundred sixty-seven (2567), and two thousand five hundred seventy-eight (2578) 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 thirty-six (2536) and two thousand five hundred thirty-seven (2537) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Electors.

- 1 To have the right to vote at a school meeting a person must have
- 2 the same qualifications as for voting at a general election, and must
- 3 be at the time an actual resident of the corporation or subdistrict.

[C. C. 2536.]

Sec. 2. Powers of Voters.

- 1 The voters assembled at the annual meeting shall have power:

- 2 1. To direct a change of textbooks regularly adopted.
- 3 2. To direct the sale or make other disposition of any school-
4 house or site or other property belonging to the corporation, and the
5 application to be made of the proceeds of such sale.
- 6 3. To determine upon additional branches that shall be taught.
- 7 4. To instruct the board that school buildings may or may not
8 be used for meetings of public interest.
- 9 5. To direct the transfer of any surplus in the schoolhouse fund
10 to the general fund.
- 11 6. To authorize the board to obtain, at the expense of the cor-
12 poration, roads for proper access to its schoolhouses.
- 13 7. To vote a schoolhouse tax, not exceeding ten (10) mills on
14 the dollar in any one (1) year, for the purchase of grounds, construc-
15 tion of schoolhouses, the payment of debts contracted for the erection
16 of schoolhouses, not including interest on bonds, procuring libraries for
17 and opening roads to schoolhouses.

[C. C. 2537.]

Sec. 3. Proposition Stated in Notice—Vote by Ballot.

1 The board may, and upon the written request of five (5) voters
2 of any school township or rural independent or consolidated district,
3 or of twenty-five (25) voters of any city or town independent district
4 having a population of five thousand (5,000) or less, or of fifty (50)
5 voters of any other city independent district or of any district which
6 registration of any of the voters is required, shall provide in the
7 notice for the annual meeting for submitting an proposition author-
8 ized by law to the voters. All propositions shall be voted upon by
9 ballot in substantially the following form: "Shall a change of text-

10 books be directed?" (or other question as the case may be); and the
 11 voter shall designate his vote by writing the word "yes" or "no" in
 12 an appropriate place on the ballot.

[C. C. 2537.]

That sections two thousand five hundred forty-two (2542) to two
 thousand five hundred forty-five (2545), inclusive, of the compiled code
 of Iowa are amended, revised and codified to read as follows:

Sec. 4. Annual Meeting—Number of Directors—Tenure of Office.

1 At the annual meeting in all independent districts, members of
 2 the board shall be chosen by ballot, to succeed those whose terms ex-
 3 pire, and shall hold office for the terms for which elected and until
 4 their successors are elected and qualified. In any district including
 5 all or part of a city of the first class or a city under special charter,
 6 the board shall consist of seven (7) members. In all other inde-
 7 pendent city or town districts, in consolidated districts, and in rural
 8 independent districts having a population of over five hundred (500),
 9 the board shall consist of five (5) members. In all other rural inde-
 10 pendent districts the board shall consist of three (3) members.

[C. C. 2542.]

Sec. 5. Treasurer.

1 In districts composed in whole or in part of cities or towns, a
 2 treasurer shall be chosen in like manner, whose term shall begin on
 3 the first secular day of July, and continue for two (2) years, or until
 4 his successor is elected and qualified, who shall serve without pay.

[C. C. 2542, modified.]

Sec. 6. Nomination of Candidates.

1 The names of all persons nominated as candidates for office in

2 each independent city or town and consolidated district shall be filed
3 with the secretary of the school board not later than noon of the sev-
4 enth day previous to the day on which the annual school election is
5 held. Each candidate shall be nominated by a petition signed by not
6 less than ten (10) qualified electors of the district.

[C. C. 2542, modified.]

Sec. 7. Polls Open.

1 In districts where there is registration of voters, the polls shall
2 be open from nine (9) o'clock a. m. to seven (7) p. m.; in all other
3 districts they shall open at one (1) o'clock p. m. In such other districts
4 composed in whole or in part of cities or towns, the polls shall remain
5 open not less than five (5) hours; and in rural independent districts
6 and school townships not less than two (2) hours.

[C. C. 2542, modified.]

Sec. 8. Ballots.

1 The secretary of the school board shall cause to be printed and
2 delivered at the several polling places a sufficient number of ballots,
3 printed on plain, substantial paper of uniform quality, with no party
4 designation or mark thereon. Said ballots shall contain in alpha-
5 betical order the names of all candidates for each office, filed as herein
6 provided, and a blank line for each such officer to be elected. There
7 shall be at the left of each name and each blank line a square, and
8 there shall also be a direction to the voter as to the number of candi-
9 dates to be voted for at said school election.

[C. C. 2542.]

Sec. 9. General Election Laws Applicable—Tie Vote.

1 School elections in independent city or town districts, except as

2 in this chapter otherwise provided, shall be conducted under the gen-
 3 eral election law of the state, so far as the same may be applicable.
 4 A tie vote for any elective school office shall be publicly determined
 5 by lot forthwith, under the direction of the judges.

[C. C. 2542.]

Sec. 10. Division Into Precincts—Registration.

1 When the whole or any part of a city wherein registration of
 2 voters is required is in one (1) school corporation, the same may be di-
 3 vided into such number of precincts as the board of directors shall
 4 determine, in each of which a poll shall be held at a convenient place,
 5 fixed by the board of directors, for the reception of the ballots of
 6 voters residing in such precinct. The clerk of the city shall furnish
 7 to the board of directors the last registers of elections, which shall
 8 be used at school elections as at general elections. Voters residing
 9 in territory in such corporation not within the limits of the city or
 10 part of city within such corporation need not be registered.

[C. C. 2543, modified.]

Sec. 11. Registrars' Meeting.

1 The board of directors of such school corporation, on or before
 2 the last Monday preceding such election, shall appoint two (2) regis-
 3 trars in each of the election precincts of such school corporation for
 4 the registration of voters therein, who shall have the same qualifica-
 5 tions as registrars appointed for general elections and shall qualify
 6 in the same manner and receive the same compensation to be paid by
 7 the school corporation. The registrars shall meet on the day of elec-
 8 tion at the voting place in the precinct in which they have been ap-
 9 pointed and shall hold continuous session from nine (9) o'clock a. m.

10 until seven (7) o'clock p. m.

[C. C. 2543, 2544.]

Sec. 12. Registration on Election Day.

1 Any person claiming to be a voter, who is not already registered
2 in the proper precinct, may appear before them in the election pre-
3 cinct where he claims he is entitled to vote and take and subscribe
4 under oath a statement in the registry book, which oath and state-
5 ment shall be of the same general character as that required for regis-
6 tration of voters for general elections, and shall thereupon be granted
7 a certificate of registration.

[C. C. 2543.]

Sec. 13. Notice of Meeting.

1 The secretary of such school corporation must give notice of the
2 annual meeting by posting the same in a public place in each precinct,
3 at least ten (10) days before the meeting, and publication once each
4 week for two (2) consecutive weeks preceding the same in some news-
5 paper published in the county and of general circulation therein.
6 Such notice shall state the time, respective voting precincts, and the
7 polling place in each, and shall specify what questions in addition to
8 the election of director or directors shall be voted upon.

[C. C. 2543.]

Sec. 14. Judges—Ballot Box and Poll Book—Return.

1 The board shall appoint three (3) voters of the precinct as judges
2 of the election, one (1) of whom shall act as clerk. Not more than one
3 (1) member of the board shall act as such judge at any one (1) voting
4 precinct. If any person so appointed fails to qualify, the judge or
5 judges attending shall fill the place by the appointment of any voter

6 present. Should all of the appointees fail to qualify, their places shall
7 be filled by the voters from those in attendance. The judges and
8 clerk of election shall be sworn as in case of a general election. The
9 board shall provide the necessary ballot box and poll book for each
10 precinct, and the judges shall make and certify a return to the secre-
11 tary of the corporation of the votes cast for officers and upon each
12 question submitted.

[C. C. 2544.]

Sec. 15. Canvass of Returns.

1 On the next Monday after the meeting the board shall canvass
2 the returns made to the secretary, ascertain the result of the voting
3 with regard to every matter voted upon, declare the same, cause a
4 record to be made thereof, and at once issue a certificate to each per-
5 son elected.

[C. C. 2544.]

Sec. 16. Qualification of Directors.

1 Any member of the board or the secretary may administer the
2 oath of qualification to any member-elect, and to the treasurer and
3 the president of the board. Each director elected shall qualify on
4 or before the date for the organization of the board of the corpora-
5 tion in which he was elected, by taking the oath required of civil
6 officers.

[C. C. 2545, modified.]

That sections two thousand five hundred forty-eight (2548) to two
thousand five hundred fifty-three (2553), inclusive, of the compiled code
of Iowa are amended, revised and codified to read as follows:

Sec. 17. Meetings of Directors—Election of President.

1 The board of directors of each school corporation shall meet and
2 organize at two (2) o'clock p. m. on the third Monday in March each
3 year at some suitable place within the district to be designated by
4 the secretary. Such organization shall be effected by the election of
5 a president from the members of the board, who shall be entitled to
6 vote as a member. Such special meetings may be held as may be
7 determined by the board, or called by the president, or by the secre-
8 tary upon the written request of a majority of the members of the
9 board, upon notice specifying the time and place, delivered to each
10 member in person, or by registered letter, but attendance shall be a
11 waiver of notice.

[C. C. 2548, modified.]

Sec. 18. Annual Settlements.

1 On the first secular day in July, the board of each school town-
2 ship and with it the members of the board who retired in the pre-
3 ceding March, and the board of each independent school corporation,
4 shall meet, examine the books of, and settle with the secretary and
5 treasurer for the year ending on the thirtieth day of June preceding,
6 and transact such other business as may properly come before it.
7 Should the secretary or treasurer fail to make proper reports for
8 such settlement, the board shall take action to secure the same.

[C. C. 2548, modified.]

Sec. 19. Election of Secretary and Treasurer.

1 On the same day the board shall elect a secretary, who in inde-
2 pendent districts shall not be a teacher or other employee of the board.
3 It may, except in districts where the treasurer is elected by the voters,

4 elect a treasurer, or may provide that the county treasurer shall
5 perform the duties of the treasurer of the school corporation. Such
6 officers shall be elected from outside the membership of the board by
7 ballot entered of record.

[C. C. 2548, modified.]

Sec. 20. Quorum—Temporary Officers—Vacancies.

1 A majority of the board of directors of any school corporation
2 shall constitute a quorum for the transaction of business, but a less
3 number may adjourn from time to time. The board shall appoint a
4 temporary president or secretary, in the absence of the regular offi-
5 cers. Vacancies occurring among the officers or members shall be
6 filled by the board by ballot, and the person receiving the highest
7 number of votes shall be declared elected, and shall qualify as if origi-
8 nally elected or appointed. Except as otherwise provided by law,
9 when the board is reduced below a quorum, the secretary of the board
10 or if there be no secretary, the county superintendent, shall call a
11 special election to fill the vacancies, giving notice in the same manner
12 as for the annual meeting.

[C. C. 2549, 2550, modified.]

Sec. 21. Courses of Study—Regulations—Tobacco Prohibited.

1 The board shall prescribe courses of study for the schools of the
2 corporation, make rules for its own government and that of the di-
3 rectors, officers, teachers, and pupils, and for the care of the school-
4 house, grounds, and property of the school corporation, and aid in
5 the enforcement of the same, and require the performance of duties
6 by said persons imposed by law and the rules, and may exclude from
7 school any incorrigible child or any child so abnormal that his attend-

8 ance at school will be of no substantial benefit to him, or any child
9 whose presence in school may be injurious to the health or morals of
10 other pupils or to the welfare of such school. Such rules shall pro-
11 hibit the use of tobacco in any form by any student of such schools
12 and the board may suspend or expel any student for any violation
13 of such rule.

[C. C. 2549, modified.]

Sec. 22. Contracts—Election of Teachers.

1 The board shall carry into effect any instruction from the annual
2 meeting upon matters within the control of the voters, and shall elect
3 all teachers and make all contracts necessary or proper for exercising
4 the powers granted and performing the duties required by law.

[C. C. 2551, modified.]

Sec. 23. Form of Contract With Teachers.

1 Contracts with teachers must be in writing, and shall state the
2 length of time the school is to be taught, the compensation per week
3 of five (5) days, or month of four (4) weeks, and that the same shall
4 be invalid if the teacher is under contract with another board of di-
5 rectors in the state of Iowa to teach covering the same period of
6 time, until such contract shall have been released, and such other
7 matters as may be agreed upon, which may include employment for
8 a term not exceeding the ensuing school year, except as otherwise
9 authorized, and payment by the calendar month, signed by the presi-
10 dent and teacher, and shall be filed with the secretary before the
11 teacher enters upon performance of the contract.

[C. C. 2551, 2552, modified.]

Sec. 24. Superintendent—Term.

1 The board of directors of any independent school district or school
 2 township shall have power to employ a superintendent of schools for
 3 one (1) year, after which he may be employed for a term of not to ex-
 4 ceed three (3) years. He shall be the executive officer of the board and
 5 have such powers and duties as may be prescribed by rule or by law.
 6 Boards of directors may jointly exercise the powers conferred by this
 7 section.

[C. C. 2553, modified.]

Sec. 25. Superintendent—Qualifications.

1 In all school districts having a four (4) year high school course,
 2 the superintendent shall be a graduate of a standard college or uni-
 3 versity, and shall have had at least two (2) years' teaching experience
 4 in the public schools, and shall be properly certificated by the board
 5 of educational examiners. The requirement for graduation shall not
 6 apply to those who are now acting in this capacity in Iowa.

[New.]

That section two thousand five hundred fifty-seven (2557) of the com-
 piled code of Iowa is amended, revised and codified to read as follows:

Sec. 26. Agriculture, Domestic Science, and Manual Training.

1 The teaching of elementary agriculture, domestic science, and
 2 manual training shall be required in all public schools of the state,
 3 except in rural independent districts and school townships; and the
 4 state superintendent shall prescribe the extent of such instruction.

[C. C. 2557, modified.]

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.

1 The board of any independent school district may establish in
2 connection with the common schools, kindergarten departments for
3 the instruction of children, to be paid for in the same manner as other
4 grades and departments. Any kindergarten teacher shall hold a cer-
5 tificate certifying that the holder thereof has been examined upon
6 kindergarten principles and methods, and is qualified to teach in
7 kindergartens.

[C. C. 2559.]

Sec. 28. Higher and Graded Schools.

1 It shall have power to maintain in each district one (1) or more
2 schools of a higher order, for the better instruction of all in the dis-
3 trict prepared to pursue such a course of study, and it may establish
4 graded schools and determine what branches shall be taught therein,
5 but the course of study shall be subject to the approval of the super-
6 intendent of public instruction.

[C. C. 2560.]

Sec. 29. Graded System.

1 In all independent school districts where the enrollment of chil-
2 dren in school exceeds forty (40), such reasonable number of school
3 rooms shall be provided for the maintenance of a graded system, as
4 may be determined by the county superintendent.

[New.]

Sec. 30. Determine the Number of Schools Taught.

1 The board shall determine the number of schools to be taught,
2 divide the corporation into such wards or other divisions for school

3 purposes as may be proper, determine the particular school which each
 4 child shall attend, and designate the period each school shall be held
 5 beyond the time required by law.

[C. C. 2639.]

Sec. 31. School to Be Closed—When.

1 No contract shall be entered into with any teacher to teach any
 2 school in the school corporation when the average attendance in said
 3 school the last preceding term therein was less than five (5) pupils,
 4 unless a showing is made to the county superintendent that the num-
 5 ber of children of school age in said school district has increased so
 6 that ten (10) or more will be enrolled in such school and will attend
 7 therein. In such case, or when natural obstacles to transportation of
 8 pupils to another district, or other conditions make it clearly inad-
 9 visable that such schools be closed, the county superintendent may
 10 consent to maintaining a school in said district for the ensuing term.
 11 It shall be the duty of the members of the school board residing in
 12 said district to make said showing, or any resident of said district
 13 may do so upon his own motion.

[C. C. 2639.]

Sec. 32. Instruction of Pupils of Closed School—Tuition.

1 If a school is closed for lack of pupils, the board of such school
 2 corporation shall provide for the instruction of the pupils of said
 3 school in another school as conveniently as may be, and shall pay to
 4 the secretary of the school corporation in which such children attend
 5 the average cost of tuition and other expenses in such school.

[C. C. 2639.]

Sec. 33. Transportation of Children.

1 In all districts, transportation shall be provided as in consolidated
 2 districts for any child residing more than two (2) miles from the
 3 nearest school, or the board may allow to the parent or guardian of
 4 such child a reasonable sum for transporting him to and from school,
 5 but in exceptional cases the county superintendent may require the
 6 transportation of children for a less distance.

[C. C. 2639, modified.]

Sec. 34. Free Tuition—School Year.

1 Every school shall be free of tuition to all actual residents be-
 2 tween the ages of five (5) and twenty-one (21) years, and to resident
 3 honorably discharged soldiers, sailors, and marines, as many months
 4 after becoming twenty-one (21) years of age as they have spent in
 5 the military or naval service of the United States before they became
 6 twenty-one (21). The school year shall begin on the first of July and
 7 each school regularly established shall continue for at least thirty-two
 8 (32) weeks of five (5) school days each and may be maintained dur-
 9 ing the entire calendar year.

[C. C. 2639, modified.]

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.

1 No person shall go upon school grounds or enter any school build-
 2 ing for the purpose of "rushing" or soliciting, while there, any pupil
 3 of such school to join any fraternity, society, or organization outside
 4 of said school. Persons violating the provisions of this section shall
 5 be fined not less than two dollars (\$2.00) nor more than ten dollars

6 (\$10.00), and on failure to pay such fine shall be imprisoned in the
7 county jail for not more than ten (10) days. Fines collected shall
8 be paid to the county treasurer, and be by him added to the school
9 fund of the district in which the offense was committed.

[C. C. 2567, modified.]

That section two thousand five hundred seventy-eight (2578) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 36. Attendance at High School Outside Home District.

1 Any person of school age who is a resident of a school corpora-
2 tion which does not offer a four-year high school course, and who has
3 completed the course as approved by the department of public instruc-
4 tion for such corporation, shall be permitted to attend any public high
5 school or county high school in the state approved in like manner
6 that will receive him.

[C. C. 2578.]

Sec. 37. Requirements for Admission.

1 Any person applying for admission to any high school under the
2 provisions of the preceding section shall present to the officials thereof
3 the affidavit of his parent or guardian, or if he have neither, his next
4 friend, that such applicant is entitled to attend the public schools, and
5 a resident of a school district of this state, specifying the district.
6 He shall also present a certificate signed by the county superintendent
7 showing proficiency in the common school branches, reading, orthog-
8 raphy, arithmetic, physiology, grammar, civics of Iowa, geography,
9 United States history, penmanship, and music.

[C. C. 2578.]

Sec. 38. Tuition Fees—Payment.

1 The school corporation in which such student resides shall pay
2 from the general fund to the secretary of the corporation in which
3 he shall be permitted to enter a tuition fee of not to exceed eight dol-
4 lars (\$8.00) per month during the time he so attends, not exceeding a
5 total period of four (4) school years. Such tuition shall not exceed
6 the average cost of tuition in such high school. The secretary shall
7 deliver to the treasurer such tuition fees with an itemized statement
8 on or before February fifteenth and June fifteenth of each year.

[C. C. 2578.]

Sec. 39. Collection of Tuition Fees.

1 If payment is not made the board of the creditor corporation
2 shall file with the auditor of the county of the pupil's residence a
3 statement certified by its president specifying the amount due for
4 tuition, and the time for which the same is claimed. The auditor
5 shall transmit to the county treasurer an order directing him to trans-
6 fer the amount of such account from the funds of the debtor corpora-
7 tion to the creditor corporation, and he shall pay the same accordingly.

[C. C. 2578.]

Sec. 40. Tuition Fee in Counties Maintaining High School.

1 No school corporation situated in a county maintaining a county
2 high school shall be required to pay the tuition of pupils at any high
3 school other than such county high school, but this shall not apply to
4 pupils who, while residing at home, attend some high school other
5 than that of the school corporation in which they reside; and the
6 tuition to be paid by such school corporations in such county shall
7 be three and one-half dollars (\$3.50) per pupil per month.

[C. C. 2578.]

Sec. 41. Reimbursement District—Conditions.

1 In counties having a high school where a child resides at home
2 and attends a high school outside the district of his residence other
3 than the county high school, and the school corporation where the
4 child resides pays the tuition for such child, and at the end of the
5 school year it is found that less pupils have attended the county high
6 school from the district where such child resides than were entitled
7 to attend under the county high school apportionment, then the school
8 corporation where such child resides shall be entitled to be reim-
9 bursed from the county high school funds for the tuition so paid, not
10 exceeding in the aggregate an amount equal to the taxes contributed
11 by such district to said county high school funds for the tax year
12 preceding, fair and equitable credit being given to the county high
13 school fund for pupils actually attending said county high school
14 during said school year from the district where said child resides.

[C. C. 2578.]

Sec. 42. Determination by County Superintendent—Appeal.

1 The county superintendent shall, on application for such purpose,
2 determine in writing the amount due such corporation from the county
3 high school fund, and furnish such corporation with a copy of such
4 finding. Within twenty (20) days thereafter such corporation may
5 appeal to the district court from such finding by serving written no-
6 tice on the county superintendent of the taking of such appeal.

[C. C. 2578.]

Sec. 43. Trial—Decision Final—Transfer of Funds.

1 On the service of said notice, the county superintendent shall file
2 a copy of his finding in the office of the clerk of the district court and

3 the clerk shall docket the cause without fee. The matter shall be
4 tried on appeal as in equity and without formal pleading. The de-
5 cision of the district court shall be final, and upon the filing of a
6 certified copy thereof with the county treasurer, he shall transfer
7 from the county high school funds to the credit of the corporation
8 the amount to which it is found by the court to be entitled.

[C. C. 2578.]

Code Commissioners' Bill No. 102.

Subject: EDUCATION—EVENING SCHOOLS

Senate File No.	Referred to Committee on
House File No..	.....
By	Date

A BILL FOR

An act to amend, revise and codify sections two thousand five hundred eighty-one (2581) and two thousand five hundred eighty-two (2582) 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.

1 The board of any school corporation may establish and maintain
2 public evening schools as a branch of the public schools when deemed
3 advisable for the public convenience and welfare.

[C. C. 2581.]

Sec. 2. Evening Schools—When Establishment Mandatory.

1 When ten (10) or more persons between the age of sixteen (16)
2 and twenty-one (21) years residing in any school corporation shall, in
3 writing, express a desire for instruction in the common branches at an
4 evening school, the school board shall establish and maintain an even-
5 ing school for such instruction for not less than two (2) hours each
6 evening for at least two (2) evenings each week during the period of
7 not less than three (3) months of each school year.

[C. C. 2582.]

Sec. 3. Supervision—Who Admitted.

1 If such evening school is a branch of a city or town school, the
2 same shall be under the supervision of the superintendent of such city
3 or town school; if not, the same shall be under the supervision of the
4 county superintendent. Such evening school shall be available to all
5 persons between the age of sixteen (16) and twenty-one (21) years,
6 who for any cause are unable to attend the public day schools of such
7 school corporation.

[C. C. 2581.]

Code Commissioners' Bill No. 103.

Subject: EDUCATION—APPEALS

Senate File No. Referred to Committee on
House File No.
By Date.....

A BILL FOR

An act to amend, revise and codify section two thousand five hundred ninety-one (2591) of the compiled code of Iowa, relating to education.

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

That section two thousand five hundred ninety-one (2591) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Hearing.

1 The county superintendent shall, within five (5) days after the
2 filing of such affidavit in his office, notify the secretary of the proper
3 school corporation in writing of the taking of such appeal; who shall,
4 within ten (10) days after being thus notified, file in the office of the
5 county superintendent a complete, certified transcript of the record
6 and proceedings relating to the decision appealed from. Thereupon,
7 the county superintendent shall notify in writing all persons adversely
8 interested of the time when and place where the matter of appeal will
9 be heard by him.

[C. C. 2591.]

Sec. 2. Hearing—Shorthand Reporter—Decision.

1 At the time fixed for the hearing, he shall hear testimony for
2 either party, and may cause the same to be taken down and transcribed

3 by a shorthand reporter, whose fees shall be fixed by the county super-
4 intendent and be taxed as a part of the costs in the case, and he shall
5 make such decision as may be just and equitable, which shall be final
6 unless appealed from as hereinafter provided.

[C. C. 2591, modified.]

Code Commissioners' Bill No. 104.

Subject: EDUCATION — SPECIAL MEETINGS — REPORT COUNTY SUPERINTENDENT

Senate File No..... Referred to Committee on
House File No.....
By Date.....

A BILL FOR

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.

- 1 The secretary of the board shall give the same notice of all special
- 2 meetings of the voters as is required by law for regular meetings, and
- 3 the notice shall state the objects of the meeting.

[C. C. 2597, 2598, 2599.]

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.

- 1 He shall notify the county superintendent when each school is to
- 2 begin and its length of term, and, ten (10) days after the regular July
- 3 meeting in each year, file with the county superintendent a report
- 4 which shall give the number of persons in the corporation, male or

5 female, of school age, the number of schools and branches taught, the
6 number of scholars enrolled and the average attendance in each school,
7 the number of teachers employed and the average compensation paid
8 per month, distinguishing the sexes, the length of school in days, and
9 the average cost of tuition per month for each scholar, the textbooks
10 used, number of volumes in library, the value of apparatus belonging
11 to the corporation, the number of schoolhouses and their estimated
12 value, the name, age, and postoffice address of each person resident of
13 the corporation, without regard to age, so blind as to be unable to
14 acquire an education in the common schools, of each person between
15 the ages of five (5) and thirty-five (35) whose faculties with respect
16 to speech and hearing are so deficient as to prevent him from obtaining
17 an education in the common schools, and of each feeble-minded person
18 of school age.

[C. C. 2601, modified.]

Code Commissioners' Bill No. 105.

Subject: EDUCATION—SCHOOL LIBRARIES

Senate File No..... Referred to Committee on
 House File No.....
 By Date.....

A BILL FOR

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.

1 The treasurer of each school township and of each rural inde-
 2 pendent district in this state shall withhold annually, from the money
 3 received from the apportionment for the several school districts, not
 4 less than ten (10) nor more than twenty-five cents (25c), as may be
 5 ordered by the board for each person of school age residing in such
 6 school corporation, as shown by the annual report of the secretary,
 7 for the purchase of books as hereinafter provided.

[C. C. 2606, modified.]

Sec. 2. Purchase of Books—Distribution.

1 Between the third Monday of September and the first day of
 2 December in each year, the president and secretary of the board, with
 3 the assistance of the county superintendent, shall expend all money

4 withheld by the treasurer as provided in the preceding section, in the
5 purchase of books for the use of the school district. In school town-
6 ships the secretary shall distribute the books thus selected to the
7 librarians among the several subdistricts.

[C. C. 2607, modified.]

Sec. 3. Compulsory Purchase of Books.

1 The secretary of each school corporation shall, on or before the
2 tenth day of December, report to the county superintendent a complete
3 list of the books purchased. If any corporation fails to make the
4 purchase required in the preceding section, the county superintendent
5 shall determine the minimum sum which should have been so ex-
6 pended, and certify the same to the county treasurer, who shall retain
7 the amount thereof from the next semiannual appropriation for the
8 delinquent district. The county superintendent shall with such funds
9 so withheld purchase suitable books for the delinquent district, and his
10 orders therefor shall be paid by the county treasurer out of the funds
11 withheld.

[New.]

Sec. 4. State Board of Educational Examiners to Prepare Lists.

1 The state board of educational examiners shall prepare at its dis-
2 cretion lists of books suitable for use in school district libraries, and
3 furnish copies of such lists to each county superintendent, and to the
4 president and secretary of each school corporation, as often as the
5 same shall be published or revised.

[C. C. 2608, modified.]

Code Commissioners' Bill No. 106.

Subject: EDUCATION—STANDARD SCHOOLS

Senate File No.....	Referred to Committee on
House File No.....	.....
By	Date.....

A BILL FOR

An act to amend, revise and codify sections two thousand six hundred eleven (2611), two thousand six hundred twelve (2612) and two thousand six hundred fifteen (2615) of the compiled code of Iowa, relating to education.

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

That sections two thousand six hundred eleven (2611) and two thousand six hundred twelve (2612) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Standard Schools—Maintenance—Requirements.

1 Any school located in a district, other than a city independent or
2 consolidated district, not maintaining a high school, which has com-
3 plied with the provisions of this chapter, shall be known as a standard
4 school. Every standard school shall have been maintained for eight
5 (8) school months during the previous year. It shall have a suitable
6 schoolhouse, grounds and outbuildings in proper condition and repair;
7 be equipped with needful apparatus, textbooks, supplies; an adequate
8 system of heating and ventilation; have done efficient work and have
9 complied with such requirements as shall be specified by the superin-
10 tendent of public instruction, during the previous school year.

[C. C. 2611, modified.]

Sec. 2. Minimum Requirements.

1 The superintendent of public instruction shall prescribe for
2 standard schools the minimum requirements of teaching, general
3 equipment, heating, ventilation, lighting, seating, water supply,
4 library, care of grounds, fire protection, and such other requirements
5 as he may deem necessary.

[C. C. 2612, modified.]

That section two thousand six hundred fifteen (2615) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 3. Teacher's Certificate and Contract—Number of Pupils.

1 No school shall be deemed a standard school unless the teacher is
2 the holder of a first-class county certificate or its equivalent, has con-
3 tracted for the entire school year, and unless such school shall have
4 maintained an average daily attendance of at least ten (10) pupils,
5 during the previous school year.

[C. C. 2615.]

Code Commissioners' Bill No. 107.

Subject: EDUCATION—TEACHERS

Senate File No. Referred to Committee on

House File No.

By Date

A BILL FOR

An act to amend, revise and codify sections two thousand six hundred nineteen (2619), two thousand six hundred twenty-one (2621), and two thousand six hundred twenty-five (2625), of the compiled code of Iowa, relating to education.

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

That section two thousand six hundred nineteen (2619) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Teacher in Public Schools—Qualifications.

- 1 No person shall be employed as a teacher in the public schools
- 2 without being certificated by the board of educational examiners, and
- 3 no compensation shall be recovered by a teacher for services rendered
- 4 while not so certificated.

[C. C. 2619.]

That section two thousand six hundred twenty-one (2621) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 2. Teachers' Minimum Wage—Based on Certificate.

- 1 Each teacher in the public schools shall be paid for his services a
- 2 minimum wage of not less than the amounts hereinafter set forth:
- 3 1. A teacher who has completed a four-year college course and
- 4 received a degree from an approved college, and who is the holder of a

5 state certificate or a state diploma, one hundred dollars (\$100.00) per
6 month until a successful teaching experience of two (2) years in the
7 public schools shall have been established; thereafter, one hundred
8 twenty dollars (\$120.00) per month.

9 2. All other holders of state certificates, eighty dollars (\$80.00)
10 per month, until a successful teaching experience of two (2) years in
11 the public schools shall have been established; thereafter one hundred
12 dollars (\$100.00) per month.

13 3. A teacher who has completed a normal course in a normal train-
14 ing high school, and who has had less than one (1) year of successful
15 teaching experience, sixty-five dollars (\$65.00) per month.

16 4. A teacher who has completed a normal course in a normal train-
17 ing high school, and who has had one (1) year of successful teaching
18 experience, and a teacher holding a first-class county certificate, sev-
19 enty-five dollars (\$75.00) per month until a successful experience of
20 two (2) years in the public schools shall have been established; there-
21 after, eighty dollars (\$80.00) per month.

22 5. A teacher who is the holder of a second-class county certificate,
23 sixty dollars (\$60.00) per month until a successful experience of one
24 (1) year's duration in the public schools shall have been established;
25 thereafter, sixty-five dollars (\$65.00) per month.

26 6. A teacher holding a third-class county certificate, fifty dollars
27 (\$50.00) per month.

[C. C. 2621.]

That section two thousand six hundred twenty-five (2625) of the com-
piled code of Iowa is amended, revised and codified to read as follows:

Sec. 3. Pension System Authorized.

1 Any independent school district may establish a pension and
2 annuity retirement system for the public school teachers of such dis-
3 trict.

[C. C. 2625, modified.]

Code Commissioners' Bill No. 108.

Subject: EDUCATION—INDEBTEDNESS OF SCHOOL DISTRICTS

Senate File No..... Referred to Committee on
 House File No.....
 By Date.....

A BILL FOR

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.**

1 Before such indebtedness can be contracted in excess of one and
 2 one-quarter per cent ($1\frac{1}{4}\%$) of the actual value of the taxable prop-
 3 erty, a petition signed by a number equal to twenty-five per cent
 4 (25%) of those voting at the last annual school election shall be filed
 5 with the president of the board of directors, asking that an election be
 6 called, stating the amount of bonds proposed to be issued and the pur-
 7 pose for which the indebtedness is to be created, and that the neces-
 8 sary schoolhouse or schoolhouses cannot be built and equipped, or that
 9 sufficient land cannot be purchased to add to a site already owned,
 10 within the limit of one and one-quarter per cent ($1\frac{1}{4}\%$) of the val-
 11 uation.

[C. C. 2635, modified.]

Sec. 2. Election Called.

1 The president of the board of directors on receipt of such petition
2 shall, within ten (10) days, call a meeting of the board which shall
3 call such election, fixing the time and place thereof, which may be at
4 the time and place of holding the regular school election.

[C. C. 2636.]

Sec. 3. Notice.

1 Notice of such election shall be given by publication once each
2 week for four (4) weeks in some newspaper published in the district,
3 or, if there is none, in some newspaper published in the county and of
4 general circulation in the district. The notice shall state the date of
5 the election, the hours of opening and closing the polls and the exact
6 location thereof, and the questions to be submitted. At such election
7 the ballot shall be prepared and used in substantially the form for sub-
8 mitting special questions at general elections.

[C. C. 2636, modified.]

Sec. 4. Date of Election—Ballots.

1 The election shall be held on a day not less than five (5) nor more
2 than twenty (20) days after the last publication of notice.

[New.]

Sec. 5. Bonds.

1 If a majority of the qualified voters voting at such election vote
2 in favor of the issuance of such bonds, the board of directors shall
3 issue the same and make provision for the payment thereof.

[C. C. 2637.]

Code Commissioners' Bill No. 109.

Subject: EDUCATION—SCHOOL BUILDINGS AND SITES

Senate File No. Referred to Committee on

House File No.

By Date

A BILL FOR

An act to amend, revise and codify sections two thousand six hundred thirty-nine (2639) to two thousand six hundred forty-three (2643), inclusive, and two thousand six hundred forty-six (2646) to two thousand six hundred forty-nine (2649), 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-nine (2639) to two thousand six hundred forty-three (2643), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Schoolhouse Site.

1 The board of each school corporation may fix the site for each
2 schoolhouse, which shall be upon some public highway already estab-
3 lished or procured by such board and not in any public park, and except
4 in cities, towns, and villages, not less than thirty (30) rods from the
5 residence of any land owner who objects thereto. In fixing such site,
6 the board shall take into consideration the number of scholars residing
7 in the various portions of the school corporation and the geographical
8 location and convenience of any proposed site.

[C. C. 2639, 2640.]

Sec. 2. Ground for Schoolhouse Site.

1 Except as hereinafter provided, any school corporation may take

? and hold so much real estate as may be required for such site, for the
3 location or construction thereon of schoolhouses, and the convenient
4 use thereof, but not to exceed two (2) acres exclusive of public high-
5 way.

[C. C. 2640.]

Sec. 3. Schoolhouse Sites.

1 Any school corporation including a city, town, village, or city
2 under special charter, may take and hold an area equal to two (2)
3 blocks exclusive of the street or highway, for a schoolhouse site, and
4 not exceeding five (5) acres for school playground or other purposes
5 for each such site.

[C. C. 2640.]

Sec. 4. Schoolhouse Sites in Consolidated Districts.

1 Consolidated districts may take and hold not to exceed ten (10)
2 acres for any one (1) site, unless additional ground may be acquired by
3 donation.

[C. C. 2640.]

Sec. 5. Tax for Schoolhouse Sites.

1 The directors in any independent district whose territory is com-
2 posed wholly or in part of territory occupied by any city of the first
3 class or city under special charter may, at their regular meeting in
4 July, or at a special meeting called for that purpose, between the time
5 designated for such regular meeting and the third Monday in August,
6 certify an amount not exceeding four (4) mills to the board of super-
7 visors, who shall levy the amount so certified, and the tax so levied
8 shall be placed in the schoolhouse fund and used only for the purchase
9 of sites in and for said school district.

[C. C. 2640.]

Sec. 6. Condemnation—Referees.

1 If the owner of real estate desired for any purpose for which any
2 school may be authorized to take and hold real estate refuses to convey
3 the same, or is dead or unknown or cannot be found, or if in the judg-
4 ment of the board of directors of the corporation they cannot agree
5 with such owner as to the price to be paid therefor, the county super-
6 intendent of the county in which the corporation is located shall, upon
7 the application of either party in interest, appoint three (3) free-
8 holders of the county not interested in the same or a like question, as
9 referees to fix the damage sustained by the owner if the land is taken.

[C. C. 2642.]

Sec. 7. Notice—To Whom—Service.

1 The county superintendent shall give notice of the time and place
2 of making the assessment of damages, to the persons in possession of
3 the real estate and to the owner as shown by the transfer books in the
4 office of the county auditor, or if the owner is so shown to be deceased,
5 to the owners of the beneficial interest therein. Notice shall be given
6 for the same length of time and in the same manner as for the com-
7 mencement of actions in the district court.

[C. C. 2642.]

Sec. 8. Assessment of Damages—Report.

1 The referees shall inspect the grounds proposed to be taken, fix
2 the damage sustained, as nearly as may be, on the basis of the value of
3 the real estate appropriated, and report in writing to the county super-
4 intendent their doings and findings, which report shall be filed and pre-
5 served in his office.

[C. C. 2642.]

Sec. 9. Appeal—Costs.

1 Within ten (10) days after receiving notice of the award made,
2 either party may appeal from the assessment to the district court by
3 giving notice thereof as in the case of taking private property for
4 works of internal improvement. If no appeal is taken, the assessment
5 shall be final. Upon appeal the school corporation shall not be liable
6 for costs unless the owner shall be allowed a greater sum than given
7 by the referees, but all costs of making the referees' assessment shall
8 be paid by the school corporation.

[C. C. 2642.]

Sec. 10. Possession.

1 The board may at any time after the award is made by the ref-
2 erees take possession of the property upon depositing with the county
3 treasurer the amount of the award, and if this deposit is not made
4 within sixty (60) days after the final determination of the proceedings,
5 they shall be void.

[C. C. 2642.]

Sec. 11. Erection or Repair of Schoolhouse.

1 Before erecting a schoolhouse, the board of directors shall consult
2 with the state superintendent as to the most approved plan for such
3 building and secure his approval of the plan submitted. No school-
4 house shall be erected or repaired at a cost exceeding three hundred
5 dollars (\$300.00), save under an express contract reduced to writing,
6 and upon proposals therefor, invited by advertisement for four (4)
7 weeks in some newspaper published in the county in which the work
8 is to be done, and the contract shall be let to the lowest responsible
9 bidder, bonds with sureties for the faithful performance of the con-

10 tract being required, but the board may reject any and all bids and
11 advertise for new ones.

[C. C. 2643, modified.]

That sections two thousand six hundred forty-six (2646) to two thousand six hundred forty-nine (2649), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

Sec. 12. Fence Around Schoolhouse Sites.

1 Each board of directors in school districts where the school
2 grounds adjoin cultivated or improved lands, shall build and maintain a lawful fence between said grounds and cultivated or improved
3 lands, and the owner of lands adjoining any such site shall have the
4 right to connect the fence on his land with the fence around the school
5 grounds, but he shall not be liable to contribute to the maintenance of
6 such fence.
7

[C. C. 2647, 2648.]

Sec. 13. Barbed Wire.

1 No fence provided for in the preceding section shall be constructed
2 of barbed wire, nor shall any barbed wire fence be placed within ten
3 (10) feet of any school grounds. Any person violating the provisions
4 of this section shall be punished by a fine not exceeding twenty-five
5 dollars (\$25.00).

[C. C. 2646.]

Sec. 14. Dissolution School Corporations.

1 Any independent district which fails to maintain a legal school
2 for two (2) successive years shall thereby be dissolved, and the county
3 superintendent shall forthwith attach the territory of such district to
4 an adjoining district or districts. Any person aggrieved may appeal

5 from such action of the county superintendent to the county board of
6 education by proceeding in the manner provided for appeals in the law
7 relating to consolidated districts. The action of the board shall be
8 final.

[New.]

Sec. 15. Reversion.

1 Except in cities and towns, real estate acquired for a schoolhouse
2 site which for two (2) successive years has not been used for school
3 purposes, shall revert to the owner of the tract from which the land
4 was taken, upon payment of the market value thereof including the
5 value of the improvements thereon. Such value shall be determined
6 by three (3) disinterested persons, appointed by the county superin-
7 tendent, who shall be governed by the same procedure, so far as appli-
8 cable, as is provided for the condemnation of school sites.

[C. C. 2649, modified.]

Sec. 16. Sale of Schoolhouse Site.

1 If the owner refuses to accept the property at the appraised
2 value, the school corporation may sell the same to any other person
3 upon the payment of the appraised value, or at public auction to the
4 highest bidder, and may sell the land and the improvements thereon
5 separately.

[C. C. 2649.]

Sec. 17. Reversion in Consolidated Districts.

1 Schoolhouses and school sites no longer necessary for school pur-
2 poses because of being located in a consolidated school district may be
3 sold immediately after the organization of such district in the man-
4 ner provided in the two (2) preceding sections.

[C. C. 2649.]

Code Commissioners' Bill No. 110

Subject: EDUCATION--SCHOOL FUNDS AND BONDS

Senate File No..... Referred to Committee on
 House File No.....
 By Date.....

A BILL FOR

An act to amend, revise and codify sections two thousand six hundred fifty-three (2653), two thousand six hundred fifty-eight (2658), and two thousand six hundred sixty (2660) 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 fifty-three (2653) and two thousand six hundred fifty-eight (2658) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. County Auditor to Report.

1 On the first day of January of each year the county auditor shall
 2 report to the auditor of state in such form as he may prescribe, giving
 3 the amount of permanent school funds held by the county, and the
 4 amount of interest due prior to January first, still remaining unpaid.

[C. C. 2653.]

That section two thousand six hundred sixty (2660) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 2. School Bonds.

1 The board of directors of any school corporation when author-
 2 ized by the voters at the annual meeting, or at a special meeting called
 3 for that purpose, may issue the negotiable, interest-bearing school

4 bonds of said corporation for borrowing money for any or all of the
5 following purposes:

- 6 1. To acquire sites for school purposes.
- 7 2. To erect, complete, or improve buildings authorized for school
8 purposes.
- 9 3. To acquire equipment for schools, sites, and buildings.

[C. C. 2660, modified.]

Code Commissioners' Bill No. 111

Subject: EDUCATION—COMPULSORY

Senate File No.		Referred to Committee on
House File No.	.. .. .	.....
By .....	..	Date

A BILL FOR

An act to amend, revise and codify sections two thousand six hundred sixty-three (2663) to two thousand six hundred eighty (2680), 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 sixty-three (2663) to two thousand six hundred eighty (2680), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Compulsory Education Normal Children.

1 Any person having control of any child over seven (7) and under
2 sixteen (16) years of age in proper physical and mental condition
3 to attend school shall cause such child to attend some school whose
4 course of study is approved by the superintendent of public instruc-
5 tion and whose teachers hold certificates from the board of educa-
6 tional examiners, for at least thirty-two (32) consecutive school weeks
7 in each school year, commencing with the first week of school after
8 the first day of September, unless the board of school directors shall
9 determine upon a later date, which date shall not be later than the
10 first Monday in November. The board may require attendance for
11 the entire time the schools are in session in any school year. Read-
12 ing, writing, spelling, arithmetic, grammar, geography, physiology,

13 United States history, patriotism, and the principles of American
14 government shall be taught in such schools. In lieu of such attend-
15 ance such child may attend upon equivalent instruction, as determined
16 by the superintendent of public instruction, given by a teacher hold-
17 ing such certificate, elsewhere than at school.

[C. C. 2663, modified.]

Sec. 2. Religious Instruction—Private Schools.

1 In private schools the pupils may give such time to religious
2 services and instruction as will not prevent their proper attention to
3 and education in the branches specified in the preceding section.

[C. C. 2663, modified.]

Sec. 3. Exceptions.

1 The two preceding sections shall not apply to any child:
2 1. Who is over the age of fourteen (14) and is regularly em-
3 ployed.
4 2. Whose educational qualifications are equal to those of pupils
5 who have completed the eighth grade.
6 3. Who is excused for sufficient reason by any court of record
7 or judge.

[C. C. 2663, modified.]

Sec. 4. Reports—Private Schools.

1 Within ten (10) days from receipt of notice from the secretary
2 of the school corporation within which any private school is con-
3 ducted, the principal of such school shall, once during each school
4 year, and at any time when requested in individual cases, furnish to
5 such secretary a certificate and report in duplicate of the names, ages
6 and number of days' attendance of each pupil of such school over

7 seven (7) and under sixteen (16) years of age, the course of study
8 pursued by each such child, the texts used, and the names of the
9 teachers, during the preceding year and from the time of the last
10 preceding report to the time at which a report is required. The sec-
11 retary shall retain one (1) of the reports and file the other in the office
12 of the county superintendent.

[C. C. 2664, modified.]

Sec. 5. Reports—Private Instruction.

1 Any person having the control of any child over seven (7) and
2 under sixteen (16) years of age, who shall place such child under
3 private instruction, not in a regularly conducted school, upon receiv-
4 ing notice from the secretary of the school corporation, shall furnish
5 a certificate stating the name and age of such child, the period of
6 time during which such child has been under said private instruction,
7 the details of such instruction, and the name of the instructor.

[C. C. 2664, modified.]

Sec. 6. Proof of Abnormality.

1 Any person having the control of any child over seven (7) and
2 under sixteen (16) years of age, who is physically or mentally un-
3 able to attend school shall furnish proofs by affidavit as to the phys-
4 ical or mental condition of such child.

[C. C. 2664, modified.]

Sec. 7. Penalty.

1 Any person who shall violate any of the provisions of the six (6)
2 preceding sections shall be fined not less than five dollars (\$5.00) nor
3 more than twenty dollars (\$20.00) for each offense.

[C. C. 2663, modified.]

Sec. 8. Custody of Records.

1 All such certificates, reports, and proofs shall be filed and pre-
2 served in the office of the secretary of the school corporation as a part
3 of the records of his office, and he shall furnish certified copies thereof
4 to any person requesting the same.

[C. C. 2664, 2665.]

Sec. 9. Truant Defined.

1 Any child over seven (7) and under sixteen (16) years of age, in
2 proper physical and mental condition to attend school, who fails to
3 attend school regularly as provided in this chapter, without reason-
4 able excuse for his absence shall be deemed to be a truant.

[C. C. 2667, modified.]

Sec. 10. Truant Schools—Rules for Punishment of Truants.

1 The board of directors may provide for the confinement, main-
2 tenance, and instruction of truant children and may for that purpose
3 establish truant schools or set apart separate rooms in any public
4 school building; and it shall prescribe reasonable rules for the pun-
5 ishment of truants.

[C. C. 2666, 2670.]

Sec. 11. Truancy Officers—Appointment—Compensation.

1 The board of each school corporation shall appoint a truancy
2 officer who may be the school nurse. In districts having therein a
3 city or town, the board may appoint a member of the police force or
4 marshal as such officer, and other districts may appoint a constable
5 or other suitable person. Such officers shall be paid a reasonable
6 compensation by the board, but where a police officer of a city under
7 twenty thousand (20,000) or a town is employed, he shall be paid not

8 to exceed five dollars (\$5.00) per month for his services.

[C. C. 2667, modified.]

Sec. 12. Duties of Truancy Officer.

1 The truancy officer shall take into custody without warrant any
2 apparently truant child and place him in the charge of the teacher
3 in charge of the public school designated by the board of directors
4 of the school corporation in which said child resides, or of any private
5 school designated by the person having legal control of the child; but
6 if it is other than a public school, the instruction and maintenance of
7 the child therein shall be without expense to the school corporation.
8 The truancy officer shall promptly institute criminal proceedings
9 against any person violating any of the provisions of the truancy law.

[C. C. 2667, 2668, modified.]

Sec. 13. Neglect of Duty by Truancy Officer.

1 Any truancy officer neglecting his duty to enforce the truancy
2 law after written notice so to do served upon him by any citizen of
3 the county or by the county superintendent shall be liable to a fine not
4 exceeding twenty-five dollars (\$25.00) and be removed from such
5 office. The county attorney shall prosecute such persons upon request
6 of the county superintendent.

[C. C. 2668, modified.]

Sec. 14. Incurrigibles.

1 If the child is placed in a school other than a public school and
2 does not properly conduct himself, the board may cause his removal
3 to a public or to a truant school. If a truant placed in a public school
4 fails to attend or properly conduct himself, he may be placed in a
5 truant school, or the person in charge of the school may file informa-

6 tion in the juvenile court, which may commit said child to a suitable
7 state institution.

[C. C. 2666, 2667.]

Sec. 15. Discharge From Truant School.

1 Any child placed in a truant school may be discharged therefrom
2 at the discretion of the board under such rules as it may prescribe.

[C. C. 2669, modified.]

Sec. 16. Reports by School Officers and Employees.

1 All school officers and employees shall promptly report to the
2 secretary of the school corporation any violations of the truancy law
3 of which they have knowledge, and he shall inform the president of
4 the board of directors who shall, if necessary, call a meeting of the
5 board to take such action thereon as the facts justify.

[C. C. 2669.]

Sec. 17. Census by School Officer.

1 All school officers empowered to take the school census shall ascer-
2 tain the number of children over seven (7) and under sixteen (16)
3 years of age, in their respective districts, the number of such children
4 who do not attend school, and so far as possible the cause of the failure
5 to attend.

[C. C. 2671.]

Sec. 18. Blind and Deaf Children—Assessor to Record.

1 The assessor shall, at the time of making assessments, record on
2 suitable blanks furnished for that purpose by the secretary of state
3 to the county auditor, the names, ages, sex, and postoffice addresses
4 of all deaf or blind persons within the assessment district. The county
5 auditor shall forward to the secretary of the state board of education

6 such returns of the assessor within thirty (30) days after the same
7 are filed in his office.

[C. C. 2672, 2673, 2674, 2680.]

Sec. 19. Compulsory Education—Deaf and Blind Children.

1 Children over seven (7) and under nineteen (19) years of age
2 who are so deaf or blind as to be unable to obtain an education in the
3 common schools shall be sent to the proper state school therefor un-
4 less exempted.

[C. C. 2675, 2680.]

Sec. 20. Penalty.

1 Any person having such deaf or blind child under his control who
2 fails so to provide for his education, and any person who induces or
3 attempts to induce any such child to absent himself from school or
4 employs or harbors such child while school is in session shall be fined
5 not to exceed one hundred dollars (\$100.00) or imprisoned in the
6 county jail not more than thirty (30) days.

[C. C. 2676, 2680.]

Sec. 21. Deaf and Blind Children Excused—When.

1 Attendance at the state institution may be excused when the
2 superintendent thereof is satisfied:

3 1. That the child is in such bodily or mental condition as to pre-
4 vent or render futile attendance at the school.

5 2. That the child is so diseased or possesses such habits as to
6 render his presence a menace to the health or morals of other pupils.

7 3. That the child is efficiently taught for the scholastic year in a
8 private or other school devoted to such instruction or by a private

9 tutor, in the branches taught in public schools.

[C. C. 2677, 2680.]

Sec. 22. Agent of State Board of Education.

1 The state board of education may employ an agent to aid in the
2 enforcement of law relative to the education of deaf and blind chil-
3 dren. The agent shall seek out children who should be in attendance
4 at the state schools but who are not, and require such attendance.
5 He shall institute proceedings against persons who violate the pro-
6 visions of said law. The agent shall be allowed compensation at a
7 rate fixed by the board of education, and his necessary traveling and
8 hotel expenses while away from home in the performance of his duty.

[C. C. 2678, 2680.]

Sec. 23. Appropriation.

1 For the purpose of carrying out the provisions of law relative
2 to the compulsory education of deaf and blind children there is hereby
3 appropriated out of any moneys in the state treasury not otherwise
4 appropriated annually such sum as may be necessary, and warrants
5 against the same shall be drawn by the auditor of state on certifica-
6 tion by the state board of education when passed by the state board
7 of audit.

[C. C. 2678, 2679, 2680.]

Code Commissioners' Bill No. 112

Subject: EDUCATION—TEXTBOOKS

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

An act to amend, revise and codify section two thousand six hundred ninety-nine (2699) of the compiled code of Iowa, relating to education.

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

That section two thousand six hundred ninety-nine (2699) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Objections to Adoption of Textbooks.

1 Any five (5) citizens of lawful age may file objections to the
2 adoption of any books as containing matter inimical to the principles
3 of the government of the United States or this state, or as not con-
4 forming to the requirements of the preceding section, and thereupon
5 a hearing shall be had thereon, with the right of appeal by the ob-
6 jectors, in the manner provided in chapter one (1) of this title, so far
7 as applicable.

[New.]

Sec. 2. Change of Textbooks.

1 It shall be unlawful for any board of directors or county board
2 of education, except as provided by law, to displace or change any text-
3 book that has been regularly adopted or readopted under the provisions
4 of this chapter, before the expiration of five (5) years from the date of

5 such adoption or readoption, except on good cause shown and on the
6 recommendation of the superintendent of the school in question or of
7 the county superintendent if the books be used in a rural school, and
8 on a three-fourths ($\frac{3}{4}$) vote of all the members of such board.

[C. C. 2699, modified.]

Code Commissioners' Bill No. 113

Subject: EDUCATION—FUNDS

Senate File No. Referred to Committee on
 House File No.
 By Date

A BILL FOR

An act to amend, revise and codify sections two thousand seven hundred sixteen (2716) and two thousand seven hundred twenty-five (2725) of the compiled code of Iowa, relating to education.

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

That section two thousand seven hundred sixteen (2716) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Default in Interest.

1 In all cases where money is due to the school fund either for loans
 2 or deferred payments of the purchase price of land sold, the interest
 3 shall be made payable on the first day of January each year, and if
 4 the debtor fails to pay the interest within six (6) months thereafter,
 5 the entire amount of both principal and interest shall become due,
 6 and the county auditor shall make a report thereof to the county
 7 attorney, who shall immediately commence action for the collection
 8 of the amount reported to him as due, and this section is hereby de-
 9 clared to be a part of any contract made by virtue of this chapter,
 10 whether expressed therein or not.

[C. C. 2716.]

That section two thousand seven hundred twenty-five (2725) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 2. Sheriff's Deed for Land Sold—Resale.

1 When lands have been bid in by the county for the state under
2 foreclosure of school fund mortgages and the time for redemption
3 has expired, a sheriff's deed shall be issued to the state for the use
4 and benefit of the permanent school fund. The county auditor shall
5 thereupon notify the auditor of state, who shall give the county credit
6 for the amount of principal in the original notes remaining unpaid.
7 All lands acquired by the state under foreclosure proceedings shall
8 be resold within two (2) years from date of foreclosure. Such lands
9 shall be appraised, advertised, and sold in the manner provided for
10 the appraisement, advertisement, and sale of the sixteenth section or
11 lands selected in lieu thereof.

[C. C. 2725.]

Sec. 3. Disposition Proceeds Resale.

1 When a resale is made, the county auditor shall notify the auditor
2 of state, who shall thereupon charge the county with the full amount
3 of the resale, except that when the lands are sold for more than the
4 unpaid portion of the principal, the excess shall be applied to reim-
5 burse the county for the costs of foreclosure and the interest paid
6 by the county to the state by reason of default of payment of same
7 by the makers of the notes, previous to the time when the right of
8 redemption has expired, not to exceed three (3) years.

[C. C. 2725.]

Sec. 4. Excess to State—Loss Borne by County.

1 Any excess over the amount of the unpaid portion of the prin-
2 cipal, costs of foreclosure, and interest on the principal as above pro-
3 vided, shall inure to the state and be credited to the permanent school

4 fund account. If the lands shall be sold for a less amount than the
5 unpaid portion of the principal, the loss shall be sustained by the
6 county, and the board of supervisors shall at once order the amount
7 of such loss transferred from the general fund of the county to the
8 permanent school fund account.

[C. C. 2725.]

Sec. 5. Auditor's Report—Interest Charged to Counties.

1 County auditors shall, on or before the first day of January of
2 each year, report to the auditor of state the amount of all sales and
3 resales made during the year previous, of the sixteenth section, five
4 hundred thousand acre grant, escheat estates, and lands taken under
5 foreclosure of school fund mortgages, and the auditor of state shall
6 charge the same to the counties with interest from the date of such
7 sale or resale to January first, at the rate of four and one-half per
8 cent ($4\frac{1}{2}\%$) per annum.

[C. C. 2725.]

Sec. 6. Interest on School Funds Charged to Counties.

1 The auditor of state shall, also, on the first day of January,
2 charge to each county having permanent school funds under its con-
3 trol, interest thereon at the rate of four and one-half per cent ($4\frac{1}{2}\%$)
4 per annum for the preceding year, or such part thereof as such funds
5 shall have been in the control of the county, which shall be taken as
6 the whole amount of interest due from such county. All interest col-
7 lected above the four and one-half per cent ($4\frac{1}{2}\%$) charged by the
8 state shall be transferred to the general county fund.

[C. C. 2725.]

Sec. 7. Uncollected Interest Paid by County—Penalty.

1 If any county fails or refuses to collect the amount of interest
2 due the state, the deficiency shall be paid to the state from the general
3 county fund. Any county delinquent in the payment of interest due
4 the state shall be charged one per cent (1%) per month on the amount
5 delinquent until paid.

[C. C. 2725.]

Sec. 8. Auditor to Report Rents on School Lands.

1 County auditors shall, upon the first day of January of each
2 year, report to the auditor of state the amount of rents collected dur-
3 ing the preceding year on unsold school lands and lands taken under
4 foreclosure of school fund mortgages then in the hands of the county
5 treasurer, and the auditor of state shall include the amount so re-
6 ported in his semiannual apportionment of interest.

[C. C. 2725.]

Code Commissioners' Bill No. 114.

Subject: EDUCATION—STATE LIBRARY—HISTORICAL DEPARTMENT

Senate File No. Referred to Committee on

House File No.

By Date

A BILL FOR

An act to amend, revise and codify sections two thousand seven hundred twenty-eight (2728) to two thousand seven hundred thirty-nine (2739), inclusive, and two thousand seven hundred forty-six (2746) to two thousand seven hundred sixty-eight (2768), 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 seven hundred twenty-eight (2728) to two thousand seven hundred thirty-eight (2738), 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 are amended, revised and codified to read as follows:

Section 1. State Library.

1 The state library shall consist of a law section, a legislative refer-
2 ence section, a medical section, and a general section.

[New.]

Sec. 2. Historical, Memorial, and Art Department.

1 The historical, memorial, and art department shall consist of the
2 historical and art collections, materials gathered for historical re-
3 search, the museum and the public archives.

[New.]

Sec. 3. Board of Trustees.

1 The state library and the historical, memorial, and art depart-
2 ment shall be under the control of a board of trustees consisting of
3 the governor, who shall be president of the board, the judges of the
4 supreme court, the secretary of state, and the superintendent of pub-
5 lic instruction.

[C. C. 2728, 2729.]

Sec. 4. Powers of Board—Rules.

1 The board may make and enforce rules not in conflict with law
2 for keeping the records and for the management and care of the prop-
3 erty of the state library and the historical, memorial, and art depart-
4 ment, and shall direct the expenditure of all appropriations made
5 therefor. It shall designate some officer, assistant, or employee to act
6 as its secretary.

[C. C. 2728, 2764, modified.]

Sec. 5. Powers of Board—Space in Historical Building.

1 The board shall have control of the historical building and may
2 assign space therein to be occupied by the historical, memorial, and
3 art department and each of the several sections of the state library,
4 except the law and legislative reference sections.

[C. C. 2746, 2763, modified.]

Sec. 6. Librarians—Curator—Terms—Vacancies—Removal.

1 The board shall appoint a state librarian, a law librarian, and a
2 curator, whose regular terms of office shall be for six (6) years, and
3 may remove any of them by a two-thirds ($\frac{2}{3}$) vote, and fill all va-
4 cancies by a majority vote of the board.

[C. C. 2728, 2731, 2732, 2755, modified.]

Sec. 7. Duties of State Librarian.

1 The state librarian shall:

2 1. *Charge of library.* Have general charge of the general and
3 medical sections of the library, both of which shall always be available
4 for free use by the public under proper rules.

[C. C. 2746, modified.]

5 2. *When library open.* Give his personal attention to the sec-
6 tions of the library under his charge, and keep them open every day
7 except Sundays and legal holidays, during such hours as the board
8 may direct.

[C. C. 2733.]

9 3. *Catalogue—publication.* Label and catalogue the books of said
10 sections, and prepare and publish such catalogues as the board may
11 direct.

[C. C. 2733.]

12 4. *Assistants and employees.* Appoint assistants, with the ap-
13 proval of the board and such other employees as may be authorized
14 by law or the board.

[C. C. 2766, modified.]

15 5. *Report to governor.* Report to the governor biennially, giving
16 the history of said sections of the library for the preceding two (2)
17 years.

[C. C. 2732.]

18 6. *Report of books taken out by members of legislature.* Report
19 to the governor, five (5) days before the adjournment of each session
20 of the general assembly, the number of books taken out of the library
21 by the members thereof, giving the names of all members that have

22 any books at the date of such report, with the title and number of
23 such book.

[C. C. 2735.]

24 7. *Report to board.* Report to the board semiannually, or oftener
25 if required, all matters pertaining to the condition of the library.

[C. C. 2738.]

26 8. *Other duties.* Perform such other duties as may be imposed
27 upon him by law or prescribed by the rules of the board.

[C. C. 2733.]

Sec. 8. Location of Medical Section—No Discrimination.

1 The medical section shall be separately catalogued and shelved
2 in suitable rooms in connection with the general section. No prefer-
3 ence shall be given to any school of medicine, but all shall be treated
4 alike; and books, periodicals, and pamphlets shall be secured for any
5 and every legally recognized school without discrimination.

[C. C. 2746, 2749.]

Sec. 9. Location of Law Section.

1 The law section shall be maintained in the capitol or elsewhere
2 in rooms convenient to the supreme court.

[New.]

Sec. 10. Duties of Law Librarian.

1 The law librarian shall have charge of the law and legislative ref-
2 erence sections of the state library, under the direction of the board,
3 and shall have the same powers and duties in reference thereto that
4 the state librarian has with reference to the general and medical sec-
5 tions of the library.

[New.]

Sec. 11. Taking Out Books.

1 Members of the general assembly and of congress, judges of the
2 supreme, federal, district, superior, and municipal courts, state of-
3 ficers, and attorneys in attendance upon the supreme court, shall be
4 permitted, under proper restrictions, penalties, and forfeitures, and
5 upon executing a receipt therefor, to take from the state library any
6 books to be used in connection with their official business at the seat of
7 government, save those which the trustees may determine ought not
8 to be removed.

[C. C. 2730, modified.]

Sec. 12. Loaning of Books.

1 The state librarian with the approval of the board may loan from
2 the general section to the Iowa library commission for reloaning to the
3 libraries of the state, such books and pamphlets as in his judgment
4 may be so loaned without impairing the usefulness of the general
5 section.

[New.]

Sec. 13. Liability for Lost Books.

1 Any person injuring, defacing, destroying, or losing a book shall
2 pay to the librarian twice the value thereof; if it be one of a series, he
3 shall be liable to pay the value of such series, and the librarian shall
4 collect the same by suit if necessary, unless, within a reasonable time
5 to be fixed by him, such person shall replace the book so injured or lost.

[C. C. 2737.]

Sec. 14. Fines.

1 All fines, penalties, and forfeitures imposed by the rules of the
2 board for any violation of the same may be recovered in an action in

3 the name of the state and applied to the use of the library, under the
4 direction of the board.

[C. C. 2736.]

That sections two thousand seven hundred fifty (2750) to two thousand seven hundred sixty-two (2762), inclusive, two thousand seven hundred sixty-four (2764) to two thousand seven hundred sixty-eight (2768), inclusive, two thousand seven hundred thirty-nine (2739), two thousand seven hundred forty-seven (2747), and two thousand seven hundred forty-eight (2748), of the compiled code of Iowa are amended, revised and codified to read as follows:

Sec. 15. **Duties of Curator.**

1 The curator shall:

2 1. *Custody of historical building.* Under the direction of the
3 board be custodian of the historical building and collections therein,
4 and shall keep the rooms assigned to the department and the collec-
5 tions open for inspection by the public during such hours of each day
6 as the board may direct, but the curator shall cause the same to be
7 kept open on Sunday afternoons during the sessions of the general
8 assembly.

[C. C. 2753, modified.]

9 2. *Custody, display, and publication of material belonging to de-*
10 *partment.* Under the direction of the board, collect, preserve, organ-
11 ize, arrange, and classify works of art, books, maps, charts, public
12 documents, manuscripts, newspapers, and other objects and materials
13 illustrative of the natural and political history of the territory and
14 state and of the central west, and of the traditions and history of the
15 Indian tribes and prior occupants of the region, and publish such

16 matter and display such material as may be of value and interest to
17 the public.

[C. C. 2750.]

18 3. *Collection of memorials and mementoes.* With the approval of
19 the board, collect memorials and mementoes of the pioneers of Iowa
20 and the soldiers of all our wars, including portraits, specimens of
21 arms, clothing, army letters, commissions of officers, and other mili-
22 tary papers and documents.

[C. C. 2751.]

23 4. *Ethnology and archaeology.* Receive and arrange in cases, ob-
24 jects illustrative of the ethnology and prehistoric archaeology of this
25 and surrounding states.

[C. C. 2752.]

26 5. *Inventory of property of department.* As soon as practicable,
27 prepare a classified index and inventory of all the property belonging
28 to the department or in its custody, and determine through the aid
29 of experts the money value thereof, so far as practicable, and when
30 done a summary of the same shall be included in his biennial report,
31 and thereafter such reports shall set forth all additions thereto with
32 their money value, if any, and give a list of items lost or dropped
33 from the collections. His report shall also contain a separate state-
34 ment of materials obtained by gift and by purchase during each bi-
35 ennium.

[New.]

36 6. *Subscription for newspapers.* Subscribe for and preserve files
37 of at least two (2) newspapers of each county in the state containing
38 the official publications, and cause the same to be bound at the end of

39 each four-year period.

[C. C. 2750.]

40 7. *Custodian of works of art.* Except as otherwise specifically
41 provided, be custodian of and care for and preserve the monuments,
42 memorials, and works of art on the grounds and in the buildings
43 at the seat of government, and report from time to time to the
44 proper officer or board the condition and his recommendations in re-
45 spect thereto.

[New.]

46 8. *Report to governor.* Report to the governor biennially all col-
47 lections made and the progress and condition of the department under
48 his charge, and such other matters as he may deem of value in main-
49 taining and building up the department.

[C. C. 2732.]

50 9. *Report to board.* Report to the board semiannually or oftener
51 as required, all matters pertaining to the condition of the department.

[New.]

52 10. *Assistants and employees.* Appoint assistants with the ap-
53 proval of the board and such other employees as may be authorized
54 by statute or the board.

[New.]

55 11. *Other duties.* Perform such other duties as may be imposed
56 upon him by law or prescribed by the rules of the board.

[New.]

Sec. 16. Curator Authorized to Accept Gifts.

1 The curator is hereby authorized and empowered, as trustee for
2 the state, to accept gifts of property, real, personal, or mixed, for the

3 benefit or endowment of the historical, memorial, and art department,
4 or for the commemoration of the lives of worthy citizens, or for the
5 purpose of perpetuating records of historic events, or for scientific
6 purposes. Any gift accepted shall be immediately reported to the
7 board of trustees; but any gift imposing unusual monetary obliga-
8 tions on the department shall be approved by the board before ac-
9 ceptance.

[C. C. 2761, modified.]

Sec. 17. Investments—Rules.

1 The curator and the board of trustees shall have authority and
2 power to invest, in accordance with the provisions of the trust, any
3 such gifts or endowments, and establish and enforce rules for the
4 purpose of governing and maintaining such endowments or me-
5 morials, as may be created, or established under and pursuant to the
6 preceding section.

[C. C. 2762.]

Sec. 18. Custodian of Archives—Archives Defined.

1 He shall be the trustee and custodian of the archives of Iowa, and
2 of such county, and municipal archives as are voluntarily deposited.
3 The term "archives" shall mean those manuscripts and materials
4 originating under or passing through the hands of public officials
5 in the regular course and performance of their duties, over ten (10)
6 years old, and not in current use; but the executive council shall have
7 power and authority to order the transfer of such archives or any
8 part thereof at any time prior to the expiration of the ten (10) years,
9 or cause them to be retained in the respective offices beyond such
10 limit if in its judgment the public interests or convenience shall re-

11 quire it.

[C. C. 2756, modified.]

Sec. 19. Records Delivered.

1 The several state, executive, and administrative departments,
2 officers or offices, councils, boards, bureaus, and commissioners, are
3 hereby authorized and directed to transfer and deliver to the his-
4 torical, memorial, and art department such of the public archives as
5 are designated in the preceding section, except such as in the judg-
6 ment of the executive council should be retained longer in the respec-
7 tive offices, and the curator is authorized to receive the same.

[C. C. 2757, 2758.]

Sec. 20. Removal of Original.

1 After any public archives have been received into the division of
2 public archives by the curator, they shall not be removed from his
3 custody without his consent, except in obedience to a subpoena of a
4 court of record or a written order of the officer from whose office
5 they were received.

[C. C. 2760.]

Sec. 21. Certified Copies—Fees.

1 Upon request of any person, the curator shall make a certified
2 copy of any document contained in said archives, and when such copy
3 is properly authenticated by him it shall have the same legal effect as
4 though certified by the officer from whose office it was obtained or
5 by the secretary of state. Said curator shall charge and collect for
6 such copies the fees allowed by law to the secretary of state for such
7 certified copies, and all such fees shall be turned into the state
8 treasury.

[C. C. 2760.]

Sec. 22. Bonds.

1 Bonds of the state librarian, the law librarian, and the curator
2 shall be approved by the board.

[C. C. 2768, modified.]

Sec. 23. Appropriations.

1 There is hereby appropriated annually from any money in the
2 state treasury not otherwise appropriated, for the use of the state
3 library, and the historical, memorial, and art department, as follows:

4 1. Five thousand dollars (\$5,000.00) or so much thereof as may
5 be necessary, for the purchase of new books or in binding or rebind-
6 ing books of the library.

[C. C. 2739.]

7 2. Two thousand dollars (\$2,000.00) for the purchase of books
8 and periodicals and for other uses deemed necessary to the upbuilding
9 of the medical section, and for the purchase and transmission of ma-
10 terial and information to the physicians and surgeons of the state.

[C. C. 2747, modified.]

11 3. Six thousand dollars (\$6,000.00) for the use of the law sec-
12 tion and the legislative reference bureau.

[C. C. 2764.]

13 4. Six thousand dollars (\$6,000.00) for the use of the general
14 section.

[C. C. 2764.]

15 5. Six thousand dollars (\$6,000.00) for the use of the historical,
16 memorial, and art department.

[C. C. 2754, 2764.]

Code Commissioners' Bill No. 115

Subject: EDUCATION—STATE HISTORICAL SOCIETY

Senate File No. Referred to Committee on

House File No.

By Date

A BILL FOR

An act to amend, revise and codify chapter thirty-seven (37) of title ten (10) of the compiled code of Iowa, relating to education.

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

That chapter thirty-seven (37) of title ten (10) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Governing Board of Curators.

1 The governing board of the state historical society of Iowa, located
 2 at Iowa City, shall consist of eighteen (18) curators, nine (9) of whom
 3 shall be appointed by the governor and nine (9) elected by the society
 4 from its active membership. The curators named by the governor
 5 shall be appointed on or before the last Wednesday in June of each
 6 even-numbered year; while those chosen by the society shall be elected
 7 at a meeting of the members to be held at Iowa City on the Monday
 8 preceding the last Wednesday in June of each odd-numbered year.
 9 Curators shall serve for a term of two (2) years commencing on the
 10 day of appointment or election.

[C. C. 2782.]

Sec. 2. Powers of Board of Curators.

1 The board of curators shall have full power to govern the society

2 and manage its affairs. It shall elect the officers and provide for the
3 meetings of the board and of the society; appoint all members of the
4 administrative, research, editorial, and library staff of the society; and
5 prescribe the rules under which persons may be admitted to mem-
6 bership in the society. Five (5) of the curators shall constitute a
7 quorum for the transaction of business.

[C. C. 2782, 2783, 2784, 2786, modified.]

Sec. 3. Officers.

1 The officers of the society shall consist of a president, a vice presi-
2 dent, a secretary, and a treasurer, who shall serve for a term of one
3 (1) year or until their successors are elected and qualify. These offi-
4 cers shall occupy the same position on the board of curators as in the
5 society. The president and vice president shall be chosen from the
6 membership of the board of curators, while the secretary and the
7 treasurer shall be chosen from the membership of the society outside
8 of the board. No officer of the society or board shall receive any salary
9 from any state appropriation.

[C. C. 2784, 2785.]

Sec. 4. Records and Reports.

1 The board of curators shall keep a full record of all of its transac-
2 tions and shall see that complete minutes are kept of the proceedings
3 of the society. A report of the work and activities of the society
4 shall be submitted to the governor on or before the fifteenth day of
5 September of each even-numbered year; and a full and complete ac-
6 count of the receipt and expenditure of all money collected or appro-
7 priated for the purposes of the society shall be submitted to the execu-
8 tive council as provided by law.

[C. C. 2786.]

Sec. 5. Documents Furnished to the Society.

1 Five (5) copies of all books, pamphlets, documents, or other
2 printed matter published by the state or upon its order shall be
3 delivered to the society for preservation in its library and collections.

[C. C. 2787.]

Sec. 6. Appropriations.

1 There is hereby appropriated to the society, in connection with
2 and under the auspices of the university, out of any money in the
3 state treasury not otherwise appropriated, the sum of twenty-four
4 thousand dollars (\$24,000.00) annually as permanent support for the
5 maintenance of the society and for carrying on its work of collecting
6 and preserving materials relating to the history of Iowa and illustra-
7 tive of the progress and development of the state, for maintaining its
8 library and collections, for conducting historical studies and researches,
9 for issuing publications, and for providing public lectures of an his-
10 torical character and otherwise disseminating a knowledge of the
11 history of Iowa among the people of the state. The sum herein appro-
12 priated shall be paid in quarterly installments upon the order of the
13 board of curators.

[C. C. 2776, 2777, 2778, 2779, 2780, 2781.]

Code Commissioners' Bill No. 116.

Subject: EDUCATION—IOWA GEOLOGICAL SURVEY

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

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.

- 1 The geological survey of the state shall be under the direction of
- 2 the geological board, consisting of the governor, the auditor of state,
- 3 and the presidents of the agricultural college, the state university, and
- 4 the Iowa academy of science.

[C. C. 2788.]

Sec. 2. State Geologist and Assistants.

- 1 Such board shall appoint and fix the salaries of a state geologist,
- 2 and such expert assistants and other employees, recommended by him,
- 3 as may be necessary.

[C. C. 2789, modified.]

Sec. 3. Survey.

1 The state geologist shall be director of the survey and shall make
2 a complete survey of the natural resources of the state in all their
3 economic and scientific aspects, including the determination of the
4 order, arrangement, dip, and comparative magnitude of the various
5 formations; the discovery and examination of all useful deposits, in-
6 cluding their richness in mineral contents and their fossils; and the
7 investigation of the position, formation, and arrangement of the dif-
8 ferent ores, coals, clays, building stones, glass sands, marls, peats,
9 mineral oils, natural gases, mineral and artesian waters, and such
10 other mineral or other materials as may be useful, with particular
11 regard to the value thereof for commercial purposes and their ac-
12 cessibility.

[C. C. 2790.]

Sec. 4. Investigations—Cabinet.

1 The state geologist shall investigate the characters of the various
2 soils and their capacities for agricultural purposes; the growth of tim-
3 ber, the animal and plant life of the state, the streams and water
4 powers, and other scientific and natural history matters that may be of
5 practical importance and interest. A complete cabinet collection may,
6 at the option of the board, be made to illustrate the natural products
7 of the state, and the board may also furnish suites of materials, rocks,
8 and fossils for colleges and public museums within the state, if it can
9 be done without impairing the general state collection.

[C. C. 2790, modified.]

Sec. 5. Authority to Enter Lands.

1 For the purpose of carrying on the aforesaid investigations the

2 state geologist and his assistants and employees shall have authority
3 to enter and cross all lands within the state; provided that in so doing
4 no damage is done to private property.

[New.]

Sec. 6. Detailed Reports.

1 The state geologist and his assistants shall make detailed maps
2 and reports of counties and districts as fast as the work is completed,
3 which reports shall embrace such geological, mineralogical, topograph-
4 ical, and scientific details as are necessary to make complete records
5 thereof. The state geologist shall, before the first day of January of
6 each year, make to the geological board a full report of the work in
7 the preceding year, which report shall be accompanied by such other
8 reports and papers as may be considered desirable for publication,
9 together with necessary illustrations, maps, charts, and diagrams.

[C. C. 2791.]

Sec. 7. Cooperation.

1 The state geologist shall cooperate with the United States geolog-
2 ical survey, with other federal and state organizations, and with ad-
3 joining state surveys in the making of topographic maps and the study
4 of geologic problems of the state when, in the opinion of the geological
5 board, such cooperation will result in profit to the state.

[C. C. 2791.]

Sec. 8. Publication of Reports.

1 There shall be published of the annual report an edition of not
2 less than three thousand (3,000) copies, and the board may direct the
3 preparation and publication of special reports and bulletins of educa-
4 tional and scientific value or containing information of immediate use

5 to the people; and all expense incurred in printing and publication of
6 survey reports and bulletins including the preparation and printing of
7 illustrations, maps, and charts shall be paid for as other state printing,
8 subject to the supervision of the printing department of the state.

[C. C. 2792, modified.]

Sec. 9. Distribution of Reports.

1 All publications of the geological survey shall be distributed by
2 the state as are other published reports of state officers when no spe-
3 cial provision is made. When the number of copies of any report or
4 bulletin shall be reduced to three hundred (300) more than the reserve
5 list fixed by the executive council, they shall be sold to persons mak-
6 ing application therefor at the cost price of publication, the money thus
7 accruing to be turned into the treasury of the state.

[C. C. 2792, modified.]

Sec. 10. Expenses—Appropriation.

1 The members of the board shall serve without compensation, but
2 such board and its assistants shall be allowed their actual expenses
3 incurred in the performance of their duties. The field expenses of the
4 state geologist and his assistants shall be audited and paid as provided
5 by law. The entire expenses provided for under this chapter, including
6 the publication of reports and bulletins, but not including office ex-
7 penses, shall not exceed the sum of eight thousand dollars (\$8,000.00)
8 per annum, which amount is hereby appropriated annually.

[C. C. 2793, modified.]

Code Commissioners' Bill No. 117

Subject: ESTABLISHMENT OF HIGHWAYS

Senate File No..... Referred to Committee on
 House File No.....
 By Date.....

A BILL FOR

An act to amend, revise and codify sections twenty-seven hundred ninety-nine (2799), twenty-eight hundred sixteen (2816), twenty-eight hundred twenty-six (2826) to twenty-eight hundred thirty-four (2834), inclusive, and paragraphs sixteen (16) to eighteen (18), inclusive, of section thirty-one hundred thirty (3130), of the compiled code of Iowa, relating to the establishment, vacation and alteration of highways and to the erection and maintenance of bridges.

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

That section twenty-seven hundred ninety-nine (2799) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Substituting Other Road.

1 The commissioner shall not be confined to the precise matter of
 2 the petition, but may inquire and determine whether that or any road
 3 in the vicinity, answering the same purpose and in substance the same,
 4 be required.

[C. C. 2799.]

Sec. 2. Property Exempt for Road Purposes.

1 No road shall be established through any cemetery. No road
 2 shall, without the owner's consent, be established through any or
 3 chard, or ornamental grounds contiguous to any dwelling house, or
 4 so as to cause the removal of any dwelling house or other substantial,

5 permanent and valuable building unless it be necessary to so do in
6 order to avoid dangerous crossings and corners.

[C. C. 2799, modified.]

That section twenty-eight hundred sixteen (2816) and paragraphs sixteen (16) to eighteen (18), inclusive, of section thirty-one hundred thirty (3130) of the compiled code of Iowa are amended, revised and codified to read as follows:

Sec. 3. Plat and Field Notes.

1 After a road has been finally established or altered, the plat and
2 field notes must be recorded by the auditor.

[C. C. 2816.]

Sec. 4. Opening and Working.

1 Township roads shall be opened and worked by the township trus-
2 tees. County and primary roads shall be opened and worked by the
3 board of supervisors.

[C. C. 2816.]

That sections twenty-eight hundred twenty-six (2826) to twenty-eight hundred thirty-four (2834), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

Sec. 5. Changes in Interest of Safety, Economy and Utility.

1 The board of supervisors, on its own motion, or on the petition
2 of any person, or on the recommendation of the highway engineer,
3 may change the course of any part of any road, stream, watercourse,
4 or dry run in its county:

5 1. To avoid railroad crossings, expensive bridges, excessive
6 grades, or dangerous corners, turns, or intersections.

7 2. To straighten a road.

8 3. To widen a road above statutory width.

9 4. To prevent the encroachment of a stream upon a public high-
10 way.

[C. C. 2826-2834, modified.]

Sec. 6. Costs.

1 The cost entailed by change authorized in the preceding section
2 may be paid from the county road fund, from the county bridge fund,
3 or from both of said funds. If such change is in whole or in part
4 for the benefit of the township road system the board may require an
5 equitable portion of the cost to be paid from the township road fund
6 of the township, or townships benefited.

[C. C. 2828, 2830, modified.]

Sec. 7. Report and Survey.

1 Unless the action of the board is based on the recommendations
2 of the engineer, accompanied by a report on the proposed changes, and
3 a plat and survey of the proposed change, the board shall order the
4 engineer to make such report and survey and return the same on or
5 before a day fixed. In making the survey, the engineer shall have
6 the right to enter upon any premises affected by the proposed change.

[C. C. 2828, modified.]

Sec. 8. Condemnation—Procedure.

1 If the board is unable, by agreement with the owner, to acquire
2 the right of way necessary to effect such change, the auditor shall
3 appoint three (3) disinterested appraisers, who shall appraise the
4 damages sustained by the landowners through whose land said pro-
5 posed right of way extends, and within ten (10) days report their
6 written appraisal to the auditor.

[C. C. 2829.]

Sec. 9. Time for Hearing on Change and Damage.

1 The board shall fix a day on which it will, at such place in the
2 county as it may specify in the order, determine:

3 1. All objections to said change.

4 2. All damages to each claimant by reason of such proposed
5 change.

6 Such hearing shall not be held earlier than ten (10) days after
7 completed service. Different dates may be fixed for hearing the ob-
8 tions to the proposed change, and to the claims for damages.

[C. C. 2829.]

Sec. 10. Notice—Requirements.

1 The notice must, among other required matters, contain a state-
2 ment that all objections to said proposed change, and all claims for
3 damages by reason thereof, must be filed with the auditor on or be-
4 fore the expiration of ten (10) days from completed service, or the
5 same will be deemed waived.

[C. C. 2830.]

Sec. 11. Service of Notice.

1 Written notice of the time and place of such hearing shall be
2 served on all owners of land through whose land such change will
3 extend, as shown by the transfer books in the auditor's office. Owners
4 who are residents of the county shall be personally served in the man-
5 ner in which original notices are required to be served. Owners who
6 do not reside in the county and owners who do reside in the county
7 when the officer returns that they can not be found in the county, shall
8 be served by publishing the notice in one (1) of the official news-
9 papers of the county, once each week for two (2) weeks, and by per-

10 sonally serving the actual occupant, if any, of the land. Personal
11 service outside the county but within the state shall take the place of
12 service by publication. Service shall be deemed complete on the date
13 when personal service is made, or on the date of the last publication,
14 as the case may be.

[C. C. 2829, modified.]

Sec. 12. Hearing—Adjournment.

1 The board shall, at the time and place fixed, proceed to a hearing
2 on the objections or claim for damages of any owner of whom it has
3 acquired jurisdiction, or if there be owners over whom jurisdiction
4 has not been acquired, the board may adjourn such hearing until a
5 date when jurisdiction will be complete as to all owners.

[C. C. 2830.]

Sec. 13. Hearing on Objections.

1 The board shall, at the final hearing, first pass on the objections
2 to the proposed change. If objections be sustained the proceedings
3 shall be dismissed unless the board finds that the objections may be
4 avoided by a change of plans, and to this end an adjournment may
5 be ordered, if necessary, in order to secure service on additional
6 parties.

[C. C. 2830, modified.]

Sec. 14. Hearing on Claims for Damages.

1 When objections to the proposed change are overruled, the board
2 shall proceed to determine the damages to be awarded to each claim-
3 ant. If the damages awarded are, in the opinion of the board, exces-
4 sive, the proceedings shall be dismissed; if not excessive, the board
5 may, by proper order, establish such proposed change.

[C. C. 2830.]

Sec. 15. Appeals.

1 Claimants for damages may appeal to the district court from the
2 award of damages in the manner and time for taking appeals from
3 the orders establishing highways generally.

[C. C. 2830.]

Sec. 16. Damages on Appeal—Rescission of Order.

1 If the damages as finally determined on appeal be, in the opinion
2 of the board, excessive, the board may rescind its order establishing
3 such change.

[C. C. 2830, modified.]

Sec. 17. Record of Change.

1 The board shall cause a full and detailed record to be made in
2 the road book of all plats and surveys and all other proceedings per-
3 taining to changes hereinbefore authorized.

[New.]

Sec. 18. Tender of Damages.

1 No appeal from an award of damages shall delay the prosecution
2 of the work when the amount of the award is tendered in writing to
3 the claimant and such tender is kept good. An order to the auditor
4 to issue warrants to claimants for damages shall constitute a valid
5 tender, if funds are available to promptly meet such warrants. Ac-
6 ceptance of the amount of such tender bars an appeal. Should pos-
7 session of the condemned premises be taken pending appeal and the
8 final award be not paid, the county shall be liable for all damages
9 caused during such possession.

[C. C. 2830.]

Code Commissioners' Bill No. 118

Subject: DRAINAGE OF HIGHWAYS

Senate File No..... Referred to Committee on
House File No.....
By Date.....

A BILL FOR

An act to amend, revise and codify chapter two (2) of title eleven (11) of the compiled code of Iowa, relating to the drainage of highways.

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

That chapter two (2) of title eleven (11) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Establishment of Road Drainage District.

1 Whenever in the opinion of the board of supervisors it is
2 necessary to drain any part of any public highway under its juris-
3 diction and any land abutting upon or adjacent thereto, it may pro-
4 ceed without petition or bond to establish a road drainage district in
5 the manner provided in the law relating to levees, drains, ditches, and
6 watercourses, and shall so proceed when petitioned by the board of
7 township trustees as to any highway under its jurisdiction. Said dis-
8 trict when established shall have the powers granted to drainage dis-
9 tricts, and parties interested shall have the same rights, so far as
10 applicable.

[C. C. 2842, modified.]

Sec. 2. Engineer.

1 The county engineer shall be the engineer for the district and
2 serve without additional compensation.

[C. C. 2854.]

Sec. 3. Engineer's Report.

1 The engineer's report may include any portion of the county road
2 system, the primary road system, or the township road system, or a
3 portion of each, as well as lands adjoining and adjacent thereto, which
4 may be benefited by drainage.

[C. C. 2843.]

Sec. 4. Approval of Plans Covering Primary Roads.

1 If said report embraces a portion of a primary road, the board
2 shall proceed no further until the plans and specifications are filed
3 with, and approved by, the state highway commission.

[New.]

Sec. 5. Commission.

1 The commission for assessment of benefits shall determine and
2 report:

3 1. The separate amount which shall be paid by the county on
4 account of the county road system and the primary road system.

5 2. The amount which shall be paid by the township or townships
6 on account of the township road system.

7 3. The amounts which shall be assessed against each forty (40)
8 acre tract or less within the district.

[C. C. 2848, modified.]

Sec. 6. Special Assessments to Be Advanced.

1 The board of construction on such improvement shall advance
2 out of the county road fund that portion to be collected by special as-
3 sessment, the amount so advanced to be replaced in said county funds
4 as the special assessments are collected, or in lieu thereof they may
5 issue warrants to be known as ditch warrants, said warrants to draw

6 six per cent (6%) interest per annum, payable annually, from the
7 date of issue and to be paid out of the special assessments levied
8 therefor when the same are collected.

[C. C. 2850.]

Sec. 7. Primary Road.

1 If said district embraces a primary road, the board shall make
2 no final order in the matter of said assessment until the amount which
3 it proposes to charge to the primary road fund of said county is ap-
4 proved by the state highway commission.

[C. C. 2848, modified.]

Sec. 8. Payment From Road Funds.

1 The amount fixed by the final order of the board to be paid on
2 account of the county road system or primary road system shall be
3 payable out of the county road funds and out of the primary road fund
4 allotments, respectively, and the amount fixed by said commission to
5 be paid upon the township road system shall be payable out of the
6 township drainage fund.

[C. C. 2847.]

Sec. 9. Enforcement of Payment.

1 Should the township trustees neglect to pay its portion of con-
2 struction or maintenance cost, the county treasurer shall withhold
3 sufficient of the drainage funds of the delinquent township as will
4 effect payment and credit the county funds accordingly. Should the
5 township in question have no drainage funds, the board of supervisors
6 shall levy on such township a tax sufficient to meet such construction
7 or maintenance cost and the same when collected shall be passed to
8 the credit of the county funds.

[New.]

Sec. 10. Costs in Case of Abandonment.

1 After the coming in of said engineer's report, if said proceed-
2 ings are dismissed or said improvement be abandoned, any costs of
3 such proceeding up to the time of dismissal or abandonment shall be
4 paid out of the county road fund.

[C. C. 2853.]

Sec. 11. Effecting Drainage Without Petition.

1 When, in the drainage of a highway, it is necessary to cross pri-
2 vate lands in order to secure proper outlet, the authorities having
3 jurisdiction over such highway and the owner of such lands may agree
4 as to the terms and conditions of such crossing without resorting to
5 the formal proceedings provided by this chapter.

[C. C. 2857.]

Sec. 12. Townships Not in Drainage District.

1 The board of trustees of any township, although no part of said
2 township is within the drainage district, if the road system in said
3 township is benefited by said drainage district, may contribute from
4 the township road funds of such township such amount for the con-
5 struction of said improvement as may be just and equitable.

[C. C. 2852.]

Sec. 13. Condemnation of Right of Way.

1 Whenever in the judgment of the board of supervisors it is inad-
2 visable to establish a drainage district but is necessary to acquire
3 right of way through private lands for the construction of ditches
4 or drains as outlets for the drainage of highways, the board of super-
5 visors may cause such right of way to be condemned by proceeding
6 in the manner required for the exercise of the right of eminent do-

7 main, as for works of internal improvement and apportion the cost
8 and expenses thereof equitably among the several road systems bene-
9 fited thereby, but no attorneys' fees shall be taxed.

[C. C. 2857.]

Sec. 14. **Right to Adequate Drainage.**

1 It shall be the duty of all authorities having control of the high-
2 ways in this state to provide for the benefit of all private land owners
3 adequate means of drainage of their lands along and across said high-
4 ways, and any land owner may enforce this duty by proper proceed-
5 ings in the district court, triable as in equity.

[New.]

Subject: STATE HIGHWAY COMMISSION

Senate File No.	Referred to Committee on
House File No.	.....
By ..	Date ..

A BILL FOR

An act to amend, revise and codify chapter three (3) of title eleven (11) of the compiled code of Iowa, relating to the state highway commission and other officers 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.

1 The state highway commission shall be composed of the dean of
2 engineering of the state college of agriculture and mechanic arts, and
3 of two (2) appointive members who shall belong to different political
4 parties, and serve for four (4) years from July first of the year of
5 appointment. The offices of said commission shall be located at said
6 college.

[C. C. 2858.]

Sec. 2. Temporary Provision.

1 The present members serving by appointment shall continue to
2 serve, respectively, until their terms expire on July first of the years
3 nineteen hundred twenty-one (1921) and nineteen hundred twenty-
4 three (1923).

[C. C. 2858.]

Sec. 3. Appointment.

1 The governor shall, within sixty (60) days after the convening
2 of the general assembly in nineteen hundred twenty-one (1921), and
3 nineteen hundred twenty-three (1923), and each four (4) years there-
4 after, appoint, with the approval of the senate, a successor to the
5 appointive member whose term will expire on July first following.

[C. C. 2858, modified.]

Sec. 4. Vacancies.

1 Vacancies occurring while the general assembly is in session shall
2 be filled for the unexpired portion of the term as full term appoint-
3 ments are filled. Vacancies occurring while the general assembly is
4 not in session shall be filled by the governor, but such appointments
5 shall terminate at the end of thirty (30) days after the convening
6 of the next general assembly. Vacancies shall be filled from the same
7 political party from which the vacancy occurs.

[C. C. 2858, modified.]

Sec. 5. Compensation.

1 Each appointive member shall receive ten dollars (\$10.00) per
2 day for each day actually employed in the work of the commission,
3 provided said compensation, for each commissioner, shall not exceed
4 two thousand dollars (\$2,000.00) per annum. Each member shall re-
5 ceive all necessary traveling and other expenses incurred in the per-
6 formance of his duties.

[C. C. 2859.]

Sec. 6. Duties.

1 Said commission shall:

2 1. Devise and adopt standard plans of highway construction and

3 maintenance, and furnish the same to the counties.

4 2. Furnish information and instruction to, answer inquiries of,
5 and advise with, highway officers on matters of highway construction
6 and maintenance and the reasonable cost thereof.

7 3. Appoint all assistants necessary to carry on the work of the
8 commission, define their duties, fix their compensation, and provide
9 for necessary bonds and the amounts thereof. The term of employ-
10 ment of all such assistants may be terminated by the commission, at
11 any time and for any cause.

12 4. Investigate highway conditions in any county, and report all
13 violations of duty to the attorney general.

14 5. Enforce all laws relating to highway construction and main-
15 tenance, and to that end, exercise general supervision of all county
16 and township officers, in the performance of the duties enjoined upon
17 them by such laws.

18 6. Make surveys, plans, and estimates of cost, for the elimination
19 of danger at railroad crossings on highways, and to confer with local,
20 and railroad officials, and with the Iowa railroad commission with
21 reference to such elimination.

22 7. Assist the board of supervisors and the attorney general in
23 the defense of suits wherein infringement of patents, relative to high-
24 way construction, is alleged.

25 8. Make surveys for the state board of control when requested
26 by said board.

27 9. Record all important operations of said commission and not
28 later than January first of each year report the same to the governor,
29 provided the summary report of county highway engineers may be

30 reported on a date not later than the first day of February.

31 10. Incur no expense to the state by sending out road lecturers.

[C. C. 2859, 2860.]

Sec. 7. **Counsel.**

1 The attorney general shall act as attorney for said commission
2 on all matters pertaining to their duties, and take such action as
3 may be deemed advisable by him in order to correct violations of the
4 laws relative to highway matters.

[C. C. 2858.]

Subject: STATE ROAD DISTRICTS

Senate File No.	.....	Referred to Committee on
House File No.	... ..	.. . . . .
By	... ..	Date

A BILL FOR

An act to amend, revise and codify chapter four (4) of title eleven (11) of the compiled code of Iowa, relating to state road districts, and the improvement and maintenance thereof.

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

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

Section 1. State Road Districts.

1 Highways on lands of the state and highways on which such
2 lands abut, shall constitute a separate road district for each state
3 institution, or state park, in connection with which such lands are
4 used, and shall be under the jurisdiction of the board in control thereof.

[C. C. 2861, modified.]

Sec. 2. Supervisor.

1 The state highway engineer shall be ex-officio general supervisor
2 of said several road districts, and be under the direction of the board
3 in control thereof, and shall have general charge of the maintenance
4 and improvement of said roads, and perform such other duties and
5 make such reports in reference thereto as may be required by said
6 board. Said board may appoint a local supervisor for each district.

[C. C. 2861, modified.]

Sec. 3. Maintenance and Improvement.

1 The roads within any such district, except county bridges, shall
2 be maintained, repaired and improved under the direction of the board
3 which is in control of said lands, provided said board shall not pave
4 or hard surface such roads unless authorized so to do by the executive
5 council. The costs shall be paid only after certificate of detailed
6 amount due shall have been filed by the said board with the state
7 board of audit, and duly audited as provided by law. This section
8 shall not be construed as preventing the paving or hard surfacing of
9 any such roads under any other proceeding authorized by law.

[C. C. 2861, modified.]

Sec. 4. Improvements by City or County.

1 When a city or county shall drain, oil, pave or hard surface a
2 road which extends through state lands, the state shall pay the cost
3 of making such improvement through said lands, except such portion
4 thereof as is assessable against other property in such assessment
5 district. Whenever abutting or adjacent property is owned by the
6 state, the state shall pay its proportional share of the special assess-
7 ment which might be made against such lands if privately owned.

[C. C. 2862, 2863, modified.]

Sec. 5. Appropriation.

1 There is hereby appropriated from any unappropriated funds
2 now or hereafter in the state treasury an amount sufficient to pay
3 the obligations created by this chapter.

[C. C. 2861, 2864.]

Code Commissioners' Bill No. 121

**Subject: COUNTY ROAD, BRIDGE AND CULVERT SYSTEM, AND
TAXATION THEREFOR**

Senate File No.

Referred to Committee on

House File No

By

Date

A BILL FOR

An act to amend, revise and codify chapter five (5) of title eleven (11) of the compiled code of Iowa, relating to the county road, bridge and culvert system, and taxation therefor

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

That chapter five (5) of title eleven (11) of the compiled code of Iowa is amended, revised, and codified to read as follows:

Section 1 Highway Levies.

1 The board of supervisors shall, annually, at the September ses-
2 sion of the board, levy the following taxes:

3 1. A county road tax, which shall be not less than one and one-
4 half (1½) mills nor more than two and one-half (2½) mills on all
5 taxable property within cities and towns, irrespective of their par-
6 ticular form of local government, and not less than two (2) nor more
7 than three (3) mills on all taxable property outside such cities and
8 towns The proceeds of said levy shall be kept as a county road fund
9 and shall be used, except as otherwise provided, solely for the pur-
10 chase of road tools, machinery and equipment, for the drainage of
11 roads, for filling over culverts and bridge approaches, for the elim-
12 ination of dangers at railroad crossings on both county and township
13 roads, and for work on the county road system.

14 2. A county drainage tax, if the board deems the same necessary,
15 of not to exceed one (1) mill on all property in the county except on
16 property within cities of the first class and special charter cities. The
17 proceeds of said levy shall be kept as a county drainage fund and
18 shall be used, first, for the drainage of highways and for paying
19 drainage assessments levied on account of benefits to roads of the
20 county road system, and, second, any balance shall be placed to the
21 credit of the county road fund.

22 3. A county bridge and culvert levy of not to exceed five (5)
23 mills on all the property of the county, except on property within
24 cities controlling their own bridge levy. In counties having a bonded
25 indebtedness of ten thousand dollars (\$10,000.00), the board may levy
26 not to exceed seven (7) mills. Said bridge fund shall be used in the
27 payment of all bridges and culverts constructed and maintained by
28 the county and of all culvert material furnished to the township trus-
29 tees by the county.

[C. C. 2865-2868, 2877.]

Sec. 2. County Road System.

1 The county road system shall not embrace any highway which
2 is a part of the primary road system, nor any highway within the
3 limits of cities and towns, except that highways which are located
4 along the corporate limits of cities and towns and which are partly
5 within and partly without such limits, may be embraced, in whole
6 or in part, within said system. Subject to the foregoing, said county
7 road system shall embrace the highways which are now designated
8 as county roads by the plans and records now on file in the county
9 auditor's office of each county and as the same may hereafter exist

10 by legal modifications or additions.

[C. C. 2872, modified.]

Sec. 3. Modifications of County System.

1 The board of supervisors may make application to the state high-
2 way commission for a change or modification of the established county
3 road system when such change is for the purpose of eliminating dan-
4 gerous crossings or curves, or when such change would materially
5 decrease the cost of improving or maintaining the road, and in such
6 case the commission may authorize such change as may seem advisable.

[C. C. 2874.]

Sec. 4. Additions to County System.

1 Whenever all the roads of the county road system have been im-
2 proved according to the plans herein provided, the board of super-
3 visors may add such roads from the township road system as have
4 been improved by the township in accordance with the general plans
5 and specifications furnished by the engineer and in accordance with
6 the requirements of this chapter, and if the township roads so im-
7 proved be not sufficient to use all county funds available for that pur-
8 pose, the board of supervisors may select additional county roads, but
9 no increase shall be made in the mileage of the county road system
10 until that system is completed, except that the board of supervisors
11 may at any time add such roads from the township road system as
12 will materially shorten the direct lines of travel between market
13 towns. All additions to the county road system shall be approved by
14 the state highway commission before becoming effective.

[C. C. 2878.]

Sec. 5. Roads to State Parks.

1 The board of supervisors may add to the county road system
2 from the township road system such roads as will render more access-
3 ible any body of water which may be improved, under state authority,
4 as a public park.

[C. C. 2880.]

Sec. 6. Exclusive Procedure.

1 The procedure herein provided for the modification of, and ad-
2 ditions to, the county road system, shall exclude all other procedure,
3 and the decision of the board of supervisors and the state highway
4 commission shall be final.

[C. C. 2880.]

Sec. 7. Engineer—Term—Compensation—Duties.

1 The board of supervisors shall employ one (1) or more county en-
2 gineers, and shall fix their term of employment, which shall not exceed
3 one (1) year, and their compensation, which shall be paid from the
4 general county fund. Said engineers shall, in the performance of
5 their duties, work under the directions of said board and shall give
6 bonds for the faithful performance of their duties in a sum not less
7 than one thousand dollars (\$1,000.00) nor more than five thousand
8 dollars (\$5,000.00). The tenure of office of any engineer may be
9 terminated by the board for cause. Such tenure may be terminated
10 by the highway commission for incompetency.

[C. C. 2872.]

Sec. 8. Engineers—Itemized Account.

1 All county engineers and their assistants shall, for all work done
2 or expenses made, file an itemized and verified account, before the

3 board of supervisors, stating the time actually employed each day,
4 the place where such work was done, the character of the work done,
5 and also file with such account vouchers for any expense.

[C. C. 2886, 2887.]

Sec. 9. Division of Roads—Survey.

1 The engineer shall, in writing, divide all county roads into sec-
2 tions, designating each section by some appropriate number, name or
3 letter and clearly designating the starting point and terminus of each
4 such section. Such designation shall be recorded at length in a coun-
5 ty road book. The board may cause all sections to be fully surveyed
6 and a report made thereon before proceeding with the improvement
7 contemplated herein, or, in order to enable the board to proceed with
8 the most necessary and urgent work, said board may designate the
9 order in which the different sections shall be surveyed and planned,
10 and may order the engineer to survey and report on certain named
11 sections before completing the survey and report on all sections.

[C. C. 2876.]

Sec. 10. Details of Survey.

1 The engineer's survey and report shall be on the basis of the
2 permanent improvement of said roads, both as to bridge, culvert, tile
3 and road work. Said survey and report shall consist of an accurate
4 plan and profile of said roads, showing cuts and fills and outline of
5 grades, with careful attention to surface, and subdrainage, and shall
6 show the location of all lines of tile and size thereof and of all bridges
7 and culverts, their length, height and width, and foundation sound-
8 ings, and an estimate of the watershed relating to each bridge and
9 culvert. Proper bench marks shall be established on each permanent

10 bridge and culvert which shall be recorded on both profile and plan
11 of road.

[C. C. 2876.]

Sec. 11. Surveys and Reports.

1 The survey and report of each section, as soon as completed and
2 approved by the board of supervisors, shall be submitted to the state
3 highway commission, and the board of supervisors may designate to
4 the said commission what sections, in their estimation, should be first
5 passed upon by said state highway commission. The said commission
6 shall pass on such reports and plans, and in so doing, shall take into
7 consideration the thoroughness, feasibility and practicability of such
8 plans, and may approve or modify the same. If, except as to cuts,
9 fills, and decreases in inclines, such plans and specifications meet
10 with the approval of the state highway commission, the said commis-
11 sion shall not refuse to approve such plans and specifications in full
12 if the proposed cuts, fills, or decreases in inclines set forth in such
13 plans propose to decrease the hills or inclines at least twenty per cent
14 (20%) of the existing incline.

[C. C. 2877, 2883.]

Sec. 12. Return and Record of Plans.

1 After such survey and plan for each section is passed upon by
2 the commission, they shall be returned to the county auditor with full
3 and explicit directions as to modifications, if any. The auditor shall
4 record the same at length in a county road book, and the work shall
5 be done in accordance therewith.

[C. C. 2877.]

Sec. 13. Contracts Exceeding One Thousand Dollars.

1 All culvert and bridge construction, grading, drainage and repair
 2 work, or materials therefor, of which the engineer's estimated cost
 3 shall exceed one thousand dollars (\$1,000.00) shall be advertised and
 4 let at a public letting. The board may reject all bids, in which event
 5 it may readvertise, or may let the work privately at a cost not ex-
 6 ceeding the lowest bid received, or build by day labor, after the con-
 7 tract or plan has been approved by the state highway commission.

[C. C. 2882.]

Sec. 14. Contracts Not Exceeding One Thousand Dollars.

1 All culverts and bridge construction, tile and tiling and repair
 2 work or materials therefor, of which the engineer's estimated cost
 3 shall be one thousand dollars (\$1,000.00) or less, may be advertised
 4 and let at a public letting, or may be let privately at a cost not to
 5 exceed the engineer's estimate, or may be built by day labor.

[C. C. 2882.]

Sec. 15. Record of Bids.

1 All bids received shall be publicly opened, at the time and place
 2 specified in the advertisement, and shall be recorded in detail, in a
 3 book kept for that purpose, by the county auditor; said book shall
 4 at all times be open to the inspection of the public.

[C. C. 2882.]

Sec. 16. Repair Work Defined.

1 Repair work shall be known as work not designated by the high-
 2 way engineer, all road construction work costing not in excess of sixty
 3 dollars (\$60.00) per mile, work of a temporary character, or of im-

4 mediate necessity, and work necessary to maintain finished roads com-
5 pleted under this chapter.

[C. C. 2881.]

Sec. 17. Contractors' Bonds—Conditions.

1 The board of supervisors shall require all contractors to give a
2 bond for the faithful performance of the contract, in such sum as the
3 board of supervisors may deem necessary. The surety on any
4 bond given to guarantee the faithful performance and execution of
5 any work shall be deemed and held, any contract to the contrary not-
6 withstanding, to consent without notice:

7 1. To any extension of time to the contractor in which to per-
8 form the contract when each particular extension does not exceed
9 sixty (60) days.

10 2. To any change in the plans, specifications or contract when
11 such change does not involve an increase of more than twenty per
12 cent (20%) of the total contract price. If a change involves an in-
13 crease in the total contract price in excess of twenty per cent (20%)
14 the surety shall be released only as to such excess.

[C. C. 2885.]

Sec. 18. Action on Bond—Limitation.

1 No contract shall be valid which seeks to limit the time to less
2 than five (5) years in which an action may be brought upon the bond
3 covering concrete work nor to less than one (1) year upon the bond
4 covering other work.

[C. C. 2885.]

Sec. 19. Itemized and Certified Bills.

1 All bills for road work, tile and tiling, culvert, and bridge con-

2 struction, or for repairs designated by the engineer, shall be filed in
3 itemized form and certified to by the engineer before being allowed
4 or warrants drawn therefor. Before any claim shall be allowed by
5 the board of supervisors on the county road or bridge funds, in pay-
6 ment for any work or construction, except for dragging, maintenance,
7 or repairs not designated by the engineer, it must secure on the bill
8 the certificate of the engineer employed by it, that such improvement
9 has been made in accordance with the plans and specifications as here-
10 in provided. If said engineer makes said certificate when said work
11 has not been done in accordance with the plans and specifications, and
12 said work be not promptly made good without additional cost, the full
13 cost of making said work good may be recovered upon said engineer's
14 bond. A violation of this section by any member of the board shall
15 render him liable on his bond for the amount of said claim.

[C. C. 2881.]

Sec. 20. Partial Payments.

1 Partial payments may be allowed by the board on contract work
2 on the basis of the engineer's certified estimates and the percentages
3 specified in the standard specifications of the state highway commis-
4 sion.

[C. C. 2881.]

Sec. 21. Advance Payment of Pay Rolls.

1 The board of supervisors may authorize the county auditor to
2 draw warrants for the amount of pay rolls for labor furnished under
3 the day labor system, when said pay rolls are certified to by the engi-
4 neer in charge of the work. Said bills shall be passed on by the board
5 at the first meeting following said payment.

[C. C. 2882.]

Sec. 22. Witness Corners.

1 Whenever it may become necessary in grading the highways to
2 make a cut which will disturb or destroy, or a fill which will cover
3 up, a government or other established corner, it shall be the duty of
4 the engineer to establish permanent witness corners, and make a rec-
5 ord of the same, which shall show the distance and direction the wit-
6 ness corner is from the corner disturbed or covered up. When said
7 construction work is completed the engineer shall permanently re-
8 establish said corner. A failure to perform said duties shall subject
9 the engineer to a fine of not less than ten dollars (\$10.00) nor more
10 than fifty dollars (\$50.00) to be collected on his bond.

[C. C. 2876.]

Sec. 23. Gravel Beds.

1 The board of supervisors of any county may, within the limits
2 of such county and without the limits of any city or town, purchase
3 or condemn any lands not exceeding five (5) acres in any one (1)
4 place, for the purpose of obtaining gravel or other suitable material
5 with which to improve the highways of such county, including a suffi-
6 cient road way to such land by the most reasonable route, and to pay
7 for the same out of the county road fund, or the board may purchase
8 such material outside the limits of their county.

[C. C. 2888, modified.]

Sec. 24. Use of Gravel Beds.

1 The township trustees of any township in the county, in order
2 to improve their township roads, shall have the right to take material
3 from any lands so acquired by the board of supervisors and the super-
4 visors may permit private parties to take materials from such ac-

5 quired lands in order to improve any highway in the county, but it
6 shall be a misdemeanor for any person to use any such material for
7 any purpose other than for the improvement of such highways.

[C. C. 2889.]

Sec. 25. Repair and Dragging of County Road System.

1 The county board of supervisors and the engineer are charged
2 with the duty of causing the county road system to be so repaired
3 and dragged as to keep same in proper condition, and shall adopt such
4 methods as are necessary to maintain continuously, in the best con-
5 dition practicable, the entire mileage of said system.

[C. C. 2884.]

Sec. 26. Intercounty Highways.

1 Boards of supervisors of adjoining counties in this state shall,
2 subject to the approval of the state highway commission:

3 1. Make proper connections between roads which cross county
4 lines and which afford continuous lines of travel.

5 2. Adopt plans and specifications for road, bridge and culvert
6 construction, reconstruction and repairs upon highways along and
7 across county boundary lines, and make an equitable division between
8 said counties of the cost and work attending the execution of such
9 plans and specifications.

[C. C. 2893.]

Sec. 27. Enforcement of Duty.

1 In case such boards fail to perform such duty, the state highway
2 commission may, on its own motion, and in case said boards are un-
3 able to agree and one (1) of said boards appeals to said commission,
4 said commission shall notify the auditors of the interested counties

5 that it will, on a day not less than ten (10) days hence, at a named
6 time, and place within any of said counties, hold a hearing to deter-
7 mine all matters relating to such duty. At said hearing the commis-
8 sion shall fully investigate all questions pertaining to said matters,
9 and shall, as soon as practicable, certify its decision to the different
10 boards, which decision shall be final, and said boards shall forthwith
11 comply with said order in the same manner as though such work was
12 located wholly within the county.

[C. C. 2893.]

Sec. 28. Interstate Highways.

1 The state highway commission and the board of supervisors of
2 any county bordering on a state line are authorized jointly to confer
3 and agree with the highway authorities of such border state, on proper
4 connections for interstate roads, and on proper plans for the con-
5 struction, improvement, maintenance, and apportionment of work and
6 cost of roads, bridges and culverts on or across the state lines. All
7 difference of opinion, as far as the supervisors of this state are con-
8 cerned, shall be determined by said commission.

[C. C. 2872, 2892.]

Sec. 29. County Bridge and Culvert System.

1 The county bridge and culvert system shall embrace all highways
2 throughout the county, except highways entirely within cities which
3 control their own bridge funds.

[C. C. 2872, 2877.]

Sec. 30. Duty to Construct.

1 The county bridge and culvert system shall be constructed and
2 maintained as follows:

3 1. Culverts which are thirty-six (36) inches, or less, in diameter,
4 and located within a city or town, by the council thereof.

[C. C. 3779.]

5 2. Temporary culverts thirty-six (36) inches, or less, in diam-
6 eter, located on the township road system, by the township, except
7 that the county shall furnish the material therefor, and deliver the
8 same at a railroad station to be designated by the said board.

9 3. All other bridges and culverts within said system, by the
10 county.

[C. C. 2877, modified.]

Sec. 31. Bridges and Culverts on City Boundary Line.

1 Bridges and culverts on highways, or on parts thereof, which
2 are located along the corporate limits of cities which control their own
3 bridge funds and which are partly within and partly without such
4 limits and which highways have been made a part of the county road
5 system, shall be constructed under plans and specifications, jointly
6 agreed on by the city council and board of supervisors, and approved
7 by the highway commission. The city and county shall share equally
8 in the cost. All matters in dispute between such city and county rela-
9 tive to such bridges and culverts shall be referred to the highway
10 commission and its decision shall be final and binding on both the city
11 and county.

[C. C. 2872.]

Sec. 32. Width of Bridges and Culverts.

1 All culverts shall have a clear width of roadway of at least twenty
2 (20) feet. Bridges shall have a clear width of roadway of at least
3 sixteen (16) feet.

[C. C. 2876, 2895.]

Sec. 33. Definitions.

1 The term "culvert" shall include all waterway structures having
 2 a total clear span of twelve (12) feet or less, except that such term
 3 shall not include tile crossing the road, or intakes thereto, where such
 4 tile are a part of a tile line or system designed to aid subsurface
 5 drainage.

6 The term "bridge" shall include all waterway structures having
 7 a clear span in excess of twelve (12) feet.

[New.]

Sec. 34. Appropriation for Intracounty Bridge.

1 The board of supervisors may, without authorization from the
 2 voters, appropriate, for the substructure, superstructure and ap-
 3 proaches of any one (1) bridge within the county, a sum not ex-
 4 ceeding:

5 1. Twenty-five thousand dollars (\$25,000.00) in counties having
 6 a population of fifteen thousand (15,000) or less.

7 2. Thirty-five thousand dollars (\$35,000.00) in counties having
 8 a population in excess of fifteen thousand (15,000).

[C. C. 2894.]

Sec. 35. Appropriation for Intercounty and State Bridge.

1 The board of supervisors of any county may, without authoriza-
 2 tion from the voters, appropriate, for the substructure, superstructure
 3 and approaches of any one (1) bridge on a road between such county
 4 and another county of this state or on a road between such county and
 5 another state, a sum not exceeding:

6 1. Fifteen thousand dollars (\$15,000.00) in counties having a
 7 population of fifteen thousand (15,000) or less.

8 2. Twenty thousand dollars (\$20,000.00) in counties having a
9 population in excess of fifteen thousand (15,000).

[C. C. 2894.]

Sec. 36. Bridge Specifications.

1 Standard specifications for all bridges and culverts, railroad over-
2 head crossings or subways, shall be furnished without cost to the
3 counties and railroad companies by the state highway commission,
4 and work shall be done in accordance therewith.

[C. C. 2882.]

Sec. 37. Approval of Contract.

1 Any proposed contract which shall exceed the sum of two thou-
2 sand dollars (\$2,000.00) for any one (1) bridge or culvert, or repairs
3 thereon, shall be first approved by the state highway commission be-
4 fore the same shall be effective as a contract.

[C. C. 2882.]

Sec. 38. Record of Plans.

1 Before beginning the construction of any permanent bridge or
2 culvert by day labor or by contract, the plans, specifications, estimate
3 of drainage area, estimates of cost, and specific designation of the
4 location of the bridge or culvert shall be filed in the county auditor's
5 office by the engineer.

[C. C. 2882.]

Sec. 39. Record of Final Cost.

1 On completion of any bridge or culvert, a detailed statement of
2 cost, and of any additions or alterations to the plans shall be filed by
3 the engineer and recorded by the auditor in connection with the rec-
4 ords of bids, all of which shall be retained in the county auditor's office

5 as permanent records, and when said work is completed and approved,
6 a duplicate statement of the cost thereof shall be filed with the state
7 highway commission by the county auditor.

[C. C. 2882.]

Sec. 40. Trustees to Fill and Grade.

1 Upon the completion by the board of supervisors of any bridge
2 or culvert situated upon the township road system, it shall be the duty
3 of the township trustees to properly fill all such culverts and uni-
4 formly grade the approaches to all such bridges, and make payment
5 therefor from the township road fund. Should the trustees fail for
6 a period of two (2) weeks after notification to perform such work,
7 the board of supervisors shall proceed to perform the same and the
8 engineer shall report the actual cost of so doing and such amount, not
9 exceeding one hundred fifty dollars (\$150.00), for any such bridge or
10 culvert, shall be certified by the board of supervisors to the county
11 treasurer who shall transfer said amount to the county road fund from
12 the first collection of road funds belonging to said township. The
13 township trustees shall, at township expense, do all necessary filling
14 of temporary culverts installed by them on the township road system.

[C. C. 2877.]

Sec. 41. Bridges Over Ditches.

1 Bridges erected over drainage ditches shall be so constructed as
2 to allow the superstructure to be removed for cleaning said ditches
3 with as little damage to the removal and permanent parts of said
4 bridge as practicable.

[C. C. 2882.]

Sec. 42. Bridges on County Line Roads.

1 Bridges on county line roads may, under joint agreement be-
2 tween the boards of the adjoining counties, be located, constructed
3 and maintained wholly within one (1) county in order to secure a
4 proper site or in order to avoid unnecessary expense. The resulting
5 work and expense shall be carried on and shared in such proportion
6 as said boards may determine.

[C. C. 2896.]

Sec. 43. Bridges Over State Boundary Line Streams.

1 Ten per cent (10%) of the legal voters, as shown by the returns
2 of the last general election, of any county bordering upon a stream of
3 water which forms the boundary line of this state, may petition the
4 board of supervisors to submit to the voters the question whether
5 such county shall be authorized to construct and maintain a foot and
6 wagon bridge extending from such county across such boundary line
7 river. Said petition shall state the amount to be expended for said
8 purpose.

[C. C. 2898.]

Sec. 44. Submission of Question.

1 The board shall submit such question at the first general election
2 occurring not less than sixty (60) days after the filing of said petition.

[C. C. 2898.]

Sec. 45. Notice.

1 Notice of the submission of such question shall be published for
2 four (4) consecutive weeks in at least three (3) newspapers published
3 and of general circulation in the county, the last of which publications

4 shall be at least three (3) days and not more than ten (10) days be-
5 fore the holding of such election.

[C. C. 2898.]

Sec. 46. Construction and Maintenance.

1 If a majority of the voters vote in favor of such authorization,
2 the board shall have authority to construct and maintain said bridge,
3 and may agree with the adjoining state, or with any other municipal
4 division thereof, as to what part of said bridge said county will con-
5 struct and maintain, or as to what percentage of the cost of construc-
6 tion and maintenance said county shall pay, and such county shall be
7 under no greater liability than as evidenced by such agreement.

[C. C. 2899.]

Sec. 47. Levy—Bond.

1 In order to build and maintain such bridge, the board may, from
2 year to year and on all the property in the county, levy an annual tax
3 of not to exceed one (1) mill. The board may, in the manner pro-
4 vided for funding outstanding county indebtedness, issue the bonds
5 of the county in the amount of the authorized expenditure. The ma-
6 turity of such bonds may be distributed through a period of twenty
7 (20) years. In case bonds are so issued, the board shall maintain
8 sufficient levies to meet the principal and interest as in other cases
9 of bonds issued for outstanding county indebtedness.

[C. C. 2898.]

Sec. 48. Use by Public Utilities.

1 Street and interurban railways, telephone, telegraph and electric
2 transmission lines, may be permitted to use such bridge on such terms
3 and conditions as the governing bodies jointly erecting and maintain-

4 ing such bridge may jointly determine. No discrimination shall be
5 made as between such railways, provided that any such railway desir-
6 ing to use existing tracks thereon shall have the right to do so and
7 shall bear its reasonable share of the cost of the construction and
8 maintenance of such tracks. Joint use of telephone, telegraph and
9 electric transmission lines may not be required. No grant to any
10 public utility to use such bridge shall in any way interfere with the
11 use thereof by the public.

[C. C. 2901.]

Sec. 49. Negligence.

1 The county shall not be liable for negligence in the maintenance
2 of such bridge except for that part which it shall undertake to ex-
3 clusively maintain and where there is a contract for joint maintenance
4 of the entire structure, the county's liability for negligence shall only
5 extend to that part or portion which is within the boundary line of
6 this state.

[C. C. 2900.]

Sec. 50. Interest in Contracts.

1 No member of the highway commission, their deputies, or assist-
2 ants, or any other person in the employ of the commission, no county
3 supervisor, township trustee, county engineer, road superintendent or
4 any person in their employ or one holding an appointment under them,
5 shall be, directly or indirectly, interested in any contract for the con-
6 struction or building of any bridge or bridges, culvert or culverts or
7 any improvement of any road or part thereof.

[C. C. 2884.]

Code Commissioners' Bill No. 122

Subject: PATROLLING OF HIGHWAYS

Senate File No. Referred to Committee on
 House File No.
 By Date

A BILL FOR

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.

1 The board of supervisors shall cause all highways under their
 2 jurisdiction to be patrolled, throughout each road-working season, and
 3 at such other times as they may direct, and to this end shall appoint
 4 such number of patrolmen as may be necessary to perform such duty.

[C. C. 2964.]

Sec. 2. Tenure and Salary.

1 Such patrolmen shall receive such compensation as the board may
 2 determine, shall be subject to the orders of the board, and shall hold
 3 their positions at the pleasure of the board.

[C. C. 2964.]

Sec. 3. Bonds.

1 Said patrolmen shall give bond for the faithful performance of

2 their duties, and in such sum as the board may order.

[C. C. 2968.]

Sec. 4. **Tools.**

1 The said board shall supply said patrolmen with all necessary
2 tools and equipment, and the patrolmen shall be responsible for the
3 care of the same.

[C. C. 2968.]

Sec. 5. **Duties.**

1 Each road patrolman shall :

2 1. Devote his entire time to his duties.

3 2. Personally inspect, at least once each week, and oftener if noti-
4 fied of defect in roads or bridges, all roads assigned to him.

5 3. Seasonably drag, or cause to be dragged, after each rain, and
6 at such other times as may be necessary, all roads assigned to him.

7 4. Keep all sluices, culverts and bridges and the openings thereof
8 and all side ditches of the road free from obstructions.

9 5. Provide such side ditches with ample outlets.

10 6. Remove loose stones and other impediments from the traveled
11 part of the highway.

12 7. Fill depressions and keep the road free from ruts, water pock-
13 ets, and mud holes.

14 8. Repair the approaches to bridges and culverts and keep such
15 approaches smooth and free from obstruction.

16 9. Perform such other duties as the board may direct.

[C. C. 2965, 2966, 2967.]

Code Commissioners' Bill No. 123

Subject: TOWNSHIP ROAD SYSTEM

Senate File No.	Referred to Committee on
House File No..	.. . . . .
By	... Date

A BILL FOR

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.

1 The township road system shall embrace all highways of the
2 township which are outside the limits of cities and towns and which
3 are not a part of the primary road system or of the county road sys-
4 tem.

[C. C. 2872, 2969.]

Sec. 2. Duty of Trustees.

1 The township trustees are charged with the duty to repair and
2 improve the roads of said system in their township, and to faithfully
3 expend the funds of the township, including road poll taxes, for the
4 specific purposes for which authorized.

[C. C. 2973, 2979.]

Sec. 3. Streets in Villages.

1 All public streets of villages are a part of the road; and all road
2 superintendents or persons having charge of the same, shall work
3 the same as provided by law.

[C. C. 2985.]

Sec. 4. Township Roads on County Line.

1 The township system of work on township roads which separate
2 adjoining townships in the same or different counties, may be appor-
3 tioned and carried on under such mutual arrangement as the different
4 boards of trustees may enter into.

[New.]

Sec. 5. Weeds.

1 The trustees shall cause all weeds growing on the township roads
2 to be cut twice each year at such times as will prevent their maturity.

[C. C. 2970, 2973.]

Sec. 6. Dragging Roads—Selection.

1 At every February meeting, or as soon thereafter as possible,
2 the township trustees shall select from the township road system the
3 roads to be dragged for the year. Such selection shall include all
4 roads in consolidated school districts, and all mail routes.

[C. C. 2979.]

Sec. 7. Payment for Dragging.

1 The township trustees shall not allow any bills for dragging,
2 maintenance, or repair work, nor shall warrants in payment therefor
3 be drawn by the township clerk, until verified itemized bills therefor
4 have been certified to by the township road superintendent. A viola-

5 tion of this section shall render the township clerk liable on his bond
6 for the amount of said warrant.

[C. C. 2979.]

Sec. 8. Superintendent of Roads.

1 The trustees shall, at their February meeting, employ a superin-
2 tendent or superintendents, not exceeding four (4) in number, for
3 the township road system. The term of office, and compensation of
4 each superintendent, shall be at the discretion of the trustees. The
5 compensation of the superintendent shall be paid out of the township
6 road fund.

[C. C. 2970, 2973, 2974, 2979.]

Sec. 9. Duties of Superintendents.

1 Each superintendent shall:

2 1. Have general supervision of all maintenance and repair work
3 on the township road system, including the placing of temporary cul-
4 verts.

5 2. Maintain the approaches to all bridges on said roads in such
6 manner as to present smooth and uniform surfaces.

7 3. Keep the openings to all culverts and ditches free from weeds,
8 brush and other obstructing materials.

9 4. Have charge of all druggable roads, and see that they are
10 properly dragged at such times as may be necessary to maintain
11 them in a smooth condition.

12 5. Contract on behalf of the township, for the necessary drag-
13 ging of said roads at such reasonable prices as the trustees may au-
14 thorize.

15 6. Furnish to the trustees, at least once each year, and oftener

16 if demanded by the trustees, a written report of all work done under
17 or by him.

[C. C. 2979.]

Sec. 10. Day Work Defined.

1 Eight (8) hours' service for a man, or for a man and team shall
2 be required for a day's work.

[C. C. 2986.]

Sec. 11. Shade Trees—Timber—Drainage.

1 The road superintendent shall not cut down or injure any tree
2 growing by the wayside which does not obstruct the road, or which
3 stands in front of any town lot, inclosure or cultivated field, or any
4 ground reserved for any public use, nor destroy or injure the ingress
5 or egress to any property, or turn the natural drainage of the surface
6 water to the injury of adjoining owners; but it shall be his duty to
7 use strict diligence in draining the surface water from the public road
8 in its natural channel, and to this end he may enter upon the adjoin-
9 ing lands for the purpose of removing obstructions from such natural
10 channel that impede the flow of such water.

[C. C. 2987, modified.]

Sec. 12. Liability of Superintendent.

1 When notified in writing that any township culvert or portion
2 of the township road is unsafe, the road superintendent shall be liable
3 for all damages resulting therefrom, after allowing a reasonable time
4 for repairing the same.

[C. C. 2988, modified.]

Sec. 13. Liability of Superintendent—Removal of Obstructions.

1 The road superintendent shall, on receiving written notice of the

2 unsafe condition of any bridge within his township, erected or main-
3 tained by the county, obstruct the passage thereon, and notify at least
4 one (1) member of the board of supervisors, of its condition. If he
5 fails to obstruct and notify, he shall be liable for all damages growing
6 out of the unsafe condition thereof, occurring after the time he is so
7 notified and while he neglects to obstruct such passage. Any person
8 who shall remove such obstruction shall be liable for all damages oc-
9 curring to any person resulting therefrom, but nothing herein con-
10 tained shall be construed to relieve the county from liability for the
11 defects of said bridge.

[C. C. 2988.]

Sec. 14. Township Work—Survey—Payment of Bills.

1 Before beginning any work upon the township road system, other
2 than repair work, the trustees shall make application to the board of
3 supervisors, who shall furnish them with an engineer, to be paid out
4 of the county fund, who shall survey and lay off such roads according
5 to the plans and specifications as provided for the county road system,
6 and the work shall be done in accordance therewith. No payment
7 for such work shall be made until the bills therefor shall have been
8 approved by the county engineer as provided for the approval of bills
9 for work on the county road system. The trustees may contract with
10 the board of supervisors for the construction of any work on the town-
11 ship road system, provided the county shall not make any charge for
12 the use of the county's road equipment except the actual cost of oper-
13 ating the same.

[C. C. 2978.]

Sec. 15. Highway Levies.

1 The township trustees shall, at their April meeting, make the
2 following levies:

3 1. A township road levy of not to exceed six (6) mills.

4 2. A road drag levy of not less than one (1) nor more than two
5 (2) mills.

6 3. A road drainage levy, if necessary, of not to exceed five (5)
7 mills.

[C. C. 2962, 2970, 2982.]

Sec. 16. Township Road Fund.

1 The township road fund shall be used:

2 1. For the building and repairs of township roads.

3 2. For the installation and repair of culverts.

4 3. For filling culverts, and grading approaches to bridges, con-
5 structed by the county on township roads.

6 4. For the purchase of tools, road drags and machinery.

7 5. For the elimination of dangers at railroad crossings on town-
8 ship roads in cooperation with the board of supervisors and railway
9 company.

10 6. For cutting weeds on the public highways and other public
11 places.

12 7. For any other purpose authorized by law.

[C. C. 2877, 2970, 2973.]

Sec. 17. Drag Fund.

1 The drag fund shall be used only for the purpose of dragging the
2 township roads.

[C. C. 2982.]

Sec. 18. Replenishing Drag Fund.

1 Should the drag fund become exhausted the trustees may replen-
2 ish the same from the township road fund in such amount as will best
3 maintain the township road system.

[C. C. 2877.]

Sec. 19. Drainage Fund.

1 The township road drainage fund shall be used for the payment
2 of drainage assessments against the township on account of benefits
3 to highways. Any surplus of said tax may be employed in draining
4 the township highways, but if such drainage is in cooperation with
5 those owning land in the township and the expense exceeds fifty dol-
6 lars (\$50.00) in any one (1) place, the trustees shall, before paying for
7 any part of said drainage, have, on file, a report of the county engi-
8 neer approving of said drainage and specifying the amount which
9 the township should justly pay on said drainage improvement, and
10 the trustees shall pay no greater sum.

[C. C. 2970.]

Sec. 20. Clerk to Certify Levies.

1 All said levies shall be immediately certified by the township clerk
2 to the county auditor who shall enter them on the tax books and the
3 county treasurer shall collect the entire tax at the first semiannual
4 payment of taxes.

[C. C. 2971, modified.]

Sec. 21. Taxes Paid to Clerk.

1 The county treasurer shall, on the last Monday in April and Oc-
2 tober in each year, pay to the township clerk all the road, drag, and
3 drainage taxes belonging to his township which are at such time in

4 his hands, taking the duplicate receipts of such clerk therefor, one
5 (1) of which receipts shall be forthwith delivered by the treasurer to
6 the trustees.

[C. C. 2972.]

Sec. 22. Duty of Clerk.

1 The township clerk shall have charge of and properly preserve
2 and keep in repair tools, implements and machinery belonging to the
3 township, and may determine at what time the superintendent may
4 have the use of the same or any part thereof, and he shall be respon-
5 sible for the safe keeping of the same when not in the custody of some
6 one of the superintendents.

[C. C. 2992.]

Sec. 23. Report by Township Clerk.

1 Not later than the first day of January, or at any time upon the
2 demand of the township trustees, the township clerk shall report the
3 work accomplished on the township road system in his township, in-
4 cluding number of culverts installed, location thereof and the number
5 and size of culverts on hand and not installed.

[C. C. 2996.]

Sec. 24. Trustee's Annual Report.

1 The clerk of each township shall file with the board of supervisors
2 on or before the first Monday in each year a full, itemized and veri-
3 fied account, showing each item of money received and disbursed dur-
4 ing the preceding year for road purposes. The trustees shall certify
5 to the correctness of said report. Said report shall remain on file
6 with the county auditor, and, omitting certifications and verifications
7 of township officers, a synopsis thereof showing the names of all per-

8 sons to whom money has been paid and the amount paid to each shall
9 be published in connection with the proceedings of the January ses-
10 sion of the board of supervisors. Standard blanks for said reports
11 shall be prepared by the state highway commission.

[C. C. 2997.]

Sec. 25. Report by Superintendent.

1 The superintendent of the township shall report to the township
2 clerk on the first Monday of April and November of each year, which
3 report shall embrace the following items:

4 1. The names of all persons in his district required to perform
5 labor on the public road, and the amount of money paid or work per-
6 formed by each.

7 2. The names of all persons against whom actions have been
8 brought, and the amount collected of each.

9 3. The amount of all moneys coming into his hands by virtue of
10 his office, and from what sources.

11 4. The manner in which moneys coming into his hands have been
12 expended, and the amount, if any, in his possession.

13 5. The number of days he has been employed in the discharge of
14 his duty.

15 6. The condition of the roads in his district, and such other items
16 and suggestions as he may wish to make.

[C. C. 2994.]

Sec. 26. Annual Settlements.

1 The trustees shall, at the November meeting, settle with the town-
2 ship clerk, road superintendent, and with all parties with whom con-
3 tracts have been made for work in repairing or dragging the roads.

[C. C. 2970.]

Sec. 27. Compensation of Trustees.

1 The trustees shall receive the same compensation per day for
2 time necessarily spent in looking after the roads as they do for other
3 township business.

[C. C. 2993.]

Sec. 28. Compensation of Clerk.

1 The township clerk shall receive, from the township road fund,
2 such compensation for the discharge of his duties pertaining to town-
3 ship roads, as the trustees shall fix.

[C. C. 2992.]

Sec. 29. Qualifications and Bonds.

1 The township clerk and road superintendents shall qualify by
2 taking the oath required of civil officers of the county and by giving
3 bond for the faithful performance of their duties in such sum as the
4 township trustees may order. No trustee shall be surety on any such
5 bond.

[C. C. 2974, 2979, 2991, 2992.]

Sec. 30. Neglect of Duty—Penalty.

1 A road superintendent failing to perform the duties required
2 of him by this chapter shall forfeit and pay, for the use of the road
3 fund of his district, the sum of ten dollars (\$10.00), to be collected
4 by an action by the township clerk in his name.

[C. C. 2977.]

Code Commissioners' Bill No. 124

Subject: ROAD POLL TAX

Senate File No..... Referred to Committee on
House File No.....
By Date.....

A BILL FOR

An act to amend, revise and codify chapter ten (10) of title eleven (11) of the compiled code of Iowa, relating to the road poll tax.

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

That chapter ten (10) of title eleven (11) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Poll Road Tax.

1 All able-bodied male residents of the townships between the age
2 of twenty-one (21) and forty-five (45), shall, between the first day
3 of April and October of each year, perform two (2) days' labor upon
4 the township roads, or pay the equivalent thereof in money. Such
5 equivalent shall be fixed each year by the trustees at the April meet-
6 ing. The superintendent shall cause said work to be done, or said
7 payment to be made, and shall immediately pay the money collected
8 to the township clerk for the benefit of the general township road fund.

[C. C. 2998.]

Sec. 2. Discharge of Poll Tax.

1 The road superintendent shall give each person, subject to a poll
2 road tax, at least three (3) days' notice of the day or days, and place
3 to work, the roads, and the tools, implements and teams required at

4 said time and place. Eight (8) hours' diligent labor shall constitute a
5 day. Within ten (10) days after receiving said notice, the person noti-
6 fied may pay to the superintendent the money equivalent of said labor.
7 The superintendent shall give each person a receipt for the labor per-
8 formed or money paid, which shall be prima facie evidence of the full
9 discharge by said person of his poll road tax for said year.

[C. C. 2999.]

Sec. 3. Penalty.

1 Any such person who fails to comply with said notice without
2 satisfactory excuse to be made within five (5) days after said notice
3 is given, or fails within said ten (10) days to pay any money equiva-
4 lent of said labor shall forfeit and pay to said superintendent a sum
5 equal to twice the money equivalent of said labor; and the superin-
6 tendent shall recover said amount by action in his name as superin-
7 tendent before any justice of the peace in the proper township. No
8 property or wages shall be exempt from execution for such judgment.

[C. C. 3000, modified.]

Sec. 4. Certifying Delinquent Poll Tax.

1 The township clerk shall on or before November fifteenth of each
2 year certify to the county auditor the names of all persons who have
3 failed to pay or otherwise discharge their poll road tax, together with
4 the amount then owing by such delinquent, in accordance with the
5 last preceding section; and the auditor shall add said amount to said
6 person's property tax by a proper entry on the tax books.

[C. C. 2995, modified.]

Code Commissioners' Bill No. 125

Subject: DESTRUCTION OF WEEDS

Senate File No..... Referred to Committee on
House File No.....
By Date.....

A BILL FOR

An act to amend, revise and codify chapter eleven (11) of title eleven (11) of the compiled code of Iowa, 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 is amended, revised and codified to read as follows:

Section 1. Duty to Enforce.

1 The provisions of this chapter shall be enforced by the board
2 of supervisors as to all county and primary roads and the lands ad-
3 jacent thereto; by the township trustees as to all township roads and
4 the lands adjacent thereto; and by the councils and commissioners of
5 all cities and towns, irrespective of their local form of government, as
6 to all roads and streets over which they have jurisdiction and the
7 lands adjacent to such roads and streets.

[C. C. 3001, 3003, 3004, 3006, 3009, modified.]

Sec. 2. Noxious Weeds.

1 The following weeds are hereby declared to be noxious weeds,
2 namely: quack grass (*agropyron repens*), Canada thistle (*cirsium*
3 *arvense*), cocklebur (*xanthium canadense*), wild mustard (*brassica*

4 arvensis), sour or curled dock (*rumex crispus*), smooth dock (*rumex*
5 *altissimus*), buckhorn or ribbed plantain (*plantago lanceolata*), wild
6 parsnip (*pastinaca sativa*), horse nettle (*solanum carolinense*), vel-
7 vetweed or buttonweed (*abutilon theophrasti*), burdock (*arctium*
8 *lappa*), shoofly (*hibiscus trionum*), wild carrot (*daucus carota*) and
9 Russian thistle (*Salsola Kali*, L. Var. *Tagrus*).

[C. C. 3002.]

Sec. 3. Duty to Destroy.

1 Each owner and each person in the possession or control of any
2 lands shall:

3 1. Cut, burn, or otherwise destroy all noxious weeds thereon, as
4 defined in this chapter, at such times in each year and in such man-
5 ner as shall prevent said weeds from blooming or coming to matur-
6 ity, and keep said lands free from such growth of other weeds as
7 shall render the streets or highways adjoining said lands unsafe for
8 public travel, or shall interfere in any manner with the proper con-
9 struction or repair of said streets or highways.

10 2. Cause all weeds on the streets or highways adjoining said
11 lands to be cut, near the surface of the ground, between July first and
12 August first of each year, or sooner if necessary to prevent the ma-
13 turity of said weeds. Nothing herein shall prevent the land owner
14 from harvesting, in proper season, the grass grown on the road
15 along his land.

[C. C. 3001.]

Sec. 4. Extent of Duty.

1 The duty of one who owns, controls, or occupies land to destroy
2 weeds within a public highway shall only extend to the line in the

3 highway to which the abutting land would extend in case no highway
4 existed.

[New.]

Sec. 5. Order for Destruction.

1 When an owner, or person in possession or control, of lands, fails
2 to destroy such weeds, or whenever it appears that there is danger
3 that such weeds will mature, the township trustees of the township
4 in which such land lies or to which such land may be adjacent and
5 within the same county, or the council or commissioners, if the land
6 lies within the limits of a city or town, or the board of supervisors
7 in case a county or primary road is involved and the lands about there-
8 on and in the same county, shall, by proper order, fix the reasonable
9 time and manner in which such weeds shall be destroyed.

[C. C. 3003, 3004.]

Sec. 6. Notice.

1 Notice in writing of the said order shall be personally served on
2 the owner of the land upon which the said weeds exist if service of
3 such notice can be made within the township in which such land is
4 situated, and if it can not be so served, then said service shall be made
5 by mailing said notice by registered mail to the owner at his last
6 known address, and also by giving a copy of the notice to the person,
7 company, or corporation in the apparent control or occupancy of the
8 said land. It shall be the duty of the one in control or occupancy of
9 the land to mail said notice to the owner.

[C. C. 3003, 3004.]

Sec. 7. Destruction.

1 The trustees, council, commissioners, or board of supervisors,

2 as the case may be, shall forthwith, in case of a substantial failure
3 to comply with said order, cause said weeds to be destroyed. The
4 expense of such destruction, including costs of serving said notice and
5 the costs, if any, of any special meetings, shall be paid from the town-
6 ship road fund, or from the town or city general fund, or from the
7 county road fund, as the case may be, or if said funds be insufficient,
8 the money may be borrowed by the issuance of warrants on said funds.

[C. C. 3003, 3004.]

Sec. 8. Assessments of Costs.

1 The trustees, council, commissioners, or board of supervisors
2 shall assess all of said costs against the said land and the owner there-
3 of by a special tax which shall be certified to the county treasurer
4 by the clerk of the governing body, placed upon the tax books and col-
5 lected, together with interest and penalty after due, in the same man-
6 ner as other unpaid taxes. When collected, said funds shall be paid
7 into the fund upon which said warrants were drawn.

[C. C. 3003.]

Sec. 9. Notice of Assessment.

1 Before making said assessment, ten (10) days' notice shall be
2 given such owner of the time and place of meeting of the trustees,
3 council, commissioners, or board of supervisors, which notice shall
4 also contain a statement of the work done and the expense thereof
5 with costs, and shall be given in the same manner as originally given
6 to owners as hereinbefore provided. At said time and place such
7 owner may appear with the same rights given by law before boards
8 of review upon increase in assessments.

[C. C. 3003.]

Sec. 10. Weed Commissioner.

1 The board of supervisors, the township trustees, and the council
2 or commissioners of any city or town may, annually, each appoint,
3 for its particular territory, a weed commissioner. Each commissioner
4 shall serve from April first to November first, unless sooner discharged
5 by the body which appoints him, and at such compensation as such
6 body may fix. A commissioner so appointed shall have the same
7 powers and be charged with the same duties as are hereinbefore im-
8 posed on the particular board appointing him.

[New.]

Sec. 11. Penalty.

1 Any officer referred to in this chapter who neglects or fails to
2 perform the duties incumbent upon him under the provisions of this
3 chapter shall be punished by a fine not exceeding one hundred dollars
4 (\$100.00).

[C. C. 3008.]

Code Commissioners' Bill No. 126

Subject: REMOVAL OF OBSTRUCTIONS FROM HIGHWAYS

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

An act to amend, revise and codify chapter thirteen (13) of title eleven (11) of the compiled code of Iowa, relating to the removal of obstructions from public highways.

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 is amended, revised and codified to read as follows:

Section 1. Removal.

- 1 The board of supervisors and township trustees shall cause all
- 2 obstructions in highways under their jurisdiction, to be removed.

[C. C. 3014, 3015.]

Sec. 2. Fences and Electric Transmission Poles.

- 1 Fences and poles used for telephone, telegraph or other trans-
- 2 mission purposes shall not be removed until notice, in writing, of not
- 3 less than ten (10) days, has been given to the owner, occupant, or
- 4 agent, of the land inclosed in part by said fence, or to the owner or
- 5 company operating such lines.

[C. C. 3014, 3015.]

Sec. 3. Notice.

- 1 Said notice shall with reasonable certainty, specify the line to

2 which such fences or poles shall be removed, and shall be served in
3 the same manner that original notices are required to be served.

[C. C. 3015.]

Sec. 4. Refusal to Remove.

1 All such fences and poles shall, within the time named, be re-
2 moved to such line on the highway as the highway engineer may desig-
3 nate. If not so removed the public authorities may forthwith remove
4 them.

[C. C. 3015.]

Sec. 5. New Lines.

1 New lines, or part of lines hereafter constructed, shall be located
2 by the highway engineer upon written application filed with the county
3 auditor. Such application shall describe the highways upon which
4 such lines, or parts of lines, are to be constructed. The applicant
5 shall pay all expense attending the location of such lines.

[C. C. 3015.]

Sec. 6. Cost of Removal—Liability.

1 Any removal made in compliance with the foregoing sections shall
2 be at the expense of the owners of said fences or poles. All removals
3 shall be without liability on the part of any officer ordering or effecting
4 such removal.

[C. C. 3015.]

Sec. 7. Duty of Road Officers.

1 It shall be the duty of all officers responsible for the care of public
2 highways, outside cities and towns, to remove, from the traveled por-
3 tion of the highways within their several jurisdictions, all open ditches,

4 water breaks, and like obstructions, and to employ labor for this pur-
5 pose in the same manner as for the repair of highways.

[C. C. 3016-3020.]

Sec. 8. **Nuisance.**

1 Any person, partnership or corporation who makes, or causes to
2 be made, any obstruction mentioned in the preceding section, in such
3 traveled way, and any officer responsible for the care of such highway
4 who knowingly fails to remove said obstructions, shall be deemed to
5 have created a public nuisance and be punished accordingly.

[C. C. 3016-3020, modified.]

Code Commissioners' Bill No. 127

Subject: ROAD IMPROVEMENT ASSOCIATIONS

Senate File No.	.....	Referred to Committee on
House File No.	..	.....
By	.....	Date

A BILL FOR

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.

1 Boards of supervisors and township trustees may receive dona-
2 tions of money, labor or materials for improvements on any of the
3 roads, or parts thereof, which are under their jurisdiction. Such do-
4 nations, when made for the improvement of any specified road, or
5 specified part thereof, must be used for that purpose and the work
6 shall be done under the supervision of the highway engineer and in
7 the same manner as other county or township work is done. When
8 such work is done under donations for some specified improvement
9 and is fully completed, the engineer shall file, with the county auditor,
10 a full and verified report of all work done. If said work was done
11 under the jurisdiction of the township trustees, the engineer shall file
12 a duplicate of his report with the township clerk.

[C. C. 3021, 3024, modified.]

Code Commissioners' Bill No. 128

Subject: PRIVATE USE OF HIGHWAYS

Senate File No. _____ Referred to Committee on _____
 House File No. _____
 By _____ Date _____

A BILL FOR

An act to amend, revise and codify sections three thousand thirty-five (3035) to three thousand forty (3040), inclusive, and sections three thousand forty-two (3042) to three thousand forty-four (3044), inclusive, 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 forty (3040), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Water and Gas Mains, Telegraphs and Telephones, and Cattleways.

1 Boards of supervisors, on written application designating the
 2 particular highway and part thereof, the use of which is desired, may
 3 grant permission:

4 1. To lay gas and water mains in highways outside cities and
 5 towns.

6 2. To erect and maintain along and over such highways, tele-
 7 graph and telephone lines.

8 3. To construct and maintain cattleways, over or under such

9 highways, provided they do not obstruct watering at any running
10 stream.

[C. C. 3035, 3037, 3038, 3040, modified.]

Sec. 2. **Term of Grant.**

1 Such grants shall be on such reasonable conditions as the board
2 may exact, and on such as the general assembly may hereafter pre-
3 scribe. Should the road in question be a county or primary road such
4 grant shall be subject to the approval of the state highway commis-
5 sion. Grants to lay gas or water mains, or to erect telegraph or tele-
6 phone lines, shall not exceed twenty (20) years.

[C. C. 3038.]

Sec. 3. **Conditions—Damages.**

1 Such mains, pipes, lines, and cattleways shall be so erected and
2 maintained as not to interfere with public travel or with the future
3 improvement of the highway, and the location of the same shall be
4 changed, on reasonable notice, when such change shall be necessary
5 in the improvement of the highway. The owner of such mains, pipes,
6 lines, wires and cattleways shall be responsible for all damages aris-
7 ing from the laying, maintenance or erection of the same or from the
8 same not being kept in a proper state of repair.

[C. C. 3037, 3038.]

Sec. 4. **Guard Nets.**

1 Where telegraph or telephone wires are carried across or under
2 wires used for other service, properly constructed and insulated guard
3 nets, or other equally efficient devices, shall be so maintained by
4 grantee as will prevent contact with such other service lines.

[C. C. 3038.]

Sec. 5. Failure to Maintain.

1 Failure of the grantee to comply with the terms of the grant shall
3 be ground for forfeiture of the grant.

[C. C. 3039.]

Sec. 6. Penalty.

1 Failure to comply with any of the conditions of said grant,
2 whether made such by statute or by agreement, or the laying of any
3 such mains, the erecting of any such poles, lines, or wires, or the con-
4 structing of any such cattleways, without having secured the grant
5 of permission as provided by law shall be punished by a fine of not
6 less than one hundred dollars (\$100.00) nor more than one thousand
7 dollars (\$1,000.00). It shall be the duty of the board of supervisors
8 and the county attorney to enforce the provisions of this section and
9 the laws relating thereto.

[C. C. 3036, 3039.]

That sections three thousand forty-two (3042) to three thousand forty-
four (3044), inclusive, of the compiled code of Iowa are amended, revised
and codified to read as follows:

Sec. 7. Operation of Traction Engine on Highway.

1 He who operates a traction engine upon the public highway must,
2 while so operating, observe the following requirements:

3 1. The whistle must not be blown.

4 2. Reasonable care must be exercised to avoid accidents from
5 fright on the part of any domestic animal.

6 3. Upon request, or signal by raising the hand, by the person in
7 charge of a restive horse or other domestic animal, the engine must
8 be brought to an immediate stop, and, if traveling in the opposite

9 direction, remain stationary so long as may be reasonable to allow
10 such animal to pass, and, if traveling in the same direction, the oper-
11 ator must exercise reasonable care while such animal is passing.

12 4. The operator and all other persons employed by the owner of
13 the engine must, in so passing, render necessary assistance to the
14 party having such animal in charge.

15 5. No traction engine having mud lugs or ice spurs attached to
16 its wheels shall be moved over any bridge, culvert, or street crossing.

[C. C. 3042, 3043.]

Sec. 8. Penalty.

1 A violation of any of the provisions of the last preceding section
2 shall be punished by a fine not exceeding one hundred dollars (\$100.00)
3 or by imprisonment not exceeding thirty (30) days.

[C. C. 3044.]

Code Commissioners' Bill No. 129

Subject: BOARDS OF SUPERVISORS

Senate File No. Referred to Committee on

House File No.

By . Date

A BILL FOR

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.

1 The board of supervisors in each county shall consist of three
 2 (3) persons, except where the number has been or may hereafter be
 3 increased in the manner provided by this chapter. They shall be
 4 qualified electors, and be elected by the qualified voters of their re-
 5 spective counties, and shall hold their office for three (3) years.

[C. C. 3115.]

Sec. 2. Number Increased by Vote.

1 When petitioned to do so by one-fourth ($\frac{1}{4}$) of the qualified elec-
 2 tors of said county, the board of supervisors shall submit to the quali-
 3 fied electors of the county, at any regular election, one (1) of the
 4 following propositions as may be requested in said petition, or the
 5 board may, on its own motion, submit either of said propositions:

6 1. Shall the proposition to increase the number of supervisors to
7 five (5) be adopted?

8 2. Shall the proposition to increase the number of supervisors
9 to seven (7) be adopted?

10 If the majority of the votes cast shall be for the proposition so
11 submitted, then at the next ensuing election for a supervisor, the
12 requisite additional supervisors shall be elected, whose terms of office
13 shall be determined by lot, in such a manner that one-half ($\frac{1}{2}$) of
14 the additional members shall hold their office for three (3) years and
15 one-half ($\frac{1}{2}$) for two (2) years.

[C. C. 3115.]

Sec. 3. Number Reduced by Vote.

1 In any county where the number of supervisors has been in-
2 creased to five (5) or seven (7), the board of supervisors, on the pe-
3 tition of one-fourth ($\frac{1}{4}$) of the qualified electors of the county, shall
4 submit to the qualified voters of the county, at any regular election,
5 one (1) of the following propositions, as the same may be requested
6 in such petition:

7 1. Shall the proposition to reduce the number of supervisors to
8 five (5) be adopted?

9 2. Shall the proposition to reduce the number of supervisors to
10 three (3) be adopted?

11 If a majority of the votes cast shall be for the decrease, then the
12 number of supervisors shall be reduced to the number indicated by
13 such vote.

[C. C. 3115.]

Sec. 4. When Reduction Takes Effect.

1 If the proposition to reduce the number of members of the board
2 carries, the board shall consist of the same number of members as
3 at the time the proposition to reduce was submitted, until the second
4 secular day in January following the next general election, at which
5 time the terms of all members of the board shall expire.

[C. C. 3115.]

Sec. 5. Election of New Members.

1 At the next general election following the one at which the propo-
2 sition to reduce the number of members of the board was carried
3 there shall be elected the number of members required by such propo-
4 sition, and where such proposition reduces the board to five (5) mem-
5 bers, two (2) persons shall be elected as members of the board for
6 two (2) years; and three (3) for three (3) years; and in counties
7 where the proposition reduces the board to three (3) members, one
8 (1) person shall be elected as member of the board for two (2) years,
9 and two (2) for three (3) years.

[C. C. 3115.]

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.

1 Special sessions of the board of supervisors shall be held only
2 when requested by the chairman or a majority of the board, which
3 request shall be in writing addressed to the county auditor, shall
4 the date of meeting and shall specify the objects thereof, which
5 include the doing of any act not required by law to be done at a reg-
6 ular meeting.

[C. C. 3124, modified.]

Sec. 7. Auditor to Give Notice.

1 The auditor shall immediately give notice in writing or by tele-
2 phone to each of the supervisors personally, or by leaving notice
3 thereof at his residence, at least two (2) days before the date set
4 for such meeting, stating the time and place where the meeting will
5 be held and the objects thereof as stated in the written request. No
6 business shall be transacted at such session, except that stated in the
7 request and notice.

[C. C. 3124, modified.]

That section thirty-one hundred twenty-seven (3127) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 8. Compensation of Supervisors.

1 The members of the board of supervisors shall each receive five
2 dollars (\$5.00) per day for each day actually in session, and five dol-
3 lars (\$5.00) per day exclusive of mileage when not in session but
4 employed on committee service, and ten cents (10c) for every mile
5 traveled in going to and from the regular, special and adjourned
6 sessions thereof and in going to and from the place of performing
7 committee service. But in counties having a population of ten thou-
8 sand (10,000) or less they shall not receive compensation for session
9 service of more than thirty (30) days in the year; in counties having
10 a population of more than ten thousand (10,000) and less than twenty-
11 three thousand (23,000), for not more than forty-five (45) days of
12 such service in a year; in counties having a population of twenty-
13 three thousand (23,000) and not over forty thousand (40,000), for
14 not over fifty-five (55) days of such service in a year; in counties
15 having a population of forty thousand (40,000) and not over sixty

16 thousand (60,000), for not more than sixty-five (65) days of such
17 service in a year; in counties having a population of sixty thousand
18 (60,000) and not over eighty thousand (80,000), for not more than
19 seventy-five (75) days of such service in a year; in counties having
20 a population of eighty thousand (80,000) and not over ninety thou-
21 sand (90,000), for not more than ninety (90) days of such service
22 in a year; in counties having a population of over ninety thousand
23 (90,000), for not more than one hundred (100) days of such service
24 in a year.

[C. C. 3127.]

Sec. 9. Time Spent With Drainage Matters—How Paid.

1 The time spent by the board of supervisors as a ditch or drainage
2 board and in considering drainage matters as a single board or jointly
3 with one (1) or more other boards, shall not be counted in computing
4 the number of days which any board has been in session, but the mem-
5 bers of the board shall be entitled to compensation at the same rate
6 for the time spent in ditch and drainage matters, except the drainage
7 of highways, in addition to the compensation allowed as hereinbefore
8 set forth, but in no case shall said board be allowed more than fifty
9 (50) days' additional time in any year for time spent in drainage
10 matters. If on the same day, the board considers matters involving
11 two (2) or more drainage districts, their per diem shall be equitably
12 apportioned by them among such districts. If on the same day the
13 board acts both as a county board and also for the purpose of con-
14 sidering drainage matters, the board shall be paid for one (1) day
15 only, and from the general fund or drainage fund as the board may

16 order.

[C. C. 3127, modified.]

That section seven hundred thirteen (713) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 10. Unliquidated Claims—How Presented.

1 All unliquidated claims against counties and all claims for fees
2 or compensation, except salaries fixed by statute, shall be so itemized
3 as to clearly show the basis of any such claim and whether for prop-
4 erty sold or furnished the county, or for services rendered it, or upon
5 some other account, and shall be duly verified by the affidavit of the
6 claimant, filed with the county auditor for presentation to the board
7 of supervisors; and no action shall be brought against any county
8 upon any such claim until the same has been so filed and payment
9 thereof refused or neglected.

[C. C. 713, 7173.]

[Note: Insert last section of this bill in permanent code following
C. C. 3126.]

Code Commissioners' Bill No. 130

Subject: POWERS AND DUTIES OF SUPERVISORS

Senate File No. _____ Referred to Committee on _____
 House File No. _____
 By .. _____ Date _____

A BILL FOR

An act to amend, revise and codify sections thirty-one hundred thirty (3130), thirty-one hundred thirty-one (3131), thirty-one hundred thirty-six (3136) and thirty-one hundred thirty-eight (3138) to thirty-one hundred forty-three (3143), inclusive, of the compiled code of Iowa, 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 (3130) and thirty-one hundred thirty-one (3131) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. General Powers of Board of Supervisors.

- 1 The board of supervisors at any regular meeting shall have
- 2 power:
- 3 1. To appoint one (1) of its number chairman in the absence of
- 4 the regular chairman, and a clerk in the absence of the auditor and
- 5 his deputy.
- 6 2. To make such rules not inconsistent with law, as it may deem
- 7 necessary for its own government, the transaction of business, and
- 8 the preservation of order.
- 9 3. To adjourn from time to time, as occasion may require.
- 10 4. To make such orders concerning the corporate property of the
- 11 county as it may deem expedient, and not inconsistent with law.

12 5. To examine and settle all accounts of the receipts and ex-
13 penditures of the county, and to examine, settle, and allow all claims
14 against the county, unless otherwise provided by law.

15 6. To represent its county and have the care and management
16 of the property and business thereof, in all cases where no other pro-
17 vision is made.

18 7. To manage and control the school fund of its county, as pro-
19 vided by law.

20 8. To require any county officer to make a report to it, under
21 oath, on any subject connected with the duties of his office, and to
22 give such bonds as shall be necessary for the faithful performance
23 of his duties.

24 9. To remove from office by a majority vote any officer who shall
25 refuse or neglect to make any report or give any bond mentioned in
26 the preceding subsection, within twenty (20) days after being re-
27 quired so to do.

28 10. To fix the compensation for all services of county and town-
29 ship officers not otherwise provided by law, and to provide for the
30 payment of the same.

31 11. To cause the county buildings to be insured in the name of
32 the county, or otherwise, for its benefit, and in case there are no county
33 buildings, to provide suitable rooms for county purposes.

34 12. To appoint a competent person as county surveyor.

35 13. To purchase, for the use of the county, any real estate neces-
36 sary for county purposes; to change the site of, or designate a new
37 site for any building required to be at the county seat, when such site
38 shall not be beyond the limits of the city or town at which the county

39 seat is located at the time of such change; and to change the site of
40 and designate a new site for the erection of any building for the care
41 and support of the poor.

42 14. When any real estate, buildings, or other property are no
43 longer needed for the purposes for which the same were acquired, by
44 the county, to sell the same at a fair valuation.

45 15. To make appropriations not exceeding three hundred dollars
46 (\$300.00) in any one (1) year for the growing, under the direction
47 of the board, of experimental crops on lands owned by the county.

48 16. To build, equip, and keep in repair the necessary buildings
49 for the use of the county and of the courts.

50 17. To permit any person to use any portion of the lands owned
51 by the county for ornamental purposes, or for the erection of any
52 monument or fountain under such restrictions as the board may from
53 time to time enact, when such use will not interfere with the use for
54 which such real estate was originally acquired by the county.

[C. C. 3130, modified.]

Sec. 2. Erection of Buildings—Contract.

1 No building shall be erected or repaired when the probable cost
2 thereof will exceed two thousand dollars (\$2,000.00) except under
3 an express written contract and upon proposals therefor, invited by
4 advertisement for four (4) weeks in all the official newspapers of
5 the county in which the work is to be done.

[C. C. 3130.]

Sec. 3. Office Quarters to Be Furnished.

1 The board of supervisors shall furnish the clerk of the district
2 court, sheriff, recorder, treasurer, auditor, county attorney, county

3 superintendent and county surveyor or engineer with offices at the
4 county seat, but in no case shall any such officer, except the county
5 attorney, be permitted to occupy an office also occupied by a prac-
6 ticing attorney.

[C. C. 3131.]

Sec. 4. Office Supplies.

1 The board of supervisors shall also furnish each of said officers
2 with fuel, lights, blanks, books and stationery necessary and proper
3 to enable them to discharge the duties of their respective offices, but
4 nothing herein shall be construed to require said board to furnish
5 any county attorney with law books or library.

[C. C. 3131.]

That section thirty-one hundred thirty-six (3136) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 5. Pool and Billiard Tables License—Fee.

1 It shall be unlawful for any person to keep or operate for hire
2 any pool or billiard table or bowling alley outside the limits of cities
3 and towns, without procuring a license therefor from the county au-
4 ditor on resolution of the board of supervisors directing the issuance
5 of such license. Said auditor shall collect from each applicant a li-
6 cense fee to be fixed by the resolution of said board in a sum not ex-
7 ceeding five dollars (\$5.00) per month for each pool or billiard table
8 or bowling alley.

[C. C. 3136.]

That sections thirty-one hundred thirty-eight (3138) to thirty-one hundred forty-three (3143), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

Sec. 6. County Auditor to Prepare Assessor's Book.

1 Each county auditor shall provide suitable columns, properly
2 headed, in the assessor's book to carry out the provisions of this chap-
3 ter, relating to tax on dogs.

[C. C. 3140.]

Sec. 7. Dogs to Be Assessed—Who Deemed Owner.

1 Each assessor at the time of listing the property of his district,
2 shall list each dog over three (3) months of age in the name of the
3 owner thereof, without affixing any value thereto. Any person keep-
4 ing or harboring a dog shall be deemed the owner thereof within the
5 meaning of this section.

[C. C. 3139.]

Sec. 8. Supervisors to Tax Dogs.

1 The board of supervisors of each county shall at its September
2 session each year, when levying other taxes, levy a tax of one dollar
3 (\$1.00) on each male and spayed female and three dollars (\$3.00)
4 on each female dog listed by the assessor, which shall constitute a
5 special fund to be disposed of as hereinafter provided.

[C. C. 3138.]

Sec. 9. Domestic Animal Fund.

1 The treasurer of each county, when collecting other taxes, shall
2 collect the tax on dogs as other taxes are collected and keep the same
3 as a separate fund to be known as the domestic animal fund.

[C. C. 3141.]

Sec. 10. Injuries to Domestic Animals—Claims for Damages.

1 Any person damaged by the killing or the injury of any domestic
2 animal or fowl by dogs or wolves, may present to the board of super-

3 visors of the county in which the same occurred, a detailed statement
4 and account of such killing or injury, stating the amount of damage
5 claimed therefor, verified by the affidavit of two (2) of more disin-
6 terested persons not related to the claimant and filed with the county
7 auditor not later than ten (10) days from the time such killing or
8 injury occurred or was known to the owner or his agent.

[C. C. 3142.]

Sec. 11. Hearing—Allowance of Claim—Payment.

1 The board shall hear and determine said claim at the first regular
2 session after the filing thereof and shall allow the same or such por-
3 tion thereof as it may deem just, and shall find and enter of record
4 the value of each animal killed or the amount of damage done thereto,
5 and authorize the auditor to issue a warrant for the amount thus
6 found, to be paid by the county treasurer from the domestic animal
7 fund. No claim shall be allowed where it is shown that the injury
8 and damage complained of was caused by a dog owned or controlled
9 by the claimant. If disallowed it shall so enter it upon its record.

[C. C. 3142.]

Sec. 12. Report and Payment of Warrants.

1 The county auditor shall, on the first day of January of each
2 year, furnish an itemized statement to the county treasurer of all
3 warrants that have been issued for the twelve (12) months preceding
4 such date as provided in this chapter, and the treasurer shall on or
5 before the tenth day of said month pay said warrants issued by the
6 auditor, out of the domestic animal fund; but if such fund is then
7 insufficient to pay said warrants in full he shall pay on each pro rata.

[C. C. 3143.]

Sec. 13. Balance Transferred to General County Fund.

1 When the balance in the domestic animal fund, after paying the
2 warrants issued thereon, as hereinbefore provided, exceeds the sum
3 of five hundred dollars (\$500.00), the board of supervisors may trans-
4 fer the excess to the general county fund.

[C. C. 3143.]

Code Commissioners' Bill No. 131

Subject: COUNTY AUDITOR

Senate File No.

Referred to Committee on

House File No.

By

Date

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A BILL FOR

An act to amend, revise and codify sections thirty-one hundred forty-six (3146), thirty-one hundred forty-seven (3147) and thirty-one hundred fifty-eight (3158) of the compiled code of Iowa, relating to the county auditor.

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

That sections thirty-one hundred forty-six (3146), thirty-one hundred forty-seven (3147) and thirty-one hundred fifty-eight (3158) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Financial Report to Contain Certain Schedules.

1 The county auditor shall during the month of January of each
2 year, compile and prepare a financial report, which shall contain
3 schedules showing:
4 1. The amount of the various classes of warrants drawn on the
5 county fund, except for court expenses, during the preceding year,
6 including therein, among other items, the total amount paid each
7 county officer, also their deputies and extra help, also other employees
8 of the county, and amounts paid for rent and various other expenses,
9 including printing and stationery, furniture and fixtures, publishing
10 proceedings of the board of supervisors, postage allowed each county

11 official, complete election expenses, including printing of ballots, ex-
12 penses of registration and items of like nature.

13 2. The amount of warrants drawn on the county fund for various
14 court expenses, which shall include among other items the salary paid
15 the county attorney and the amounts received by him as commission
16 on fines and from other sources, and the amount paid to assistant
17 counsel.

18 3. The amount paid jurors, witnesses and bailiffs, respectively,
19 in district court, amount paid for shorthand reporting, amount paid
20 for printing and stationery, amount paid for attorney fees for de-
21 fending criminals, amount paid for meals for jurors, and items of
22 like nature.

23 4. The expenses of the grand jury, stating amounts paid grand
24 jurors, bailiffs, witnesses, and items of like nature.

25 5. The expenses of the coroner's court, stating amount paid cor-
26 oner, coroner's clerk, constable fees, witness fees and items of like
27 nature.

28 6. The expenses of justice courts, stating amounts paid various
29 justices, constables, total amount paid witnesses, jurors, attorney fees,
30 for printing and items of like nature.

31 7. The amount drawn by each member of the board of super-
32 visors from the several funds of the county for services during the
33 preceding year.

34 8. A recapitulation of the total amount of warrants drawn on
35 the county fund with a comparison with the amount of warrants
36 drawn on the county fund each year for the last five (5) years.

37 9. The various classes of warrants drawn on the poor fund for

38 the preceding year, with a comparison with the total amount of war-
39 rants drawn on such fund each year for the last five (5) years.

40 10. The amount of warrants drawn on the fund for the sup-
41 port of the insane for the preceding year, including the amounts
42 received by each commissioner as fees and expenses, fees of witnesses,
43 sheriff's fees and expenses, the cost of transportation and items of
44 like nature.

45 11. The total cost of maintenance of insane at county asylum,
46 with number confined therein, and total paid the various state hos-
47 pitals for the insane, with the number of patients from the county
48 confined in such hospitals.

49 12. The amount paid the various state institutions during the
50 preceding year.

51 13. The amounts paid the sheriff for boarding prisoners during
52 the preceding year, together with the amount paid the sheriff as jail
53 expenses, with a comparison with the amounts paid for boarding pris-
54 oners and for jail expenses each year during the last five (5) years.

55 14. The amounts paid for the condemning of intoxicating liquors
56 during the preceding year, also cost of convictions, both in justice
57 courts and in the district court, for the violation of the laws relating
58 to the sale of intoxicating liquors, together with the amount of fines
59 collected for such violation and the amounts received as mulct tax,
60 if any.

61 15. The amount of warrants drawn on the county road fund and
62 each of the various other funds of the county.

[C. C. 3158.]

Sec. 2. Financial Report—To Contain Other Matters.

1 Said financial report shall also contain the following:

2 1. The report of the county auditor as required by law to be
3 made to the superintendent of public instruction, relating to school
4 funds and property.

5 2. The various reports of magistrates and other officers as re-
6 quired by law, covering forfeited bonds in criminal cases.

7 3. The various reports made during the preceding year, by the
8 county treasurer, auditor, recorder, sheriff, clerk of the district court
9 and the soldiers' relief commission, as required by law.

10 4. The reports of the various committees that may be appointed
11 by the board of supervisors to examine the affairs and accounts of
12 the various county officials and employees.

13 5. Such other and further matters and information as the board
14 of supervisors may direct or the auditor may deem advisable.

[C. C. 3158.]

Sec. 4. Assistants When no Deputy.

1 In case no deputy shall be appointed, but on account of the pres-
2 sure of business in his office the auditor is compelled temporarily to
3 employ assistants, he shall file the bill for such services with the board
4 of supervisors at their next regular meeting and it shall make a rea-
5 sonable allowance therefor.

[C. C. 3164.]

[Note: See C. B. No. 137 where Section 3164 is codified.]

Code Commissioners' Bill No. 132

Subject: COUNTY TREASURER

Senate File No. Referred to Committee on

House File No.

By Date

A BILL FOR

An act to amend, revise and codify sections thirty-one hundred seventy-three (3173) and thirty-one hundred seventy-four (3174) of the compiled code of Iowa, relating to the county treasurer.

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

That sections thirty-one hundred seventy-three (3173) and thirty-one hundred seventy-four (3174) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Separate Account of Each Fund.

1 The treasurer shall, for each term of his office, keep a separate
2 account of the several taxes for state, county, school, highway or other
3 purposes, and of all other funds created by law, whether regular,
4 temporary or special, and no moneys in any such fund shall be paid
5 out or used for any other purpose, except as specially authorized by
6 law. The treasurer shall charge himself with the amount of the tax
7 or other fund and credit himself with the amounts disbursed on each
8 and with the amount of delinquent taxes, when authorized to do so.

[C. C. 3173, 3174.]

Code Commissioners' Bill No. 133

Subject: COUNTY RECORDER

Senate File No. Referred to Committee on
House File No..
By Date

A BILL FOR

An act to amend, revise and codify section thirty-one hundred eighty (3180) and section thirty-one hundred eighty-seven (3187) of the compiled code of Iowa, relating to county recorders.

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

That section thirty-one hundred eighty (3180) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Who Eligible.

- 1 No person shall be disqualified on account of sex from holding
- 2 the office of county recorder.

[C. C. 3180.]

That section thirty-one hundred eighty-seven (3187) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 2. Fees Reported—Annual Settlement.

- 1 The recorder shall report under oath quarterly to the board of
- 2 supervisors, on blanks to be furnished by the county auditor, all fees
- 3 collected by him, and shall also certify under oath that he has collected
- 4 all fees provided by law for the recording of instruments recorded
- 5 by him, and shall pay into the county treasury quarterly all such fees

6 received by him, and shall make annual settlement with the board of
7 supervisors on the first Monday of each year.

[C. C. 3187, modified.]

[Note: See C. B. 137 compensation of county officers.]

Code Commissioners' Bill No. 134

Subject: COUNTY ATTORNEY

Senate File No. _____ Referred to Committee on _____
 House File No. _____
 By _____ Date _____

A BILL FOR

An act to amend, revise and codify sections thirty-one hundred eighty-nine (3189) to thirty-one hundred ninety-three (3193), inclusive, 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) to thirty-one hundred ninety-three (3193), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

CHAPTER 6.

COUNTY ATTORNEY

Section 1. Qualifications of County Attorney.

1 County attorneys shall be qualified electors of their respective
 2 counties, duly admitted to practice as attorneys and counselors in the
 3 courts of this state as provided by law. No person shall be qualified
 4 for such office while his license to practice remains revoked or sus-
 5 pended.

[C. C. 3189.]

Sec. 2. Duties of County Attorney.

1 It shall be the duty of the county attorney:
 2 1. To diligently enforce or cause to be enforced in his county, all

3 of the laws of the state, actions for a violation of which may be com-
4 menced or prosecuted in the name of the state of Iowa, or by him as
5 county attorney, except as otherwise specially provided.

6 2. To appear for the state and county in all cases and proceedings
7 in the courts of his county to which the state or county is a party,
8 except cases brought on change of venue from another county, and
9 to appear in the supreme court in all cases in which the county is a
10 party, and also in all cases transferred on change of venue to another
11 county, in which his county or the state is a party.

12 3. To appear and prosecute all preliminary hearings before jus-
13 tices of the peace upon charges triable upon indictment.

14 4. To appear and prosecute misdemeanors before justices of the
15 peace whenever he is not otherwise engaged in the performance of
16 official duties.

17 5. To enforce all forfeited bonds and recognizances, and to prose-
18 cute all proceedings necessary for the recovery of debts, revenues,
19 moneys, fines, penalties and forfeitures accruing to the state or his
20 county, or to any school district or road district in his county; also to
21 prosecute all suits in his county against public service corporations,
22 which are brought in the name of the state of Iowa.

23 6. To commence and prosecute all actions and proceedings
24 brought by any county officer in his official capacity.

25 7. To give advice or his opinion in writing, without compensa-
26 tion, to the board of supervisors and other county officers and to
27 school and township officers when requested so to do by such board
28 or officer, upon all matters in which the state or county is interested,
29 or relating to the duty of the board or officer in which the state or

30 county may have an interest; but he shall not appear before the board
31 of supervisors upon any hearing in which the state or county is not
32 interested.

33 8. To attend the grand jury whenever necessary for the purpose
34 of examining witnesses before it, or of giving it legal advice, or to
35 procure subpoenas or other process for witnesses, to prepare all in-
36 formations and bills of indictment.

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

40 10. To make reports relating to the duties and the administra-
41 tion of his office to the governor or the attorney general whenever
42 called upon by the governor or the attorney general so to do.

43 11. To examine all abstracts of title submitted to the county aud-
44 itor in connection with applications for school fund loans and render
45 to said auditor a written opinion as to the sufficiency of the title to
46 the real estate covered thereby.

47 12. To perform other duties enjoined upon him by law.

[C. C. 3190, modified.]

Sec. 3. Application for Examination of Witnesses.

1 The county attorney, in aid of an investigation of any infraction
2 of the law within his county, may make application to the district
3 court or to any judge thereof, in any county, for an order for the
4 examination under oath of named witnesses residing in said county.

5 The application shall show:

6 1. Reasonable grounds for believing that an infraction of the
7 law has been committed.

8 2. The name and residence of the person whose examination is
9 sought.

10 3. Reasonable grounds for believing that such person is a ma-
11 terial witness.

[New.]

Sec. 4. Order—Commissioner.

1 On an inspection of the application, the court or judge may enter
2 an order for the examination of the witnesses in question, or any
3 of them, fix the time and place thereof, and appoint a shorthand re-
4 porter to report the same. The court or judge may appoint an attor-
5 ney as a commissioner before whom such testimony may be taken.
6 Such commissioner shall have power to administer all oaths required.

[New.]

Sec. 5. Subpoena—Fees.

1 On the making of such order the clerk of the district court shall
2 at once issue the necessary subpoenas which shall be served as in
3 other cases.

[New.]

Sec. 6. Appearance—Counsel.

1 On the appearance of such witness he shall be advised that he is
2 entitled to counsel, and, on request, be given a reasonable time in
3 which to procure counsel.

[New.]

Sec. 7. Refusal to Appear—Contempt.

1 Any person, duly subpoenaed under the aforesaid order, who
2 wilfully fails to appear, or appears and wilfully refuses to be sworn,
3 or answer questions, shall be dealt with as for contempt in the same

4 manner as witnesses are dealt with in courts of record. Should such
5 contempt occur when the hearing is in charge of a commissioner, such
6 commissioner shall at once report the same to the court or judge issu-
7 ing the order and such court or judge shall proceed therewith as
8 though such court or judge was conducting the hearing.

[New.]

Sec. 8. Change of Place of Hearing.

1 The place of hearing may at any time be changed by the court,
2 judge or commissioner if such change will expedite the hearing.

[New.]

Sec. 9. Hearing.

1 The court, judge or commissioner may exclude from the hearing
2 all persons except the county attorney and his assistants, the witness
3 and his counsel, and the reporter.

[New.]

Sec. 10. Criminating Questions.

1 A witness may refuse to answer any question which he might
2 legally refuse to answer were he a witness in any court.

[New.]

Sec. 11. Fees.

1 Witnesses shall be paid fees as witnesses called in the district
2 court on behalf of the state. Commissioners shall be paid such rea-
3 sonable compensation as the court or judge may fix. Reporters shall
4 be paid the same per diem as are paid official court reporters of dis-
5 trict courts.

[New.]

Sec. 12. Assistants—Compensation.

1 The county attorney may, in writing, with the approval of the
2 board of supervisors, appoint one (1) or more practicing attorneys,
3 residents of his county, as his assistants.

[C. C. 3191.]

Sec. 13. Special Assistants—In Cases of Felony.

1 In any county, with the approval of the judge of the district
2 court, he may procure such assistants in the trial of a person charged
3 with felony as he shall deem necessary and such assistants upon pre-
4 senting to the board of supervisors a certificate of the district judge
5 before whom said cause was tried, certifying to the services rendered,
6 shall be allowed a reasonable compensation therefor, to be fixed by
7 the board of supervisors, but nothing in this chapter shall prevent
8 the board of supervisors from employing an attorney to assist the
9 county attorney in any cause or proceeding in which the state or
10 county is interested.

[C. C. 3191.]

Sec. 14. Substitute in Case of Disability—Compensation.

1 In case of absence, sickness or disability of the county attorney
2 and his deputies, the court before whom it is his duty to appear, and
3 in which there may be business requiring his attention, may appoint
4 an attorney to act as county attorney, by order to be entered upon
5 the records of the court, and he shall receive out of the compensation
6 allowed to the county attorney, when such appearance is before a jus-
7 tice of the peace, such sum as the board of supervisors shall determine
8 to be reasonable for the services rendered, and, when it is before a
9 court of record, such sum as the judge shall determine to be a reason-

10 able compensation, and while acting under said appointment, he shall
11 have all the authority and be subject to all the responsibilities herein
12 conferred upon county attorneys.

[C. C. 3192.]

Sec. 15. Substitute—Notice Before Appointment.

1 In criminal cases less than a felony, a justice of the peace or
2 magistrate can not appoint an attorney at the expense of the county
3 or county attorney; and no justice of the peace shall appoint an attor-
4 ney to act as county attorney in any case, wherein a felony is charged,
5 unless reasonable notice in writing has been given the county attorney
6 that his services will be required before such justice at a time therein
7 named, and he has failed to appear in response thereto.

[C. C. 3192, modified.]

Sec. 16. Prohibitions.

1 No county attorney shall accept any fee or reward from or on
2 behalf of anyone for services rendered in any prosecution or the con-
3 duct of any official business, nor shall he, or any member of a firm
4 with which he may be connected, be directly or indirectly engaged as
5 an attorney or otherwise for any party other than the state or county
6 in any action or proceeding pending or arising in his county, based
7 upon substantially the same facts upon which a prosecution or pro-
8 ceeding has been commenced or prosecuted by him in the name of
9 the county or state; nor shall any attorney be allowed to assist the
10 county attorney in any criminal action, where such attorney is inter-
11 ested in any civil action brought or to be commenced, in which a re-
12 covery is or may be asked upon the matters and things involved in

13 such criminal prosecution.

[C. C. 3193.]

[Note: Section 3194 has been transferred to the chapter on Compensation of County Officers and there codified.]

Subject: SHERIFF

Senate File No..... Referred to Committee on

House File No.....

By Date.....

A BILL FOR

An act to amend, revise and codify sections thirty-two hundred five (3205) and thirty-two hundred six (3206) of the compiled code of Iowa, relating to the sheriff.

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

That sections thirty-two hundred five (3205) and thirty-two hundred six (3206) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Fees to Be Collected.

1 Each sheriff is entitled to charge and receive the following fees:

2 1. For serving a notice and making return thereof, for the first
3 person served, fifty cents (50c), and each additional person, twenty-
4 five cents (25c).

5 2. For each warrant served, two dollars (\$2.00), and the repay-
6 ment of necessary expenses incurred, in executing such warrant, as
7 sworn to by the sheriff; if service of the warrant can not be made, the
8 repayment of all necessary expenses actually incurred by the sheriff
9 while attempting in good faith to serve such warrant.

10 3. For serving and returning a subpoena, for each person served,
11 twenty cents (20c), and the necessary expenses incurred while serv-
12 ing subpoenas in criminal cases or insane process.

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SHERIFF

13 4. For summoning a grand or trial jury, for each person served,
14 sixty cents (60c), and the repayment of expenses actually incurred
15 by him.

16 5. For summoning a jury to assess the damages to the owners
17 of lands taken for works of internal improvement, and attending
18 them, five dollars (\$5.00) per day, and necessary expenses incurred.
19 This subsection shall not be so construed as to allow a sheriff to **make**
20 separate charges for different assessments, which can be made by the
21 same jury and completed in one (1) day of ten (10) hours.

22 6. For serving an execution, attachment, or order for the deliv-
23 ery of personal property, injunction, or any order of court, and mak-
24 ing return thereof, two dollars (\$2.00).

25 7. For collecting and paying over money, on the first five hundred
26 dollars (\$500.00) or fraction thereof, two per cent (2%); on all in
27 excess of five hundred dollars (\$500.00) and under five thousand
28 dollars (\$5,000.00), one per cent (1%); on all over five thousand
29 dollars (\$5,000.00), one-half per cent ($\frac{1}{2}\%$).

30 8. For making and executing a certificate or deed for lands sold
31 on execution, or a bill of sale for personal property sold, one dollar
32 (\$1.00).

33 9. For the time necessarily employed in making an inventory
34 of personal property attached or levied upon, fifty cents (50c) per
35 hour.

36 10. For a copy of any paper required by law, made by him, for
37 each one hundred (100) words or fraction thereof, ten cents (10c).

38 11. Mileage in all cases required by law, going and returning,
39 ten cents (10c) per mile, provided that this subsection shall not apply

40 where provision is made for expenses, and in no case shall the law
41 be construed to allow both mileage and expenses for the same services
42 and for the same trip.

43 12. For boarding a prisoner, a compensation of twenty cents
44 (20c) for each meal, and not to exceed three (3) meals in twenty-four
45 (24) consecutive hours; and fifteen cents (15c) for each night's
46 lodging.

47 13. For waiting on and washing for prisoners, the sum of five
48 cents (5c) per prisoner per day.

49 14. For attending sale of property, for each day, one dollar
50 (\$1.00).

51 15. For conveying one (1) or more persons to any state, county
52 or private institution by order of court, or commission, he shall be
53 allowed his necessary expenses, for himself and such person or per-
54 sons, and in addition thereto, forty cents (40c) per hour for the time
55 necessarily employed in going to and from such institution, same to
56 be charged and accounted for as fees. Should the sheriff need any
57 assistance in taking any person to any such institution, the same shall
58 be furnished at the expense of the county.

59 16. For serving any warrant for the seizure of intoxicating li-
60 quors, one dollar (\$1.00); for the removal and custody of such liquor,
61 actual and reasonable expenses; for the destruction of such liquor
62 under the order of the court, one dollar (\$1.00) and his actual and
63 reasonable expenses; for posting and leaving notices in such cases,
64 one dollar (\$1.00) and his actual expenses.

[C. C. 3206.]

Code Commissioners' Bill No. 136

Subject: CORONER

Senate File No..... Referred to Committee on
House File No.....
By Date.....

A BILL FOR

An act to amend, revise and codify sections thirty-two hundred nineteen (3219) to thirty-two hundred twenty-one (3221), inclusive, thirty-two hundred twenty-five (3225), thirty-two hundred twenty-six (3226), thirty-two hundred twenty-eight (3228) and thirty-two hundred thirty-one (3231) of the compiled code of Iowa, relating to the coroner.

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

That sections thirty-two hundred nineteen (3219) to thirty-two hundred twenty-one (3221), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Witnesses and Jurors—Coroner May Enforce Attendance.

1 The coroner shall issue subpoenas for such witnesses as have
2 knowledge touching the manner of the death of the person whose in-
3 quest is being held, returnable at such time and place as he may direct.
4 They shall be sworn as in other cases, and their evidence reduced to
5 writing under the direction of the coroner, subscribed by them, and
6 returned to the district court, with the verdict and all other papers
7 in the case. The coroner may enforce the attendance of witnesses
8 and jurors, and punish them for contempt in disobeying his process,
9 in like manner as a justice of the peace may do in criminal proceed-

10 ings before him. In the absence of any officer authorized to serve
11 subpoenas or other process, the coroner may deputize some suitable
12 person to serve the same or may himself perform such duties.

[C. C. 3219.]

Sec. 2. Shorthand Reporter—Oath.

1 For the purpose of preserving the testimony of such witnesses,
2 and all the acts and doings of the coroner and jury, the coroner may
3 appoint a shorthand reporter who shall, before entering upon his
4 duties as such reporter, take an oath to be administered by the cor-
5 oner, that he will faithfully take down in shorthand the evidence as
6 it is given by the witnesses at such inquest or investigation, and that
7 he will correctly extend the same into longhand.

[C. C. 3219.]

Sec. 3. Compensation—Record.

1 Such reporter shall receive compensation not to exceed fifty cents
2 (50c) per hour for time actually employed in any inquest or investi-
3 gation, and for extending the notes, and when such shorthand report
4 is extended into longhand by the said shorthand reporter and certified
5 to by the coroner and reporter to the effect that it contains a full,
6 true and complete report of all proceedings, and filed, it shall be the
7 official record of the said inquest or investigation.

[C. C. 3219.]

Sec. 4. Finding of Jurors—Form.

1 The jurors, having inspected the body, heard the testimony and
2 made all needful inquiries, shall return to the coroner their verdict
3 in writing, under their hands, in substance as follows, stating the
4 matters in the following form suggested, as far as found:

5 State of Iowa, }
6 County. } ss.

7 An inquisition holden at , in . county,
8 on the day of , A. D. 19 , before
9 , coroner of the said county, upon the body of
10 (or person unknown), there lying dead, by
11 the jurors whose names are hereto subscribed.

12 The said jurors upon their oaths do say (here state when, how,
13 by what person, means, weapon, or accident he came to his death, and
14 whether feloniously).

15 In testimony whereof, the said jurors have hereunto set their
16 hands, the day and year aforesaid (which shall be attested by the
17 coroner).

[C. C. 3220.]

Sec. 5. Finding Kept Secret.

1 If the jurors find that a crime has been committed on the deceased
2 and name the person who they believe has committed it, the verdict
3 shall not be made public until after the arrest of the person.

[C. C. 3221.]

That sections thirty-two hundred twenty-five (3225) and thirty-two
hundred twenty-six (3226) of the compiled code of Iowa are amended,
revised and codified to read as follows:

Sec. 6. Contents and Effect of Warrant—Report of Coroner.

1 The warrant of the coroner shall recite substantially the transac-
2 tions before him, and the verdict of the jury of inquest leading to the
3 arrest, and such warrant shall be a sufficient foundation for the pro-
4 ceeding of the justice instead of an information. The coroner shall

5 report to the clerk of the district court all cases of death which may
6 call for the exercise of his jurisdiction; with the cause or mode of
7 death, in accordance with forms furnished by the state board of health.

[C. C. 3225.]

Sec. 7. Disposition of Body—Expenses.

1 The coroner, except as otherwise provided by law, shall cause the
2 body of the deceased person which he is called to view to be delivered
3 to his friends, if any there be, but if not, he shall cause him to be
4 decently buried, and the expense to be paid from any property found
5 with the body, or, if there be none, from the county treasury, by
6 certifying an account of the expenses; which, being presented to the
7 board of supervisors, shall be allowed by them, in a reasonable amount
8 and paid as other claims on the county.

[C. C. 3226.]

That section thirty-two hundred twenty-eight (3228) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 8. Justice May Act as Coroner.

1 When there is no coroner, or in case of his absence or inability
2 to act, any justice of the peace of the same county is authorized to
3 perform the duties of coroner in relation to dead bodies, and in such
4 cases if any person is charged with a crime, may cause him to be
5 brought before him by his warrant, and may proceed with his pre-
6 liminary hearing as a justice of the peace.

[C. C. 3228.]

That section thirty-two hundred thirty-one (3231) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 9. Compensation of Coroner.

1 The coroner is entitled to charge and receive the following fees,
2 which fees shall be paid out of the county treasury when they can not
3 be obtained from the estate of the deceased :

4 1. For a view of each body upon which an inquest is held, ten
5 dollars (\$10.00).

6 2. For a view of each body upon which no inquest is held, five
7 dollars (\$5.00).

8 3. For issuing each subpoena, warrant, or order for a jury,
9 twenty-five cents (25c).

10 4. For docketing each case, one dollar (\$1.00).

11 5. For each mile traveled to and returning from an examination
12 or inquest, ten cents (10c).

13 6. For taking down in writing the evidence of witnesses, when
14 no stenographer is employed as hereinbefore provided, ten cents (10c)
15 per one hundred (100) words.

16 7. For returning a copy of the verdict with minutes of the testi-
17 mony to the state inspector of mines, as provided by law, three dol-
18 lars (\$3.00).

19 8. For all other services, the same fees as are allowed sheriffs in
20 similar cases, to be paid in like manner.

[C. C. 3231.]

Code Commissioners' Bill No. 137

Subject: COUNTY OFFICERS, DEPUTIES AND COMPENSATION

Senate File No. Referred to Committee on
House File No.
By Date

A BILL FOR

An act to amend, revise and codify sections thirty-one hundred sixty-two (3162) to thirty-one hundred sixty-four (3164), inclusive, thirty-one hundred seventy-six (3176) to thirty-one hundred seventy-eight (3178), inclusive, thirty-one hundred eighty-eight (3188), thirty-one hundred ninety-four (3194), thirty-two hundred eight (3208) to thirty-two hundred eleven (3211), inclusive, and sixty-nine hundred eighty-three (6983) to sixty-nine hundred eighty-five (6985), inclusive, of the compiled code of Iowa, relating to deputy county officers and to the compensation of certain county officers, their deputies and assistants.

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

That sections thirty-one hundred sixty-two (3162) to thirty-one hundred sixty-four (3164), inclusive, thirty-one hundred seventy-six (3176) to thirty-one hundred seventy-eight (3178), inclusive, thirty-one hundred eighty-seven (3187), thirty-one hundred eighty-eight (3188), thirty-one hundred ninety-four (3194), thirty-two hundred eight (3208) to thirty-two hundred eleven (3211), inclusive, and sixty-nine hundred eighty-three (6983) to sixty-nine hundred eighty-five (6985), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

CHAPTER —.

COUNTY OFFICERS, DEPUTIES AND COMPENSATION.

Section 1. **Deputies—Appointment of—Who Eligible.**

1 Each county auditor, treasurer, recorder, sheriff, and clerk of the

2 district court may, by certificate in writing, with the approval of the
3 board of supervisors, appoint one (1) or more deputies, for whose
4 acts he shall be responsible, the number of such deputies to be de-
5 termined by said board. Such certificate shall be filed with the county
6 auditor and kept in his office. No person holding a county office shall
7 be eligible to appointment as a deputy.

[C. C. 3164, 3178, 3188, 3211, 6985.]

Sec. 2. Qualification of Deputies.

1 Each such deputy shall be required to give a bond to be approved
2 by the officer having the approval of the bond of his principal, and
3 shall take the same oath as his principal, which shall be indorsed
4 upon the certificate of appointment.

[C. C. 3164, 3178, 3188, 3211, 6985.]

Sec. 3. Powers of Deputy.

1 Any such deputy, under the supervision of his principal or dur-
2 ing the absence or disability of his principal, may perform any of the
3 duties of the principal pertaining to his office.

[C. C. 3164, 3178, 3188, 3211, 6985.]

Sec. 4. Revocation.

1 Any such certificate of appointment may be revoked in writing
2 by the officer making the appointment, which revocation shall be filed
3 and kept in the auditor's office.

[C. C. 3164, 3178, 3188, 3211, 6985.]

Sec. 5. Compensation of County Officers.

1 County officers shall be paid an annual salary determined as
2 follows:

3 In counties having a population of fifteen thousand (15,000) or

4 less, the salary of the clerk of the district court, county auditor and
5 county treasurer shall be eighteen hundred dollars (\$1,800.00) each;
6 of the sheriff, seventeen hundred dollars (\$1,700.00); of the county
7 recorder, sixteen hundred dollars (\$1,600.00); and of the county at-
8 torney, eleven hundred dollars (\$1,100.00). In counties having a
9 population in excess of fifteen thousand (15,000) and not over thirty-
10 five thousand (35,000), for each additional five thousand (5,000) or
11 fraction thereof of such excess in population, the salary of such officer
12 shall be one hundred dollars (\$100.00) more per year; and in counties
13 having a population in excess of thirty-five thousand (35,000) for each
14 additional ten thousand (10,000) or fraction thereof of such excess
15 in population, the salary of each such officer shall be two hundred
16 dollars (\$200.00) more per year.

[C. C. 3162, 3176, 3177, 3187, 3194, 3209, 6983, modified.]

Sec. 6. Additional Salaries in Certain Counties.

1 In counties where the recorder's office is kept in two (2) places,
2 the recorder shall be paid an additional salary of five hundred dollars
3 (\$500.00). In counties where the district court is held in two (2) or
4 more places, there shall be paid in addition to the salary specified in
5 the preceding section the following salaries:

6 1. To the county auditor, county treasurer and county attorney,
7 each, five hundred dollars (\$500.00).

8 2. To the clerk of the district court, four hundred dollars
9 (\$400.00).

10 3. To the sheriff, three hundred dollars (\$300.00).

[C. C. 3162, 3176, 3187, 3194, 3210, 6983.]

Sec. 7. Additional to Auditor in Certain Counties.

1 In counties having a population of over twenty-five thousand
 2 (25,000), and embracing a special charter city, where the auditor
 3 prepares and makes up the city tax books for such special charter
 4 city, such county auditor shall receive an addition to his salary in
 5 the sum of three hundred dollars (\$300.00).

[C. C. 3162.]

Sec. 8. Additional to Treasurer in Certain Counties.

1 In counties having a population of over twenty-five thousand
 2 (25,000), and embracing a special charter city, where the city taxes
 3 are collected by the county treasurer, he shall receive an addition to
 4 his salary in the sum of three hundred dollars (\$300.00), and in coun-
 5 ties having a population of forty thousand (40,000) or over, embrac-
 6 ing a city of the first class, including special charter cities and cities
 7 under the commission form of government, the board of supervisors
 8 may allow additional compensation to county treasurers not to exceed
 9 fifty dollars (\$50.00) per annum for each five thousand (5,000) popu-
 10 lation of such cities.

[C. C. 3176, 3177.]

Sec. 9. Additional to Sheriff in Certain Counties.

1 In counties where the sheriff is not provided a residence, he shall
 2 be allowed an addition to his salary in the sum of three hundred
 3 dollars (\$300.00).

[C. C. 3209, modified.]

Sec. 10. Compensation of Deputies and Assistants.

1 1. The compensation of first and second deputies in the offices
 2 of auditor, treasurer, recorder, sheriff, and clerk of the district court

3 shall each be sixty-five per cent (65%) of the salary of his principal.

4 2. The compensation of third and fourth deputies in such offices
5 where the same are authorized, shall each be fifty per cent (50%) of
6 the compensation of his principal, and the compensation of other
7 clerks and assistants in such offices, if any, shall be fixed by the board
8 of supervisors.

9 3. The compensation of assistant county attorneys shall be fixed
10 by the board of supervisors and shall not exceed the following
11 amounts: In counties having a population of thirty-six thousand
12 (36,000) and less than forty-five thousand (45,000), one thousand
13 dollars (\$1,000.00) per annum; in counties having a population of
14 forty-five thousand (45,000) and less than ninety-five thousand
15 (95,000), fifteen hundred dollars (\$1,500.00) per annum; in counties
16 having a population of ninety-five thousand (95,000) and over, two
17 thousand dollars (\$2,000.00) per annum. In counties of less than
18 thirty-six thousand (36,000), assistants shall act without any com-
19 pensation from the county.

[C. C. 3164, 3178, 3188, 3191, 3211, 6985, modified.]

Sec. 11. Compensation in Full—Fees Accounted For.

1 The salaries provided by this chapter shall be in full for all serv-
2 ices rendered by the officers, respectively, in their official capacity,
3 and all fees earned in such capacity shall be the property of the county
4 and shall be paid into the county treasury quarterly and reported to
5 the board of supervisors at the next regular session; except that:

6 1. The sheriff shall be allowed to retain, in addition to his salary,
7 all amounts allowed by law and paid to him for mileage and necessary

8 and actual expenses paid by him, and for boarding, lodging, waiting
9 on and washing for prisoners.

10 2. The county attorney, in addition to his regular salary, shall
11 receive for all fines collected and school fund mortgages foreclosed
12 where he appears for the state or county, fees at the rate now allowed
13 to attorneys for suits upon written instruments where judgment is
14 obtained.

[C. C. 3163, 3177, 3194, 3206, 3208, 6984.]

Sec. 9. Expenses.

1 Officers mentioned in this chapter shall be reimbursed by the
2 county for all necessary expenses incurred by them in the perform-
3 ance of their official duties. County attorneys shall be allowed their
4 necessary traveling and hotel expenses when engaged in the perform-
5 ance of their duties at places other than their residence and away
6 from the county seat; the same to be audited and allowed by the board
7 of supervisors.

[C. C. 3194.]

[Commissioners' Note: This bill is intended to take the place of all
the sections codified and should be inserted as a chapter immediately fol-
lowing Chapter 8, of Title XII of the Compiled Code.]

Code Commissioners' Bill No. 138

Subject: SUBMISSION OF QUESTIONS TO VOTERS

Senate File No.

Referred to Committee on

House File No

By

Date

A BILL FOR

An act to amend, revise and codify chapter ten (10) of title twelve (12) of the compiled code of Iowa, 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 is amended, revised and codified to read as follows:

CHAPTER 10.**SUBMISSION OF QUESTIONS TO VOTERS****Section 1. Expenditures for Improvements—When Vote Necessary.**

1 The board of supervisors shall not order the erection of a court-
 2 house, jail or county home when the probable cost will exceed ten
 3 thousand dollars (\$10,000.00), or any other building, except as other-
 4 wise provided, when the probable cost will exceed five thousand dollars
 5 (\$5,000.00), nor the purchase of real estate for county purposes ex-
 6 ceeding ten thousand dollars (\$10,000 00) in value, until a proposition
 7 therefor shall have been first submitted to the legal voters of the
 8 county, and voted for by a majority of all persons voting for and
 9 against such proposition at a general or special election, notice of the
 10 same being given as in other special elections.

[C. C. 3242, modified.]

Sec. 2. Questions to Be Submitted to Voters.

1 The board of supervisors may submit to the people of the county
2 at any regular election, or at any special one called for that pur-
3 pose, the question whether money may be borrowed to aid in the erec-
4 tion and equipment of any public buildings, or the procuring of a site
5 or grounds for such public buildings, or for both such site and build-
6 ings, and either or both of said propositions and other local or police
7 regulations may be submitted at the same general or special election.

[C. C. 3243, modified.]

Sec. 3. Additional Tax—When.

1 When the warrants of a county are at a depreciated value, it
2 may, in like manner, submit the question whether a tax of a higher
3 rate than that provided by law shall be levied.

[C. C. 3243.]

Sec. 4. Restraining Live Stock.

1 Unless permitted to run at large by a vote of the people of the
2 county, all stock shall be restrained from running at large. The word
3 “stock” as used in this and the following section shall have the same
4 meaning as in the chapter of this code relating to estrays and tres-
5 passing animals.

[C. C. 3244, modified.]

Sec. 5. Submission to Voters.

1 The board of supervisors may submit to the people of the county
2 at any regular election, or at a special one called for that purpose,
3 and on the petition of one-fourth ($\frac{1}{4}$) of the legal voters must sub-
4 mit one (1) of the following questions of police regulation:

5 1. Shall stock be permitted to run at large?

6 2. Shall stock be permitted to run at large between sunset and
7 sunrise?

8 3. Shall stock be permitted to run at large from the first day of
9 (naming the month) in each year, until the first day of (naming the
10 month) following?

[C. C. 3244, modified.]

Sec. 6. When Vote Takes Effect.

1 If at such election the majority of the electors voting thereon
2 shall vote in favor of either of such regulations, then the same shall
3 take effect and be in force at the end of thirty (30) days after said
4 election, and shall continue in force until the end of ninety (90) days
5 after an election at which, on a resubmission of the same question, a
6 majority of the electors of the county voting thereon shall vote against
7 the same, which resubmission may be had not oftener than every four
8 (4) years.

[C. C. 3245, modified.]

Sec. 7. Manner of Submitting Questions to Vote.

1 The mode of submitting questions to the people shall be the fol-
2 lowing: The whole question, including the sum desired to be raised,
3 or the amount of tax desired to be levied, or the rate per annum, and
4 the whole regulation, including the time of its taking effect or having
5 operation, if it be of a nature to be set forth, and the penalty for its
6 violation if there be one, shall be embraced in a notice of the
7 election and shall be published once each week for at least four (4)
8 weeks in some newspaper published in the county. Such notice shall
9 name the time when such question will be voted upon, and the form
10 in which the question shall be submitted, and a copy of the question

11 to be submitted shall be posted at each polling place during the day
12 of election.

[C. C. 3246.]

Sec. 8. Voting of Tax—When Required.

1 When any question submitted involves the borrowing or the ex-
2 penditure of money, the same must be accompanied by a provision to
3 levy a tax for the payment thereof, in addition to other taxes, as di-
4 rected in the following section, and no vote adopting the question
5 proposed will be of effect unless it adopt the tax also.

[C. C. 3247.]

Sec. 9. Rate of Such Tax.

1 The rate of such tax shall in no case be more than one per cent
2 (1%) on the county valuation in any one (1) year. When the object
3 is to borrow money for the erection and equipment of public build-
4 ings, or for the procuring of sites or grounds therefor, or for both,
5 the rate shall be such as to pay the debt in a period not exceeding ten
6 (10) years; but in counties having a population of twenty-five thou-
7 sand (25,000) or over, or in any county where one hundred thousand
8 dollars (\$100,000.00) or more has been or is proposed to be expended,
9 the rate of levy shall be such as to pay the debt in not exceeding
10 twenty-five (25) years.

[C. C. 3248.]

Sec. 10. Bonds—When to Mature.

1 In issuing bonds for such indebtedness, when voted, the board of
2 supervisors may cause portions of said bonds to become due at dif-
3 ferent definite periods. But none of such bonds so issued shall be
4 due and payable in less than five (5) or more than twenty-five (25)

5 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.

[C. C. 3248.]

Sec. 11. Tax for Successive Years.

1 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.

[C. C. 3249.]

Sec. 12. Result of Vote to Be Published.

1 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.

[C. C. 3250.]

Sec. 13. Rescission by Subsequent Vote.

1 Propositions thus adopted, and local regulations thus established, 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.

[C. C. 3251.]

Sec. 14. Board Must Submit Questions on Petition.

1 The board shall submit the question of the adoption or rescission
2 of such a measure when petitioned by one-fourth ($\frac{1}{4}$) of the legal
3 voters of the county, or by such different number as may be prescribed
4 by law in any special case.

[C. C. 3252.]

Sec. 15. Regularity Presumed.

1 The record of the adoption or rescission of any such measure
2 shall be presumptive evidence that all the proceedings necessary to
3 give the vote validity have been regularly conducted.

[C. C. 3253.]

Sec. 16. Surplus of Tax—Disposition of.

1 In case the amount produced by the rate of tax proposed and
2 levied exceeds the amount required for the specific object, it shall not
3 for that reason be held invalid, but the excess shall go into the general
4 county fund.

[C. C. 3254.]

Sec. 17. Prospecting for Coal—Tax Aid.

1 The board of supervisors shall, when authorized by the voters
2 at a general election, levy a tax of one (1) mill to be used in prospect-
3 ing for coal. The question shall be submitted as provided in the law
4 on elections.

[C. C. 3256, 3257, 3258.]

Sec. 18. Bids for Prospecting—Location of Shaft.

1 The board of supervisors shall have the power to receive bids
2 for ascertaining whether or not coal may exist in the county and shall

- 3 award the contract to the lowest responsible bidder. The board shall
4 have the right to select the location where any shaft is to be sunk, or
5 other prospecting done in said county.

[C. C. 3260.]

1386
COUNTY BONDS

Code Commissioners' Bill No. 139.

Subject: COUNTY BONDS

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

An act to amend, revise and codify chapter eleven (11) of title twelve (12) of the compiled code of Iowa, 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 is amended, revised and codified to read as follows:

CHAPTER 11.

COUNTY BONDS

Section 1. **Funding and Refunding County Bonds.**

1 When the outstanding indebtedness of any county on the first day
2 of January, April, June or September in any year exceeds the sum of
3 five thousand dollars (\$5,000.00), the board of supervisors, by a two-
4 thirds ($\frac{2}{3}$) vote of all its members, may fund or refund the same, and
5 issue the bonds of the county therefor in sums not less than one hun-
6 dred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00)
7 each, payable at a time stated, not more than twenty (20) years from
8 their date.

[C. C. 3261.]

Sec. 2. **Refunding Bonds in Certain Counties Containing First-class Cities.**

1 In counties containing a city or cities levying a tax for a bridge

2 fund, indebtedness incurred in making and repairing bridges may be
 3 refunded whenever such outstanding indebtedness equals or exceeds
 4 the sum of five thousand dollars (\$5,000.00), the tax to pay such bonds
 5 and interest to be levied as hereinafter provided, but only on the
 6 assessable property in the county outside of the limits of said city or
 7 cities.

[C. C. 3261, modified.]

Sec. 3. **Rate of Interest—Form of Bond.**

1 Said bonds shall bear interest not exceeding six per cent (6%) per
 2 annum, payable semiannually, and be substantially in the following
 3 form, but subject to changes that will conform them to the resolution
 4 of said board, to wit:

5 No. _____, Iowa, _____
 6 The county of _____, in the state of Iowa, for value
 7 received, promises to pay to bearer _____ dollars,
 8 lawful money of the United States of America, on _____,
 9 with interest on said sum from the date hereof until paid at the rate
 10 of _____ per cent per annum, payable _____ annually on the
 11 first days of _____ and _____ in each year, on pre-
 12 sentation and surrender of the interest coupons hereto attached. Both
 13 principal and interest payable at _____.

14 This bond is issued by the board of supervisors of said county pur-
 15 suant to the provisions of section thirty-two hundred sixty-one, chapter
 16 eleven, title twelve of the code of Iowa, and in conformity to a resolu-
 17 tion of said board duly passed.

18 And it is hereby certified and recited that all acts, conditions and
 19 things required by the laws and constitution of the state of Iowa to be

20 done precedent to and in the issue of this bond have been properly
 21 done, happened and been performed in regular and due form, as re-
 22 quired by law, and that the total indebtedness of said county, includ-
 23 ing this bond, does not exceed the constitutional or statutory limita-
 24 tions.

25 In testimony whereof, said county, by its board of supervisors,
 26 has caused this bond to be signed by the chairman of the board and
 27 attested by the auditor, with the county seal attached, this

28 day of .
 29 ..

30 Chairman Board of Supervisors.

31 Attest:

32

33 County Auditor, County, Iowa

34 (Form of Coupon)

35 The treasurer of county, Iowa, will pay to
 36 bearer dollars, on , at ,
 37 for annual interest on its
 38 bond, dated .

39 No. .

40 County Auditor.

[C. C. 3261.]

Sec. 4. **Bonds—Negotiation of—Duties of Treasurer.**

1 When bonds issued under this chapter shall be executed, num-
 2 bered consecutively, and sealed, they shall be delivered to the county
 3 treasurer and his receipt taken therefor, and he shall stand charged
 4 on his official bond with all bonds delivered to him and the proceeds

5 thereof, and he shall sell the same, or exchange them, on the best
6 available terms, for any legal indebtedness of the county outstanding
7 on the first day of January, April, June or September next preceding
8 the resolution of the board authorizing their issue, but in neither case
9 for a less sum than the face value of the bonds and all interest accrued
10 on them at the date of such sale or exchange.

[C. C. 3262.]

Sec. 5. Proceeds—How Applied.

1 If any portion of said bonds are sold for money, the proceeds
2 thereof shall be applied exclusively for the payment of liabilities
3 existing against the county at and before the date above named. When
4 they are exchanged for warrants and other legal evidences of county
5 indebtedness, the treasurer shall at once proceed to cancel such evi-
6 dences of indebtedness by indorsing on the face thereof the amount
7 for which they were received, the word "canceled" and date of can-
8 cellation.

[C. C. 3262.]

Sec. 6. Record of Bonds Sold and Transferred.

1 He shall also keep a record of bonds sold or exchanged by him
2 by number, date of sale, amount, date of maturity, and the name and
3 postoffice address of purchasers, and, if exchanged, what evidences of
4 indebtedness were received therefor, which record shall be open at
5 all times for inspection by the public. Whenever the holder of any
6 bond shall sell or transfer it, the purchaser shall notify the treasurer of
7 such purchase, giving at the same time the number of the bond trans-
8 ferred and his postoffice address, and every such transfer shall be
9 noted on the records.

[C. C. 3262.]

Sec. 7. Treasurer to Report Bonds Sold.

1 The treasurer shall also report under oath to the board, at each
2 regular session, a statement of all bonds sold or exchanged by him
3 since the preceding report, and the date of such sale or exchange; and,
4 when exchanged, a list or description of the county indebtedness ex-
5 changed therefor, and the amount of accrued interest received by him
6 on such sale or exchange, which latter sum shall be charged to him as
7 money received on bond fund, and so entered by him on his books;
8 but such bonds shall not be exchanged for any indebtedness of the
9 county except by the approval of the board of supervisors of said
10 county.

[C. C. 3262.]

Sec. 8. Unconstitutional Issue Forbidden.

1 Any member of a board of supervisors who shall vote to order an
2 issue of bonds under the provisions of this chapter in excess of the con-
3 stitutional limit, shall be held personally liable for the excess of such
4 issue.

[C. C. 3263.]

Sec. 9. Tax for Bonded Indebtedness.

1 The board of supervisors shall not in any one (1) year levy a tax
2 of more than three (3) mills on the dollar for the payment of bonded
3 indebtedness or judgments rendered therefor, except as provided in
4 this chapter, unless the vote authorizing the issuance of the bonds
5 provided for a higher rate.

[C. C. 3264.]

Sec. 10. Levy to Pay Interest and Principal.

1 The board of supervisors shall cause to be assessed and levied

2 each year upon the taxable property in the county, in addition to the
3 levy authorized for other purposes, a sufficient sum to pay the interest
4 on outstanding bonds issued in conformity with the provisions of this
5 chapter, accruing before the next annual levy, and such proportion of
6 the principal that, at the end of eight (8) years, the sum raised from
7 such levies shall at least equal fifteen per cent (15%) of the amount
8 of bonds issued; at the end of ten (10) years, at least thirty per cent
9 (30%) of the amount; and at or before the date of maturity of the
10 bonds shall be equal to the whole amount of the principal and interest.

[C. C. 3265.]

Sec. 11. Bond Fund—Separate Account—Exact Condition Shown.

1 The money arising from such levies shall be known as the bond
2 fund, and shall be used for the payment of bonds and interest coupons,
3 and for no other purpose whatever; and the treasurer shall open and
4 keep in his books a separate account thereof, which shall at all times
5 show the exact condition of said bond fund.

[C. C. 3265.]

Sec. 12. Redemption—Notice—Interest Stopped.

1 When the amount in the hands of the treasurer belonging to the
2 bond fund, after setting aside the sum required to pay interest matur-
3 ing before the next levy, is sufficient to redeem one (1) or more bonds,
4 which by their terms are subject to redemption, he shall notify the
5 owner of such bond or bonds, in the manner hereinbefore prescribed,
6 that he is prepared to pay the same, with all the interest accrued
7 thereon. If not presented for payment or redemption within thirty
8 (30) days after the date of such notice, the interest on such bond shall
9 cease, and the amount due thereon shall be set aside for its payment

10 whenever presented. All redemptions shall be made in the order of
11 their numbers.

[C. C. 3266.]

Sec. 13. Transfer of Balance to Particular Fund.

1 If after the payment of all bonds and interest as hereinbefore pro-
2 vided, there remains any money in said bond fund, the board of super-
3 visors may by resolution transfer said funds to the particular fund or
4 funds on account of which the indebtedness arose for which said bonds
5 were issued.

[C. C. 3266.]

Sec. 14. Failure to Levy Tax—Registry With State Auditor.

1 If the board of supervisors of any county which has issued bonds
2 under the provisions of this chapter shall fail to make the levy neces-
3 sary to pay such bonds or interest coupons at maturity, and the same
4 shall have been presented to the county treasurer and the payment
5 thereof refused, the owner may file the bond, together with all unpaid
6 coupons, with the auditor of state, taking his receipt therefor, and the
7 same shall be registered in the auditor's office.

[C. C. 3267.]

Sec. 15. State Tax Levied—Payment.

1 The executive council shall at its next session as a board of
2 equalization, and at each annual equalization thereafter, add to the
3 state tax to be levied in said county a sufficient rate to realize the
4 amount of principal or interest past due and to become due prior to
5 the next levy upon any such registered bonds, and the same shall be
6 levied and collected as a part of the state tax, and paid into the state
7 treasury, and passed to the credit of such county as bond tax, and shall

8 be paid by warrant, as the payments mature, to the holder of such
9 registered obligations, as shown by the register in the office of the
10 state auditor, until the same shall be fully satisfied and discharged;
11 any balance then remaining being passed to the general account and
12 credit of said county; but nothing in this chapter shall be construed
13 to limit or postpone the right of any holder of any such bonds to resort
14 to any other remedy which such holder might otherwise have.

[C. C. 3267.]

Sec. 16. Additional Tax to Pay Interest.

1 In any county wherein county bonds are issued in pursuance of a
2 vote of the people to obtain money for the erection of any public
3 building and wherein the annual tax named in the proposition so sub-
4 mitted for the purpose of paying the annual interest accruing upon
5 such bonds is insufficient to pay the same as it matures, the board of
6 supervisors is authorized to levy for said purpose, a tax, not exceeding
7 one (1) mill on the dollar, until said bonds are paid; but this provision
8 shall not prevent the levy of a greater tax than above mentioned, if
9 any such proposition authorized such higher levy.

[C. C. 3268.]

Sec. 17. County Not to Become Stockholder.

1 No county shall, in its corporate capacity, or by its supervisors
2 or officers, directly or indirectly, subscribe for stock or become inter-
3 ested as a partner, shareholder or otherwise, in any banking institu-
4 tion, plank road, turnpike, railway, or work of internal improvement;
5 nor shall it issue any bonds, bills of credit, scrip, or other evidence of
6 indebtedness, for any such purposes; and all such evidence of indebted-
7 ness is hereby declared void, and no assignment of the same shall

8 give them validity; but this section shall not be so construed as to
9 prevent counties from lawfully erecting their necessary public build-
10 ings and bridges, laying off highways, streets, alleys and public
11 grounds, or other local works, in which such counties may be inter-
12 ested.

[C. C. 3269.]

Sec. 18. Former Recovery no Adjudication.

1 In all actions now pending, or hereafter brought, in any court in
2 this state, on any bond or coupon issued, or purporting to be issued,
3 by any county for any purpose prohibited in this chapter, a former
4 recovery against such county on any one (1) or more or any part of
5 such bonds or coupons shall not bar or estop such county from setting
6 up any defense it has made, or could have made, to such bonds or
7 coupons in the action in which such former recovery was had, but the
8 county may allege and prove any matter of defense to the same extent,
9 and with the same effect, as though no former action had been brought,
10 or former recovery had.

[C. C. 3270.]

Sec. 19. Breach of Duty—Misdemeanor.

1 Any county officer, or any deputy or employee of such officer, who
2 violates any of the provisions of this chapter, shall be fined not less
3 than one hundred dollars (\$100.00), nor more than five hundred dol-
4 lars (\$500.00) for each offense.

[C. C. 3271, modified.]

Subject: SUPPORT OF THE POOR

Senate File No.	Referred to Committee on
House File No.	.....
By .. .	Date .. .

A BILL FOR

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.

1 At least ten (10) days' notice in writing of the application shall
2 be given to the parties sought to be charged, service thereof to be
3 made as of an original notice, in which proceedings the county shall be
4 plaintiff and the parties served defendants. No order shall be made
5 affecting a person not served, but, as to such, notice may be given at
6 any stage of the proceedings. The court may proceed in a summary
7 manner to hear all the allegations and proofs of the parties, and order
8 any one or more of the relatives who shall be able, to relieve or
9 maintain him or her, charging them as far as practicable in the order

10 above named, and for that purpose may bring in new parties when
11 necessary.

[C. C. 3278.]

Sec. 2. Order for Entire or Partial Support.

1 The order may be for the entire or partial support of the appli-
2 cant, may be for the payment of money or the taking of the applicant
3 to a relative's house, or may assign him or her for a certain time to
4 one and for another period to another, as may be just and right,
5 taking into view the means of the several relatives liable, but no such
6 assignment shall be made to one who is willing to pay the amount
7 necessary for support. If the order be for relief in any other form
8 than money, it shall state the extent and value thereof per week, and
9 the time such relief shall continue; or the order may make the time of
10 continuance indefinite, and it may be varied from time to time by a new
11 order, as circumstances may require, upon application to the court by
12 the trustees, the poor person, or the relative affected, ten (10) days'
13 notice thereof being given to the party or parties concerned.

[C. C. 3278.]

Sec. 3. Payment Appeal.

1 When money is ordered to be paid, it shall be paid to such person
2 as the court may direct. If support be not rendered as ordered, the
3 court upon such fact being shown by the affidavit of one (1) or more
4 of the proper trustees, may render judgment and order execution for
5 the amount due, rating any support ordered in kind at the valuation
6 previously made. An appeal may be taken from the judgment ren-
7 dered to the supreme court. Support for later periods under the same

8 order may be, as it becomes due, applied for and obtained in the same
9 manner.

[C. C. 3278.]

Sec. 4. Abandonment—Order as to Property.

1 When father or mother abandons any child, husband his wife, or
2 wife her husband, leaving them a public charge or likely to become
3 such, the trustees of the township, upon application to them may
4 make complaint to the district court or judge thereof in the county
5 in which such abandoned person resides, or in which any property of
6 such father, mother, husband or wife is situated, for an order to seize
7 such property, and, upon proof of the necessary facts, the court or
8 judge shall issue an order, directed to the sheriff of the county, to take
9 and hold possession of said property, subject to the further orders of
10 the court, which order shall be executed by taking possession of chat-
11 tel property wherever found, and shall entitle the officer serving the
12 same to collect and hold the rents accruing upon real property.

[C. C. 3279.]

Sec. 5. Lien Entered in Incumbrance Book.

1 Statement of the issuance of the order and a description of any
2 real estate sought to be affected thereby, shall be entered in the
3 incumbrance book, and from the date thereof shall be superior in
4 right to any conveyance or lien created by the owner thereafter, and
5 return shall be made of said order to the proper court, where the
6 order of seizure, upon investigation, may be discharged or continued;
7 if continued, the entire matter shall be subject to the control of the
8 court, and it shall from time to time make such orders as to the dis-
9 position of the personal property seized, and the application of it or

10 the proceeds thereof, as it may deem proper, and of the disposition of
11 the rents and profits of the real estate. Should the party against
12 whom the order issued thereafter resume his or her support of the
13 person abandoned, or give bond with sureties, to be approved by the
14 clerk, conditioned that such person shall not become chargeable to the
15 county, the order shall be by the clerk discharged and the property
16 remaining restored.

[C. C. 3279.]

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.

1 A legal settlement in this state may be acquired as follows:

2 1. Any adult person residing in this state one (1) year without
3 being warned to depart as provided in this chapter acquires a settle-
4 ment in the county of his residence.

5 2. A married woman has the settlement of her husband, if he has
6 one in this state; if not, or if she lives apart from, or is abandoned by
7 him, she may acquire a settlement as if she were unmarried. Any
8 settlement which the wife had at the time of the marriage may at her
9 election be resumed upon the death, divorce or abandonment of her by
10 the husband, if both settlements were in this state.

11 3. Legitimate minor children take the settlement of the father, if
12 there be one, if not, then that of the mother.

13 4. Illegitimate minor children take the settlement of their mother,
14 or, if she has none, then that of their putative father.

15 5. A minor bound as an apprentice immediately takes the settle-
16 ment of his master.

17 6. A minor without a settlement in this state, by residing one (1)
18 year in any county of the state, acquires a settlement therein.

[C. C. 3283, modified.]

Sec. 7. Settlement Continues Until New One Acquired.

1 A legal settlement once acquired continues until lost by acquiring
2 a new one.

[C. C. 3283.]

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.

1 When relief is granted to a poor person having a settlement in
2 another county, the auditor shall at once by mail notify the auditor of
3 the county of his settlement of such fact, and, within fifteen (15) days
4 after receipt of such notice, such auditor shall inform the auditor of
5 the county granting relief if the claim of settlement is disputed. If
6 it is not, the poor person, if able, may be removed to the county of his
7 settlement, or, at the request of the auditor or board of supervisors of
8 the county of his settlement, he may be maintained where he then is
9 at the expense of such county, and without affecting his legal set-
10 tlement.

[C. C. 3287.]

Sec. 9. Method of Trial.

1 If the alleged settlement is disputed, then, within thirty (30) days
2 after notice thereof as above provided, a copy of the notices sent and
3 received shall be filed in the office of the clerk of the district court of
4 the county against which claim is made, and a cause docketed without
5 other pleadings, and tried as an ordinary action, in which the county

6 affording the relief shall be plaintiff, and the other defendant, and
7 the burden of proof shall be upon the county granting the relief or
8 making the removal.

[C. C. 3287.]

That section thirty-two hundred eighty-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.

1 The township trustees of each township, subject to general rules
2 that may be adopted by the board of supervisors, shall provide for the
3 relief of such poor persons in their respective townships as should not,
4 in their judgment, be sent to the county home. But where a city is
5 embraced, in whole or in part, within the limits of any township, the
6 board of supervisors may appoint an overseer of the poor, who shall
7 have within said city, or part thereof, all the powers and duties con-
8 ferred by this chapter on the township trustees.

[C. C. 3289.]

Sec. 11. Form of Relief—Condition.

1 The relief may be either in the form of food, rent or clothing, fuel
2 and lights, medical attendance, or in money, and shall not exceed two
3 dollars (\$2.00) per week for each person for whom relief is thus fur-
4 nished, exclusive of medical attendance. They may require any able-
5 bodied person to labor faithfully on the streets or highways at the
6 prevailing local rate per hour in payment for and as a condition of
7 granting relief; said labor shall be performed under the direction of
8 the officers having charge of working streets and highways.

[C. C. 3289.]

Sec. 12. Care of Pregnant Women.

1 Any pregnant woman whose circumstances are such that she can-
2 not be properly cared for during confinement elsewhere, may be sent
3 to a hospital in the county of her settlement for care and treatment at
4 the expense of such county.

[New.]

Sec. 13. Medical Services—Rate of Payment.

1 When medical services are rendered by order of the trustees or
2 overseers of the poor, no more shall be charged or paid therefor than is
3 usually charged for like services in the neighborhood where such
4 services are rendered. No supervisor, trustee, or employee of the
5 county, shall be directly or indirectly interested in any supplies fur-
6 nished the poor.

[C. C. 3289.]

That section thirty-two hundred ninety-three (3293) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 14. Application for Relief—Where Made.

1 The poor must make application for relief to the trustees of the
2 township where they may be, and, if the trustees are satisfied that the
3 applicant is in such a state of want as requires relief at the public
4 expense, they may afford such relief, subject to the approval of the
5 board of supervisors, as the necessities of the person require, and shall
6 report the case forthwith to the board of supervisors, who may con-
7 tinue or deny relief, as they find cause.

[C. C. 3293.]

Sec. 15. Allowance by Board of Supervisors.

1 The board of supervisors may examine into all claims, including

2 claims for medical attendance, allowed by the township trustees for
3 the support of the poor, and if they find the amount allowed by said
4 trustees to be unreasonable, exorbitant or for any goods or services
5 other than for the necessaries of life, they may reject or diminish the
6 claim as in their judgment would be right and just, and this section
7 shall apply to all counties in the state, whether there are county homes
8 established in the same or not. This and the preceding section shall
9 apply to acts of overseers of poor in cities as well as to township trus-
10 tees.

[C. C. 3293.]

Subject: COUNTY HOMES

Senate File No.	. . . . .	Referred to Committee on
House File No.	. . . . .	.....
By		Date ..

A BILL FOR

An act to amend, revise and codify sections thirty-three hundred two (3302) and thirty-three hundred four (3304) of the compiled code of Iowa, relating to county homes.

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

That section thirty-three hundred two (3302) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. County Home Contracts—Rules Prescribed.

1 The board of supervisors, or any committee appointed by it for
2 that purpose, may make all contracts and purchases requisite for the
3 county farm and home and may prescribe rules or regulations for
4 the management and government of the same, and for the sobriety,
5 morality and industry of its occupants.

[C. C. 3302.]

Sec. 2. Receipts—Disbursements—Inventory—Published.

1 The board of supervisors shall, during the month of January of
2 each year, publish in the official papers of the county as part of its
3 proceedings, a financial statement of the receipts of the county home,
4 and county farm, separately, itemizing the same and stating the
5 source thereof, which report shall also set forth the total expenditures

6 of each and the value of the property on hand on January first of the
7 the year for which the report is made and a comparison with the in-
8 ventory of the previous year.

[C. C. 3302.]

That section thirty-three hundred four (3304) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 3. Admission to County Home—Labor Required.

1 The steward shall receive into the county home any person pro-
2 ducing an order as hereafter provided, and enter in a book to be kept
3 for that purpose, the name, age, and date of his reception, and may
4 require of persons so admitted such reasonable and moderate labor
5 as may be suited to their ages and bodily strength, the proceeds of
6 which, together with the receipts of the poor farm, shall be appro-
7 priated to the use of the county home in such manner as the board
8 may determine.

[C. C. 3304.]

Sec. 4. Admitted Only on Order.

1 No person shall be admitted to the county home except upon the
2 written order of a township trustee or member of the board of super-
3 visors, and relief shall be furnished in the county home only, when
4 the person is able to be taken there, except as hereinbefore otherwise
5 provided.

[C. C. 3304.]

Code Commissioners' Bill No. 142

**Subject: COUNTY PUBLIC HOSPITALS AND DETENTION HOSPI-
TALS FOR CONTAGIOUS DISEASES**

Senate File No. Referred to Committee on

House File No.

By Date.

A BILL FOR

An act to amend, revise and codify chapter fourteen (14) of title twelve (12) of the compiled code of Iowa, 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 is amended, revised and codified to read as follows:

CHAPTER —.

COUNTY PUBLIC HOSPITALS.

Section 1. **County Public Hospitals—Petition—Requirements.**

1 When it is proposed to establish in any county a county public
2 hospital, a petition shall be presented to the board of supervisors,
3 signed by two hundred (200) or more resident freeholders of such
4 county, at least one hundred fifty (150) of whom shall not be resi-
5 dents of the city, town, or village where it is proposed to locate such
6 hospital, requesting said board to submit to the electors the propo-
7 sition to issue bonds for the purpose of procuring a site, and erect-
8 ing, equipping and maintaining such hospital, and specifying the
9 amount of bonds proposed to be issued for such purpose, which shall

10 not exceed one hundred thousand dollars (\$100,000.00).

[C. C. 3309, 3314, modified.]

Sec. 2. Submission to Vote.

1 Upon the presentation of such petition, the board of supervisors
2 shall submit to the voters of the county at the next general election
3 the question of issuing bonds and levying a tax for such hospital in
4 the form and manner required for the submission of public measures
5 in the title on elections.

[C. C. 3310, modified.]

Sec. 3. Submission at Special Election.

1 Should said petition so request, and the board of supervisors
2 unanimously so order, said proposition may be submitted at a special
3 election to be called by said board in the manner provided by law
4 for submitting propositions at special elections.

[C. C. 3310, modified.]

Sec. 4. Bonds Issued.

1 Should a majority of all the votes cast upon the proposition be
2 in favor of establishing such hospital, the board of supervisors shall
3 proceed to issue bonds of the county not to exceed the amount speci-
4 fied in said proposition, in denominations of not less than one hundred
5 dollars (\$100.00) nor more than one thousand dollars (\$1,000.00),
6 drawing interest at a rate not to exceed five per cent (5%) per annum,
7 payable annually or semiannually. Said bonds shall be due and pay-
8 able in twenty (20) years from date of issuance, but at the option
9 of the county payable at any time after five (5) years from such date,
10 and shall be substantially in the form provided for county bonds, and
11 shall show on their face that they are county public hospital bonds

12 payable only from the county public hospital fund as provided for
13 in the following section.

[C. C. 3314.]

Sec. 5. Tax Levy for County Public Hospital Fund.

1 If the hospital is established, the board of supervisors at the time
2 of levying ordinary taxes shall levy upon the taxable property of the
3 county, a tax at the rate voted, not to exceed two (2) mills on the
4 dollar in any one (1) year, for the erection and equipment thereof,
5 and also a tax not to exceed one (1) mill on the dollar required for
6 the maintenance of the hospital as certified by the board of hospital
7 trustees. The proceeds of such taxes shall constitute the county pub-
8 lic hospital fund.

[C. C. 3310, 3318.]

Sec. 6. County Treasurer to Sell Bonds.

1 The county treasurer shall dispose of the bonds in the same man-
2 ner as other county bonds, and the same shall not be sold for less
3 than par with accumulated interest.

[C. C. 3314.]

Sec. 7. Hospital Trustees—Appointment—Terms of Office.

1 When it has been determined by the voters of a county to estab-
2 lish a county public hospital, the board shall appoint seven (7) trus-
3 tees chosen from among the resident citizens of the county with ref-
4 erence to their fitness for such office, three (3) of whom may be
5 women, and not more than four (4) of such trustees shall be residents
6 of the city, town, or village at which such hospital is located. Such
7 trustees shall hold office until the following general election, at which
8 time their successors shall be elected, two (2) for a term of two (2)

9 years, two (2) for four (4) years, and three (3) for six (6) years,
10 and they shall determine by lot their respective terms, and thereafter
11 their successors shall be elected for regular terms of six (6) years
12 each.

[C. C. 3311.]

Sec. 8. Vacancies How Filled.

1 Vacancies in the board of trustees shall be filled in the same man-
2 ner as original appointments, such appointees to hold office until the
3 following general election.

[C. C. 3313.]

Sec. 9. Organization of Board—Meetings—Quorum.

1 Said trustees shall, within ten (10) days after their appointment
2 or election, qualify by taking the usual oath of office, but no bond
3 shall be required of them, and organize by the election of one (1) of
4 their number as chairman and one (1) as secretary. Said board
5 shall meet at least once each month. Four (4) members of said board
6 shall constitute a quorum for the transaction of business. The secre-
7 tary shall keep a complete record of its proceedings.

[C. C. 3312.]

Sec. 10. County Treasurer to Handle Funds.

1 The county treasurer shall receive and disburse all funds under
2 the control of said board of trustees, the same to be paid out only
3 upon warrants drawn by the county auditor by direction of the board
4 of supervisors after the claim for which the same is drawn has been
5 certified to be correct by the said board of trustees.

[C. C. 3312, modified.]

Sec. 11. Power and Duties of Trustees.

1 Said board of hospital trustees shall:

2 1. Purchase, condemn, or lease a site for such public hospital,
3 and provide and equip suitable hospital buildings.

4 2. Cause plans and specifications to be made and adopted for
5 all hospital buildings and equipment, and advertise for bids as re-
6 quired by law for other county buildings, before making any contract
7 for the construction of any such building or the purchase of such
8 equipment.

9 3. Have general supervision and care of such grounds and
10 buildings.

11 4. Employ a superintendent, a matron and necessary assistants
12 and employees and fix their compensation.

13 5. Have control and supervision over the physicians, nurses, at-
14 tendants, and patients in the hospital.

15 6. Cause one (1) of its members to visit and examine said hos-
16 pital at least twice each month.

17 7. Provide a suitable room for detention and examination of per-
18 sons brought before the commissioners of insanity of the county, if
19 such hospital is located at the county seat.

20 8. Determine whether or not any applicant is indigent and en-
21 titled to free treatment therein, and to fix the price to be paid by
22 other patients admitted to such hospital for their care and treatment
23 therein.

24 9. Fix at its regular August meeting in each year, the amount
25 necessary for the improvement and maintenance of the hospital dur-
26 ing the ensuing year, and cause the president and the secretary to

27 certify the same to the county auditor before September first of each
28 year.

29 10. File with the board of supervisors during the first week in
30 January of each year, a report covering their proceedings with ref-
31 erence to such hospital, and a statement of all receipts and expendi-
32 tures during the preceding calendar year.

33 11. Accept property by gift, devise, bequest, or otherwise.

[C. C. 3312, 3315, 3316, 3318, 3320, 3321, 3324, 3326.]

Sec. 12. Optional Powers and Duties of Trustees.

1 The board of hospital trustees may:

2 1. Adopt by-laws and rules for its own guidance and for the gov-
3 ernment of the hospital.

3 for the government of the hospital.

4 2. Establish and maintain in connection with said hospital a
5 training school for nurses.

6 3. Establish as a department in connection with said hospital a
7 suitable building for the isolation and detention of persons afflicted
8 with contagious diseases subject to quarantine.

9 4. Determine whether or not, and if so upon what terms, it will
10 extend the privileges of the hospital to nonresidents of the county.

[C. C. 3312, 3319, 3323, 3325.]

Sec. 13. Trustees—Pecuniary Interest Prohibited.

1 No trustee shall have, directly or indirectly, any pecuniary inter-
2 est in the purchase or sale of any commodities or supplies procured
3 for or disposed of by said hospital.

[C. C. 3312, modified.]

Sec. 14. Who Entitled to Hospital Benefits—Terms.

1 Any resident of the county who is sick or injured shall be entitled
2 to the benefits of such hospital, but every such person, except such
3 as may have been found to be indigent and entitled to free care and
4 treatment, shall pay to the board of hospital trustees reasonable com-
5 pensation for care and treatment according to the rules and regula-
6 tions established by the board.

[C. C. 3319.]

Sec. 15. No Discrimination.

1 In the management of such hospital, no discrimination shall be
2 made against the practitioners of any recognized school of medicine;
3 and each patient shall have the right to employ at his expense any
4 physician of his choice; and any such physician, when so employed
5 by the patient, shall have exclusive charge of the care and treatment
6 of the patient; and attending nurses shall be subject to the direction
7 of such physician.

[C. C. 3322.]

Sec. 16. Trustees—Compensation—Expenses.

1 No trustee shall receive any compensation for his services per-
2 formed under this chapter, but he shall be reimbursed for any cash
3 expenditures actually made for personal expenses incurred in the per-
4 formance of his duties. An itemized statement of such expenses,
5 verified by the oath of each such trustee, shall be filed with the secre-
6 tary, and the same shall only be allowed by an affirmative vote of all
7 trustees present at the meeting of the board.

[C. C. 3312.]

Sec. 17. Municipal Jurisdiction.

1 When such hospital is located on land outside of, but adjacent to
 2 a city or town, the ordinances of such city or town relating to fire and
 3 police protection and control, sanitary regulations and public utility
 4 service, shall be in force upon and over such hospital and grounds and
 5 such city or town shall have jurisdiction to enforce such ordinances.

[C. C. 3317, modified.]

CHAPTER —.

INDIGENT TUBERCULOUS PATIENTS

Sec. 18. **Care for Indigent Tuberculous Patients.**

1 The board of supervisors of each county shall provide suitable
 2 care and treatment for indigent persons suffering from tuberculosis,
 3 and where no other suitable provision has been made, they may con-
 4 tract for such care and treatment with the board of trustees of any
 5 hospital, not maintained for pecuniary profit.

[C. C. 3328, 3329.]

Sec. 19. **May Provide Separate Building.**

1 Said board of supervisors may construct, or otherwise provide,
 2 and equip suitable buildings in connection with any hospital in the
 3 county for the segregation, care, and treatment of patients afflicted
 4 with tuberculosis. No institution, hospital or building for the care
 5 and treatment of persons afflicted with tuberculosis shall be estab-
 6 lished at any county home.

[C. C. 3330, modified.]

Sec. 20. **Payment for Construction.**

1 The board may, in counties having a population of over fifteen

2 thousand (15,000) and under sixty-seven thousand (67,000) appro-
3 priate a sum not exceeding five thousand dollars (\$5,000.00), and in
4 counties of less than fifteen thousand (15,000), a sum not to exceed
5 two thousand dollars (\$2,000.00) for acquiring, constructing, and
6 equipping sites and buildings, without submitting the question to a
7 vote.

[C. C. 3331.]

Sec. 21. Allowance for Support.

1 The board of supervisors shall allow from the poor fund of the
2 county for the care and support of each tuberculous patient cared for
3 in any such institution, a sum not exceeding fifteen dollars (\$15.00)
4 per week.

[C. C. 3331.]

Sec. 22. Inspection—Powers of Board of Control.

1 Any such department shall be inspected and approved by the
2 board of control, which board shall have the power to require altera-
3 tions in buildings and equipment, and such changes in treatment as
4 may be necessary in order to make the institution and treatment con-
5 form to modern and accepted methods for the treatment of tuber-
6 culosis.

[C. C. 3330.]

Sec. 23. Commitment to State Sanatorium.

1 Any person suffering from tuberculosis, who shall persistently
2 refuse to obey or comply with the rules of any institution for the care
3 of tuberculous patients, may, by order of the district court of the
4 county in which such institution is located, be committed to the state
5 sanatorium, subject to the rules of admission at said institution, or

6 to any county sanatorium or other institution where tuberculous pa-
7 tients are treated.

[C. C. 3332, modified.]

Sec. 24. Tuberculous Patients Violating Laws and Regulations.

1 If any patient being treated for tuberculosis at the state sana-
2 torium, or any county sanatorium or other institution where tuber-
3 culosis is cared for, shall refuse to comply with the laws of the state
4 or rules for the government of the institutions named herein, and shall
5 persistently, or carelessly or maliciously violate such laws or rules so
6 as to menace the welfare of said institution or to interfere with the
7 administration, order or peace of said institution, then upon com-
8 plaint of the superintendent of any institution herein designated, such
9 person may, by order of the district court, be segregated and forcibly
10 detained in a ward or room, for such purpose, and for such period of
11 time as may be deemed advisable by the court, to the end that such
12 person may be properly treated, and the population of such institution
13 may be protected and the decorum maintained.

[C. C. 3333.]

CHAPTER —.

DETENTION HOSPITAL FOR CONTAGIOUS DISEASES

Sec. 25. Contagious Disease Detention Hospitals.

1 When the board of supervisors of any county shall be presented
2 with a petition signed by three hundred (300) resident freeholders
3 of the county, of whom two hundred (200) shall be residents of the
4 city, town, or village where it is proposed to establish and equip a
5 hospital for the detention of persons suffering from any infectious

6 or contagious disease, the board, when authorized by the vote of the
7 people at an election called and held as provided in the chapter relat-
8 ing to county public hospitals, shall order the erection and equipment
9 of such hospital, at a cost of not more than the amount voted, which
10 shall in no event exceed the sum of forty thousand dollars
11 (\$40,000.00).

[C. C. 3309, modified.]

Sec. 26. Detention Hospital Bonds—Tax Levy.

1 The board of supervisors shall issue the bonds of the county
2 covering the cost of the erection and equipment of said hospital, which
3 bonds shall be payable at the option of the county at any time within
4 fifteen (15) years, and shall draw interest at the rate of not more
5 than six per cent (6%) per annum, payable annually. The board
6 shall make a levy upon the taxable property of the county sufficient
7 and which shall be used only for payment of the principal of and
8 interest on said bonds as the same shall become due and payable.

[C. C. 3309.]

Sec. 27. Management and Control—Statutes Applicable.

1 The establishment, maintenance, and control of such hospital shall
2 be in accordance with the provisions of the chapter relating to county
3 public hospitals, so far as applicable.

[New.]

Code Commissioners' Bill No. 143

Subject: COUNTY AID FOR THE BLIND

Senate File No..... Referred to Committee on
House File No.....
By Date.....

A BILL FOR

An act to amend, revise and codify chapter fifteen (15) of title twelve (12) of the compiled code of Iowa, relating to county aid for the blind.

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

That chapter fifteen (15) of title twelve (12) of the compiled code of Iowa is amended, revised and codified to read as follows:

CHAPTER 15.

COUNTY AID FOR THE BLIND.

Section 1. Aid for Blind.

1 Any person declared to be blind, under the provisions of this
2 chapter, if male over twenty-one (21) and if female over eighteen
3 (18) years of age, who is not a charge of any charitable institution,
4 and has not an income of over three hundred dollars (\$300.00) per
5 annum, and who has resided in Iowa five (5) years and in the county
6 one (1) year immediately before applying therefor, shall receive as
7 a benefit the sum of not less than one hundred fifty dollars (\$150.00)
8 nor more than three hundred dollars (\$300.00) per annum as the
9 board of supervisors may determine.

[C. C. 3334, 3335, 3336.]

Sec. 2. Examiner for the Blind.

1 The board of supervisors in each county shall appoint a regular
2 practicing physician who shall have had training as an oculist, and
3 whose official title shall be "Examiner of the Blind." He shall keep
4 an office open in some convenient place in the county during the first
5 week of January, and during the first two (2) days of the first week
6 of April, July, and October, for the examination of applicants for
7 said benefit.

[C. C. 3337, modified.]

Sec. 3. Duties of Examiner.

1 The examiner of the blind shall examine all applicants referred
2 to him by the board of supervisors, and indorse on the application a
3 certificate showing whether the applicant is blind or not. The exam-
4 iner shall keep a register in which he shall enter the name, age, and
5 place of residence of the applicant, and the facts ascertained by the
6 examination, and enter the same on the certificate. He shall be paid
7 from the county treasury for his services the sum of two dollars
8 (\$2.00) for each applicant examined.

[C. C. 3338.]

Sec. 4. Application for Relief—How Made—Proof.

1 Any person claiming benefits under the provisions of this chapter
2 may go before the auditor of the county of his residence and make
3 affidavit to the facts which bring him within its provisions, which
4 shall be deemed an application for the benefit. The affidavit shall be
5 accompanied by the affidavits of two (2) reputable citizens, residents
6 of the county, that they have known said applicant to be a resident
7 of the state for five (5) years and of the county for one (1) year

8 immediately preceding the filing of the application. The auditor shall
9 present the matter to the board of supervisors, which shall refer the
10 application to the examiner of the blind.

[C. C. 3339, modified.]

Sec. 5. Duty of Auditor.

1 The auditor shall register the name, address and number of the
2 applicant, and date of the examination of each applicant who has been
3 determined to be entitled to said benefit, and each year on or before
4 the fifteenth day of January, he shall certify to the board of super-
5 visors the name and address of each such applicant.

[C. C. 3340, modified.]

Sec. 6. Duty of Board of Supervisors.

1 It shall be the duty of the board of supervisors of each county
2 in this state to cause warrants to be drawn, properly indorsed, pay-
3 able to each of said persons in said county each quarter in each year
4 thereafter, during the life of said persons, while they are residents
5 of said county and while said disability continues. Where the bene-
6 ficiary under the provisions of this chapter is for any cause unable
7 to judiciously expend said fund, the same may be paid to the overseer
8 of the poor or some person appointed by the board of supervisors,
9 who shall expend the same for the use and benefit of the beneficiary.

[C. C. 3334, 3341, modified.]

Code Commissioners' Bill No. 144

Subject: RELIEF FOR SOLDIERS, SAILORS AND MARINES

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

An act to amend, revise and codify sections thirty-three hundred forty-two (3342) to thirty-three hundred forty-seven (3347), inclusive, of the compiled code of Iowa, relating to relief for soldiers, sailors and marines.

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-seven (3347), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

CHAPTER 16.

RELIEF FOR SOLDIERS SAILORS AND MARINES

Section 1. **Soldiers' and Sailors' Relief.**

1 A tax not exceeding one (1) mill on the dollar may be levied by
2 the board of supervisors upon all taxable property within the county,
3 to be collected at the same time and in the same manner as other
4 taxes, to create a fund for the relief of, and to pay the funeral ex-
5 penses of honorably discharged, indigent United States soldiers, sail-
6 ors and marines, and their indigent wives, widows and minor chil-
7 dren, not over fourteen (14) years of age if boys, nor sixteen (16)
8 if girls, having a legal residence in the county.

[C. C. 3342.]

Sec. 2. Control of Fund—Present Commissioners—Expiration of Term.

1 Said fund shall be expended for the purposes aforesaid by the
2 joint action and control of the board of supervisors and the relief
3 commission hereinafter provided for. The term of office of members
4 of said commission now serving shall expire on the first day of Sep-
5 tember next after the taking effect of this code at which time the
6 board of supervisors shall appoint a new commission under the next
7 section.

[C. C. 3342, modified.]

Sec. 3. Disbursement of Relief.

1 Said fund shall be disbursed by the soldiers' relief commission,
2 which shall consist of three (3) persons, two (2) of whom shall be
3 honorably discharged soldiers, sailors or marines, of the United States.
4 Members of said commission shall be appointed by said board at the
5 regular meeting in September, and the first appointees shall hold their
6 office for one (1), two (2) and three (3) years, respectively, and
7 until their successors shall be appointed and qualified, and thereafter
8 one (1) shall be appointed each year for a term of three (3) years.
9 Any appointee may be removed at any time by said board for neglect
10 of duty or maladministration. Vacancies shall be filled by appoint-
11 ment by the board.

[C. C. 3343.]

Sec. 4. Qualification—Organization of Commission.

1 They shall qualify by taking the usual oath of office, and give
2 bond in the sum of five hundred dollars (\$500.00) each, conditioned
3 for the faithful discharge of their duties with sureties to be approved
4 by the county auditor. The commission shall organize by the selec-

5 tion of one (1) of their number as chairman, and one (1) as secretary.

[C. C. 3343.]

Sec. 5. Meetings—Report to Supervisors—Disbursements.

1 The commission shall meet annually at the county auditor's office
2 on the second Monday in September, and at such other times as may
3 be necessary. At the annual meeting it shall determine who are en-
4 titled to relief and the probable amount required to be expended there-
5 for, which sum it shall certify to the board, together with a list of
6 those found to be entitled to relief, and the sum to be paid in each
7 case. The board at its regular September meeting shall levy a suffi-
8 cient tax to raise such amount, not exceeding in the aggregate the
9 amount authorized.

[C. C. 3344.]

Sec. 6. Names Certified to Township Clerk—Relief Changed—Report.

1 Upon the filing of the list with the board of supervisors, the
2 county auditor shall, within twenty (20) days thereafter, transmit
3 to the township clerks in the county the names of those, if any, to
4 whom relief has been awarded, and the amount. The amount awarded
5 to any person may be increased, decreased or discontinued by the com-
6 mission at any regular meeting. New names may be added and cer-
7 tified thereat, and it shall, at the close of each year, make annual
8 detailed reports to the board of its work, which shall be accompanied
9 with the proper vouchers for all moneys disbursed by it.

[C. C. 3344.]

Sec. 7. Disbursement of Relief.

1 On the first Monday of each month after the fund is ready for
2 distribution, the auditor shall issue his warrant to the commission for

3 the sums thus awarded, and it shall proceed to disburse the same to
4 the parties named in the list, or should it appear to the commission
5 that any person entitled to relief will not properly expend the same,
6 the payment may be made to some suitable person, who shall, as di-
7 rected by it, make the disbursements thereof, for the use and benefit
8 of such person, and receipts shall be taken for each payment.

[C. C. 3344.]

Sec. 8. Burial Soldiers, Sailors, Wives, and Widows.

1 The board shall designate some suitable person in each township
2 to cause to be decently interred in a suitable cemetery and apart from
3 the graves of paupers, the body of any honorably discharged soldier,
4 sailor, or marine of the United States or his wife or widow, if any
5 such person has died without leaving sufficient means to defray the
6 funeral expenses. The commission shall pay such expenses in a sum
7 not exceeding fifty dollars (\$50.00) in any case. Surviving relatives
8 of the deceased shall be permitted to conduct the funeral.

[C. C. 3345, modified.]

Sec. 9. Headstone—Name and Organization.

1 The grave of each soldier, sailor, or marine shall be marked by
2 a headstone, showing his name and the organization to which he be-
3 longed or in which he served. The headstone shall be of such design
4 and material as may be approved by the board of supervisors, and
5 shall cost not more than fifteen dollars (\$15.00).

[C. C. 3346, modified.]

Sec. 10. Expenses and Audit Thereof.

1 The expenses of such burial and headstone shall be paid by the
2 county in which such person died. The board of supervisors of such

3 county shall audit the account and pay the same from the funds pro-
4 vided for in this chapter in the manner as other claims are audited
5 and paid.

[C. C. 3346.]

Sec. 11. Markers for Graves—How Paid For.

1 The soldiers' relief commission in any county shall, upon the
2 petition of five (5) reputable freeholders of any township or munici-
3 pality in their county, procure for and furnish to said petitioners
4 some suitable and appropriate metal marker, at a cost not exceeding
5 one dollar (\$1.00) each, for the grave of each honorably discharged
6 soldier, sailor, or marine of the United States, who is buried within
7 the limits of said township or municipality, to be placed at his grave
8 to permanently mark and designate said grave for memorial purposes.
9 The expenses thereof shall be paid from any funds raised as provided
10 in this chapter.

[C. C. 3347.]

Code Commissioners' Bill No. 145.

Subject: OFFICIAL NEWSPAPERS

Senate File No. _____ Referred to Committee on _____
 House File No. _____
 By _____ Date _____

A BILL FOR

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.**

- 1 The board of supervisors shall, at the January session each year,
- 2 select the newspapers in which the official proceedings shall be pub-
- 3 lished for the ensuing year.

[C. C. 3354.]

Sec. 2. Source of Selection.

- 1 Such selection shall be from newspapers published, and having the
- 2 largest number of bona fide yearly subscribers, within the county.
- 3 When counties are divided into two (2) divisions for district court
- 4 purposes, each division shall be regarded as a county.

[C. C. 3354.]

Sec. 3. Number to Be Selected.

1 The number of such newspapers to be selected shall be as follows:

2 1. In counties having a population of less than fifteen thousand
3 (15,000), two (2) such newspapers, or one (1), if there be but one (1)
4 published therein.

5 2. In all other counties, three (3) such newspapers, not more than
6 two (2) of which shall be published in the same city or town.

[C. C. 3354.]

Sec. 4. Application—Contest.

1 Any publisher who desires that his newspaper be so selected may
2 make written application therefor to the board of supervisors at any
3 time prior to the making of the selection. If more applications are
4 filed than there are newspapers to be selected, a contest shall exist.

[New.]

Sec. 5. Contest—Verified Statements.

1 In case of a contest, each applicant shall deposit with the county
2 auditor, in a sealed envelope, a statement, verified by him, showing the
3 names of his bona fide yearly subscribers living within the county and
4 the place at which each such subscriber receives such newspaper, and
5 the manner of its delivery, and if by rural route, the number thereof.

[C. C. 3354, modified.]

Sec. 6. Determination of Contest.

1 The county auditor shall, on the direction of the board while it is
2 in session, open said envelopes. The board may receive other evidence
3 of circulation. In counties in which two (2) newspapers are to be se-
4 lected, the two (2) newspapers showing the largest number of bona
5 fide yearly subscribers living within the county shall be selected as

6 such official newspapers. In counties in which three (3) newspapers
7 are to be selected, the three (3) showing the largest number of such
8 subscribers shall be selected except when such three (3) newspapers
9 are all published in the same city or town, in which case the two (2)
10 newspapers in such city or town having the largest lists of such sub-
11 scribers and the newspaper having the next largest list of such sub-
12 scribers and published outside such city or town, shall be selected as
13 such official newspapers.

[C. C. 3354.]

Sec. 7. Tie Lists.

1 When newspapers are, by equality of circulation, equally entitled
2 to such selection, the board shall, in the presence of the contestants,
3 determine the question by lot.

[New.]

Sec. 8. Fraudulent Lists.

1 No newspaper shall be selected as an official paper when it is made
2 to appear that the verified list deposited by the applicant contains the
3 names of persons who are not bona fide subscribers as heretofore
4 defined, and that such names were knowingly and wilfully entered on
5 such list by the applicant, or at his instance, with intent to deceive
6 the board.

[C. C. 3354.]

Sec. 9. New Date Fixed if All Rejected.

1 If all certified statements are rejected under the provisions of the
2 preceding section, the board shall fix a new date for the selection of
3 official papers and nothing herein shall be construed to prevent the
4 applicants so rejected from filing new certified statements.

[C. C. 3354.]

Sec. 10. Appeal—Bond for Costs—Notice.

1 Any applicant may, within twenty (20) days after the selection of
2 official newspapers, appeal to the district court from the decision of
3 the board of supervisors as to the selection of any or all newspapers
4 so selected by filing in the office of the county auditor a bond for costs,
5 in a sum and with sureties to be approved by said auditor, and by
6 serving upon each applicant whose selection he desires to contest and
7 the county auditor a notice of appeal.

[C. C. 3354.]

Sec. 11. Transcript.

1 The auditor shall forthwith file with the clerk of the district
2 court a transcript of all the proceedings before the board together with
3 all papers filed in connection with said matter.

[C. C. 3354, modified.]

Sec. 12. Trial of Appeal.

1 Said appeal shall be for trial de novo as an equitable action with-
2 out formal pleadings at the first term following the filing of such
3 transcript.

[C. C. 3354, modified.]

Sec. 13. Publication Pending Contest.

1 After the selection by the board of supervisors of official news-
2 papers, no publisher shall receive pay for publishing official proceed-
3 ings until the contest is finally determined, in so far as he is concerned.

[C. C. 3354, modified.]

Sec. 14. Division of Compensation—By Agreement.

1 If in any county the publishers of two (2) or more newspapers, at
2 least one (1) of which by reason of its location and circulation is

3 entitled to be selected as a county official newspaper, have entered into
4 an agreement to publish the official proceedings or have united in a
5 request to have their publications selected for such purposes, and such
6 agreement or request has been filed with the board of supervisors
7 prior to the naming of the official newspapers, the board of supervisors
8 shall designate each of them a county official paper, but the combined
9 compensation of the papers so requesting or agreeing, added to that of
10 the other official paper or papers, if any, shall not exceed the combined
11 compensation allowed by law to two (2) official papers in counties
12 having a population below fifteen thousand (15,000) or to three (3)
13 official papers in counties having a population of fifteen thousand
14 (15,000) or more.

[C. C. 3354.]

Sec. 15. What to Be Published—Auditor to Furnish Copy.

1 There shall be published in each of said official newspapers at the
2 expense of the county during the ensuing year:

3 1. The proceedings of the board of supervisors, including their
4 proceedings as a canvassing board of the various elections as provided
5 by law.

6 2. The schedule of bills allowed by said board.

7 3. The reports of the county treasurer, including a schedule of
8 the receipts and expenditures of the county.

9 4. A synopsis of the expenditures of township trustees for road
10 purposes as provided by law.

11 5. All other matters required by law to be published therein.

[C. C. 2997, 3354, modified.]

Sec. 16. Designation of Newspapers.

1 The clerk of the district court, sheriff, auditor, treasurer and re-
2 corder shall designate the newspapers in which the notices pertaining
3 to their respective offices shall be published and the board of super-
4 visors shall designate the papers in which all other county notices and
5 proceedings, not required to be published in the official county news-
6 papers, shall be published.

[C. C. 3355.]

Sec. 17. Publications to Be in English.

1 All notices, proceedings, and other matter whatsoever, required
2 by law or ordinance to be published in a newspaper, shall be published
3 only in the English language and in newspapers published wholly in
4 the English language.

[C. C. 3355.]

Sec. 18. Penalty.

1 Any person who is in any manner a party to a violation of the
2 preceding section shall be guilty of a misdemeanor.

[C. C. 3356.]

Code Commissioners' Bill No. 146.

Subject: BOUNTIES ON WILD ANIMALS

Senate File No. Referred to Committee on
House File No.
By Date.

A BILL FOR

An act to amend, revise and codify chapter eighteen (18) of title twelve (12) of the compiled code of Iowa, relating to bounties on wild animals.

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

That chapter eighteen (18) of title twelve (12) of the compiled code of Iowa is amended, revised and codified to read as follows:

CHAPTER 18.

BOUNTIES ON WILD ANIMALS.

Section 1. Bounties on Certain Animals.

1 The board of supervisors of each county shall allow and pay from
2 the county treasury bounties for wild animals caught and killed within
3 the county as follows:

- 4 For each adult wolf, ten dollars (\$10.00).
- 5 For each cub wolf, four dollars (\$4.00).
- 6 For each lynx, one dollar (\$1.00).
- 7 For each wildcat, one dollar (\$1.00).
- 8 For each pocket gopher, ten cents (10c).

[C. C. 3357, 3358.]

Sec. 2. Optional Bounties.

1 The board may by resolution adopted and entered of record
2 authorize the payment of bounties as follows:

- 3 For each crow, ten cents (10c).
 4 For each groundhog, twenty-five cents (25c).
 5 For each rattlesnake, fifty cents (50c).
 [C. C. 3361, 3364, 3367.]

Sec. 3. Additional Bounties.

- 1 The board may determine what bounties, in addition to those
 2 named in the two (2) preceding sections, if any, shall be offered and
 3 paid by the county on the scalps of such wild animals taken and killed
 4 within the county as it may deem it expedient to exterminate, but no
 5 such bounty shall exceed five dollars (\$5.00).
 [C. C. 3130.]

Sec. 4. Filing Claims—Proofs.

- 1 All claims for bounties shall be verified by the claimant, and filed
 2 with the county auditor, with such other proof as may be required by
 3 the board.
 [C. C. 3357, 3360, 3363, 3366, 3368.]

Sec. 5. Showing Required.

- 1 The verified claim shall show that each animal for which bounty
 2 is claimed was caught and killed within the county within thirty (30)
 3 days next prior to the filing of the claim, and the claimant shall ex-
 4 hibit before the county auditor:
- 5 1. The whole skin of each wolf, lynx, or wildcat.
 - 6 2. Both front feet and claws of each gopher.
 - 7 3. The head and feet of each crow.
 - 8 4. The head or scalp of each groundhog.
 - 9 5. Two (2) inches of the tail, with rattles attached, of each rattle
 10 snake.

[C. C. 3357, 3359, 3360, 3362, 3365, 3366, 3368.]

Sec. 6. Auditor to Destroy Proofs.

1 The auditor shall:

2 1. Destroy or deface the skin of each wolf, lynx, and wildcat so
3 as to prevent their use in obtaining another bounty, and may return
4 to the owner any such defaced skins, and the rattles of any rattlesnake.

5 2. Destroy the heads, scalps, feet, claws, and other portions re-
6 quired to be exhibited of such animals.

[C. C. 3357, 3363, 3369.]

Sec. 7. False Claim to Bounty Punished.

1 Any person who shall claim or attempt to procure any bounty
2 provided for in this chapter upon any animal killed in another state
3 or county, or upon any animal which has been domesticated, or who
4 shall attempt to obtain any bounty by presenting any false claim or
5 spurious exhibit, shall be fined not more than one hundred dollars
6 (\$100.00) nor less than fifty dollars (\$50.00) for each offense.

[C. C. 3357, modified.]

Code Commissioners' Bill No. 147.

Subject: RELOCATION OF COUNTY SEATS

Senate File No.	Referred to Committee on
House File No.	..
By	Date . . .

A BILL FOR

An act to amend, revise and codify chapter nineteen (19) of title twelve (12) of the compiled code of Iowa, relating to the relocation of county seats.

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

That chapter nineteen (19) of title twelve (12) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Relocation of County Seats.

1 Petitions for the relocation of a county seat shall be made to the
2 board of supervisors at its regular June session and not oftener than
3 once in five (5) years.

[C. C. 3370.]

Sec. 2. Petition—Requirements.

1 Said petition may be in different parts and shall be filed with the
2 county auditor at least sixty (60) days before said June session, and
3 shall:

- 4 1. Designate the city or town at which the petitioners desire to
5 have the county seat relocated.
- 6 2. Be signed by none but legal voters of the county.
- 7 3. Contain the section, township and range on which, or the town,
8 precinct or ward if in a city, in which the petitioner resides.

9 4. Give the age and time of residence in the county of such peti-
10 tioner.

11 5. Be accompanied at the time of filing by affidavits of one (1)
12 or more residents of the county, stating:

13 *a.* That the signers of the petition were, at the time of signing,
14 legal voters of said county.

15 *b.* The number of signers to the petition at the time the affidavit
16 is made.

[C. C. 3371.]

Sec. 3. Time of Hearing.

1 Upon the filing of the petition, the county auditor shall fix a time
2 for the hearing thereon before the board of supervisors, which time
3 shall not be less than sixty (60) nor more than ninety (90) days after
4 the first publication, or after the completed posting, of the notice here-
5 inafter provided for.

[New.]

Sec. 4. Notice.

1 The county auditor shall forthwith cause a notice of the filing of
2 such petition and of the time of hearing thereon, to be published once
3 each week for three (3) consecutive weeks in a newspaper published
4 in the county; if there be no newspaper published in the county, the
5 auditor shall cause said notice to be posted in a public place in each
6 township in the county, and also on the door of the courthouse.

[C. C. 3373.]

Sec. 5. Remonstrances.

1 Remonstrances against such relocation, signed by voters with like
2 qualifications, and in all respects as required of petitioners, and veri-

3 filed in the same manner, may be filed with the auditor ten (10) days
4 prior to the date of hearing as stated in said notice.

[C. C. 3372.]

Sec. 6. Objections—Evidence.

1 Objections to the legal sufficiency of either the petition or remon-
2 strance, or any part thereof, may be filed at any time before the hear-
3 ing commences. The reception of such objections during the hear-
4 ing shall be at the discretion of the board. The board may disregard
5 any objection which is not specific, or may require it to be made spe-
6 cific. The board may receive evidence with reference to any material
7 fact.

[New.]

Sec. 7. Total Rejection of Petition or Remonstrance.

1 A petition which fails to distinctly state the city or town at
2 which the petitioners desire to have the county seat relocated shall be
3 rejected without further investigation; likewise a petition or remon-
4 strance which is not accompanied by the required affidavits.

[New.]

Sec. 8. Canvass.

1 If the petition is found to be sufficient as provided in the preced-
2 ing section, the board shall proceed to canvass the same, and also the
3 remonstrance if it is found to be sufficient. In such canvass the board
4 shall proceed as follows:

5 1. It shall strike from both the petition and the remonstrance all
6 names which do not appear therein in the form required by this
7 chapter.

8 2. It shall strike from both the petition and the remonstrance the
9 names of all persons shown not to have been legal voters of the county
10 at the time of signing.

11 3. It shall also strike from the petition and remonstrance all names
12 not placed thereon within sixty (60) days next preceding the filing of
13 the petition or remonstrance.

14 4. It shall, after the foregoing has been determined, strike from
15 the petition all names that appear on both petition and remonstrance.

[C. C. 3374, modified.]

Sec. 9. Election Called.

1 If the petition shows, after all names have been stricken as here-
2 inbefore required, that it has been signed by legal voters equal to at
3 least one-half ($\frac{1}{2}$) of all legal voters of the county as shown by the
4 last state or federal census, and that such number of voters so signing
5 exceeds the number of voters who have, after all names have been
6 stricken as required, signed the remonstrance, then the board shall
7 order the proposition submitted to a vote of the people.

[C. C. 3374.]

Sec. 10. Submission of Question.

1 The proposal to relocate a county seat shall be submitted at the
2 general election held in the year in which the order is made, if there
3 be sufficient time in which to give the notice hereinafter required. If
4 there be not sufficient time, and in those cases where no general elec-
5 tion is held in the year in which the order is made, the board shall
6 submit such proposition at a special election to be called by the board.

[C. C. 3374, modified.]

Sec. 11. Notice of Election.

4 more than a mile from the corporate limits of the present county
5 seat, such proposition shall not be deemed carried, and the county
6 records shall not be removed to the new county seat unless two-thirds
7 ($\frac{2}{3}$) of all the votes cast be in favor of such proposed removal.

[C. C. 3376.]

Sec. 15. Records—Time of Removal—Place of Holding Court.

1 If the proposition to relocate be carried, the board of supervisors
2 may permit the county records to remain at the old county seat, and
3 the district court may continue to hold its sessions thereat until such
4 time as a new courthouse is built and equipped at the new county seat.

[New.]

Sec. 16. Proof of Service.

1 Proof of the giving of notices required by this chapter shall be
2 made as provided in case of original notices.

[New.]

Code Commissioners' Bill No. 148

Subject: CHANGING NAMES OF VILLAGES

Senate File No. Referred to Committee on

House File No.

By Date

A BILL FOR

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.**

1 The board of supervisors may change the names of villages within
2 their respective counties in the manner herein prescribed.

[C. C. 3377.]

Sec. 2. Petition—Requirements.

2 There shall be filed in the office of the auditor of the county in
2 which such village or the major portion thereof is situated, a petition
3 for that purpose, which must be signed by at least two-thirds ($\frac{2}{3}$)
4 of the qualified electors of said village, setting forth its name and loca-
5 tion and giving the name by which they desire it to be known.

[C. C. 3378.]

Sec. 3. Notice.

1 Notice of the filing and object of the petition and the time and
2 place of hearing on the same shall be given by publication for at least
3 four (4) successive weeks in one (1) of the official newspapers of
4 the county, and the last publication shall be at least ten (10) days
5 prior to the regular meeting of the board at which the same is to be
6 considered; or by posting a copy of the petition in at least three (3)
7 public places in the village, and on the front door of the courthouse,
8 for at least four (4) weeks before such meeting.

[C..C. 3379.]

Sec. 4. Hearing.

1 At the first regular meeting of said board after publication of
2 notice is completed, it shall consider any remonstrances against the
3 proposed change, and shall hear and determine said petition, unless
4 the same is for good cause continued until the next meeting.

[C. C. 3380.]

Sec. 5. Order of Board.

1 If on the hearing it shall appear that two-thirds ($\frac{2}{3}$) of the quali-
2 fied electors of said village have in good faith signed said petition for
3 change of name, then the said board shall order said name to be
4 changed as prayed for.

[C. C. 3381.]

Sec. 6. When Order Takes Effect—Publication.

1 The order of the board shall thereupon be entered of record, giv-
2 ing the name of said village as set forth in said petition, the new name
3 given, the time when the change shall take effect, which shall not be
4 less than thirty (30) days thereafter.

[C. C. 3382.]

Sec. 7. Notice of Change—Proof Preserved.

1 Notice of said change shall be published in at least one (1) news-
2 paper of general circulation in the county at least ten (10) days prior
3 to the date fixed for the change to take effect. Proof of such publi-
4 cation, by the affidavit of the publisher, shall be filed in the office of
5 the auditor and entered of record, whereupon the change shall be
6 complete.

[C. C. 3382, 3383.]

Sec. 8. Costs.

1 In cases arising under the provisions of this chapter, where there
2 is no opposition to said petition, the petitioners shall pay all costs; in
3 all other cases costs shall abide the result of the proceeding, and be
4 taxed to either party, in the discretion of the board, or divided equit-
5 ably between the parties.

[C. C. 3384.]

Code Commissioners' Bill No. 149

Subject: LAND SURVEYS.

Senate File No. _____ Referred to Committee on _____
House File No. _____
By Date _____

A BILL FOR

An act to amend, revise and codify sections thirty-three hundred eighty-five (3385) and thirty-three hundred ninety-nine (3399) 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—Highway Engineer to Act—When.

1 In counties where a county surveyor is appointed by the board
2 of supervisors, as authorized by law, he shall be the official county
3 surveyor and in all other counties the county highway engineer of
4 such county shall be ex officio the county surveyor.

[New.]

Sec. 2. Duties—Record to Be Kept.

1 The county surveyor shall make all surveys of land within his
2 county which he may be requested to make, and the field notes and
3 plats made by him shall, under his supervision, be transcribed, at
4 the expense of the person requesting the survey, into a well-bound
5 book, which book shall be kept in the auditor's office.

[C. C. 3385.]

That section thirty-three hundred ninety-nine (3399) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 3. Surveyor's Fees.

- 1 The county surveyor may charge and receive the following fees:
- 2 1. For each day's service actually performed in traveling to and
- 3 from the place where any survey is to be made, and for making the
- 4 same, and return thereof, ten dollars (\$10.00).
- 5 2. For making up the record of any survey, and the plat and
- 6 field notes thereof, one and one-half dollars (\$1.50) per page.
- 7 3. For certified copy of the plat or field notes, fifty cents (50c).

[C. C. 3399, modified.]

Code Commissioners' Bill No. 150

Subject: JAILS

Senate File No. _____ Referred to Committee on _____
House File No. _____
By . _____ Date _____ ..

A BILL FOR

An act to amend, revise and codify sections thirty-four hundred one (3401) to thirty-four hundred eight (3408), inclusive, and sections thirty-four hundred eleven (3411), thirty-four hundred fourteen (3414), thirty-four hundred fifteen (3415), thirty-four hundred eighteen (3418), thirty-four hundred twenty (3420), and thirty-four hundred twenty-three (3423) of the compiled code of Iowa, relating to jails.

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

That sections thirty-four hundred one (3401) to thirty-four hundred eight (3408), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Duty as to Jail and Prisoners.

1 The sheriff shall have charge and custody of the prisoners in the
2 jail or other prisons of his county, and shall receive those lawfully
3 committed, and keep them until discharged by law.

[C. C. 3401.]

Sec. 2. Minors Separately Confined.

1 Any sheriff, city marshal or chief of police, having in his care
2 or custody any prisoner under the age of eighteen (18) years, shall
3 keep such prisoner separate and apart, and prevent communication
4 by such prisoner with prisoners above that age, while such prisoners

5 are not under the personal supervision of such officer, if suitable build-
6 ings or jails are provided for that purpose, unless such prisoner is
7 likely to or does exercise an immoral influence over other minors with
8 whom he may be imprisoned. Any officer having charge of prisoners
9 who without just cause or excuse neglects or refuses to perform the
10 duties imposed on him by this section may be suspended or removed
11 from office therefor.

[C. C. 3402.]

Sec. 3. Females.

1 All jails shall be equipped with a separate apartment for females,
2 who shall be detained only in such apartment, and males and females
3 shall not at the same time be allowed in the same apartment.

[C. C. 3403.]

Sec. 4. Keeper's Duty—Supplies Furnished—Account.

1 The keeper of each jail shall:

2 1. See that the jail is kept in a clean and healthful condition.

3 2. Furnish each prisoner with necessary bedding, clothing, towels,
4 fuel and medical aid.

5 3. Serve each prisoner three (3) times each day with an ample
6 quantity of wholesome food.

7 4. Furnish each prisoner sufficient clean, fresh water for drink-
8 ing purposes and for personal use.

9 5. To keep an accurate account of the items furnished each pris-
10 oner.

[C. C. 3404, 3407.]

Sec. 5. Sheriff's Duty.

1 The sheriff must keep an accurate calendar of each prisoner com-

mitted to his care, which shall contain his name, place of abode, the day and hour of commitment and discharge, the cause and term of commitment, the authority that committed him, and a description of his person, a statement of his occupation, education and general habits. When any prisoner is discharged, such calendar must show the day and hour when and the authority by which it took place, and if a person escapes, it must state particularly the time and manner thereof.

[C. C. 3405.]

Sec. 6. Calendar Returned.

At the opening of each term of the district court within his county, the sheriff must return a copy of such calendar to the judge thereof. If a sheriff neglects or refuses so to do, he shall be punished by fine not exceeding one hundred dollars (\$100.00).

[C. C. 3406.]

Sec. 7. Removal in Case of Fire.

When a jail or any building contiguous or near thereto is on fire, and there is reason to apprehend that the prisoners therein may be injured thereby, the sheriff or keeper must remove such prisoners to some safe and convenient place, and there confine them so long as it may be necessary to avoid such danger.

[C. C. 3408.]

That sections thirty-four hundred eleven (3411) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 8. Report.

Such report must state the number of persons confined, for what cause, the number usually confined in one (1) room, the distinction, if any, observed in the treatment of prisoners, the evils found to exist

4 in such prisons, and particularly whether any provision of this chapter
5 has been violated or neglected, and in what respects.

[C. C. 3411.]

That sections thirty-four hundred fourteen (3414) and thirty-four
hundred fifteen (3415) of the compiled code of Iowa are amended, revised
and codified to read as follows:

Sec. 9. Refractory Prisoners

1 If any person confined in a jail is refractory or disorderly, or
2 wilfully destroys or injures any part thereof or of its contents, the
3 sheriff may chain or secure such person, or cause him to be kept in
4 solitary confinement, not more than ten (10) days for any one (1)
5 offense, during which time he may be fed with bread and water only,
6 unless other food is necessary for the preservation of his health.

[C. C. 3414.]

Sec. 10. Expenses of Jail.

1 All charges and expenses for the safekeeping and maintenance
2 of prisoners shall be allowed by the board of supervisors, except those
3 committed or detained by the authority of the courts of the United
4 States, in which cases the United States must pay such expenses to
5 the county.

[C. C. 3415.]

That section thirty-four hundred eighteen (3418) of the compiled
code of Iowa is amended, revised and codified to read as follows:

Sec. 11. Under Whose Direction.

1 If the sentence is for the violation of any of the statutes of the
2 state, the sheriff of the county shall superintend the performance of
3 the labor, and furnish the tools and materials, if necessary, to work

4 with, at the expense of the county in which the convict is confined,
5 and such county shall be entitled to his earnings.

[C. C. 3418.]

Sec. 12. Labor Under Rules—Not to Be Leased.

1 Such labor shall be performed in accordance with such rules as
2 may be made by resolution of the board of supervisors, not inconsis-
3 tent with the provisions of this chapter, and such labor shall not be
4 leased.

[C. C. 3418.]

That section thirty-four hundred twenty (3420) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 13. Attempt to Escape—Refusal to Labor—Punishment.

1 The officer having charge of any prisoner may use such means
2 as are necessary to prevent his escape, and if the prisoner attempts
3 to escape or if, being convicted, he refuses to labor, the officer having
4 him in charge may, to secure his person or cause him to labor, deal
5 with him as with other disorderly or refractory prisoners. Such pun-
6 ishment shall be inflicted within the jail or jail inclosure, and the
7 time of such solitary confinement shall not be considered as any part
8 of the time for which the prisoner is sentenced.

[C. C. 3420.]

That section thirty-four hundred twenty-three (3423) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 14. Protecting Prisoners.

1 The officer having a prisoner in charge shall protect him from
2 insult and annoyance and communication with others while at labor,
3 and going to and returning from the same, and may use such means

4 as are necessary and proper therefor.

[C. C. 3423.]

Sec. 15. Annoyance of Prisoner Punished.

1 Any person persisting in insulting or annoying or communicat-
2 ing with any prisoner, after being commanded by such officer to de-
3 sist, shall be punished by a fine not exceeding ten dollars (\$10.00), or
4 by imprisonment not exceeding three (3) days.

[C. C. 3423.]

Code Commissioners' Bill No. 151.

Subject: TOWNSHIPS AND TOWNSHIP OFFICERS

Senate File No. _____ Referred to Committee on _____
 House File No _____
 By _____ Date _____

A BILL FOR

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) to thirty-four hundred fifty (3450), inclusive, 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, 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.

1 The board of supervisors shall divide the county into townships,
 2 as convenience may require, defining the boundaries thereof, and may
 3 from time to time make such alterations in the number and bound-
 4 aries of the townships as it may deem proper.

[C. C. 3424.]

Sec. 2. School Townships and Districts Divided.

1 The board shall not change the lines of any civil township so as

2 to divide any school township or district, unless a majority of the
3 voters of said school township or district shall petition therefor, ex-
4 cept in cases where such boundary lines are changed to conform to
5 congressional township lines.

[C. C. 3424.]

Sec. 3. Boundaries Conformed to City Boundaries.

1 Where the boundaries of any city have been changed, the board
2 of supervisors of the county in which the same is situated shall have
3 power to change the boundary lines of townships so as to make them
4 conform to the boundaries of the city, and to make such other changes
5 in township lines, and the number of townships, as it may deem neces-
6 sary; but no action shall be taken affecting the boundaries or existing
7 conditions of school districts.

[C. C. 3428.]

Sec. 4. Boundaries to Be Recorded.

1 The description of the boundaries of each township, and all al-
2 terations in them, and of all new townships, shall be recorded in full
3 in the records of the board of supervisors, and of the township.

[C. C. 3429.]

Sec. 5. Divisions Where City Included.

1 When any township has within its limits a city or town with a
2 population exceeding fifteen hundred (1,500), the electors of such
3 township residing without the limits of such city or town may, at any
4 regular session of the board of supervisors of the county, petition to
5 have such township divided into two (2) townships; the one to em-
6 brace the territory without, and the other the territory within, such
7 corporate limits.

[C. C. 3430, modified.]

Sec. 6. Petition Accompanied by Affidavit—Remonstrance.

1 Such petition shall be accompanied by the affidavit of three (3)
2 electors, to the effect that all the signatures to such petition are genu-
3 ine, and that the signers thereof are all legal voters of said township,
4 residing outside said corporate limits. Remonstrances signed by
5 such legal voters may also be presented at the hearing before the
6 board of supervisors hereinafter provided for, and if the same persons
7 petition and remonstrate, they shall be counted on the remonstrance
8 only.

[C. C. 3430.]

Sec. 7. Notice.

1 Notice of the time when such petition will be heard shall be given
2 by publication, once each week, for two (2) consecutive weeks in a
3 newspaper published in the township, the last of which publications
4 shall be at least ten (10) days prior to the time fixed for such hearing;
5 or if no paper is published in such township, or such papers refuse to
6 make such publication, the notice shall be given by posting in five (5)
7 public places in the township, two (2) of which shall be without, and
8 three (3) within such corporate limits, at least ten (10) days prior
9 to such hearing.

[C. C. 3431, modified.]

Sec. 8. Division—Effect.

1 If such petition is signed by a majority of the electors of the
2 township residing without the corporate limits of such city or town,
3 the board of supervisors shall divide such township into two (2) town-
4 ships, as prayed; but, except for election purposes, including the ap-
5 pointment of all judges and clerks of election rendered necessary by

6 the change, such division shall not take effect until the first Monday
7 of January next ensuing.

[C. C. 3432.]

Sec. 9. Restoration to Former Township.

1 When the citizens of any township so set off desire to dissolve
2 their township organization and return again to the township from
3 which they were taken, they may do so by the same proceedings as
4 provided for the division thereof, except that said petition shall be
5 signed by a majority of the electors of both townships.

[C. C. 3432.]

Sec. 10. New Township—First Election.

1 When a new township is formed, the board of supervisors shall
2 call the first township election, to be held at such place as it may
3 designate, on the day of the next general election.

[C. C. 3433.]

Sec. 11. Auditor to Issue an Order for Election.

1 The auditor shall issue an order for such first election, stating
2 the time and place of the same, the officers to be elected, and any other
3 business to be transacted and no business not named in such order
4 shall be transacted at such election.

[C. C. 3434.]

Sec. 12. Service and Return.

1 Such order may be directed to any constable of the county, or
2 to any citizen of the same township, by name, and shall be served by
3 posting up copies thereof, in three (3) of the most public places in
4 the township, fifteen (15) days before the day of the election; the
5 original order shall be returned to the presiding officer of the election,

6 to be returned to the clerk when elected, with a return thereon of the
7 manner of service, verified by oath, if served by any other than an
8 officer.

[C. C. 3435.]

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.

1 Any township desirous of changing its name may petition the
2 board of supervisors and, if it shall appear to said board that a ma-
3 jority of the actual resident voters of such township are in favor of
4 such change, such board shall cause notices, attested by the auditor,
5 to be posted up in three (3) of the most public places of such town-
6 ship, for at least thirty (30) days previous to the next regular session
7 of said board, which notice shall state the fact that a petition has
8 been presented to said board by the citizens of said township, praying
9 for a change of the name of the same and recite the name prayed for
10 in said petition, and that, unless those interested in the change of
11 such name shall appear at the next regular session of said board and
12 show cause why said name shall not be changed, there will be an
13 order made granting such change.

[C. C. 3425.]

Sec. 14. Hearing—Order.

1 If, at the time fixed for the hearing of said petition, the board is
2 satisfied that there is a majority in favor of such change of name, it
3 shall make an order granting the same, which shall be attested by
4 the auditor, and recorded in the office of the recorder of the county.

[C. C. 3426.]

Sec. 15. Petition Dismissed—When.

1 If it appears to said board that a majority of the citizens of such
2 township are opposed to such change, such petition shall be dismissed.
3 The cost of the proceeding in all cases shall be taxed against the pe-
4 titioners.

[C. C. 3427.]

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.

1 The township trustees are the overseers of the poor, fence view-
2 ers, township board of equalization. They shall meet on the first
3 Monday in February, April and November in each year.

[C. C. 3440, modified.]

Sec. 17. County Attorney May Act—When—Other Counsel.

1 In counties having a population of less than twenty-five thousand
2 (25,000), where the trustees institute, or are made parties to, litigation
3 in connection with the performance of their duties, as provided
4 in this chapter, the county attorney, as a part of his official duties,
5 shall appear in behalf of the township trustees, except in cases in
6 which the interests of the county and those of the trustees are adverse.

[C. C. 3441.]

Sec. 18. Trustees May Employ Counsel.

1 When litigation shall arise in any case not covered by the pre-
2 ceding section, involving the right or duty of township trustees with
3 reference to any matter within their jurisdiction, and the trustees
4 become or are made parties to such litigation, they shall have au-

5 thority to employ attorneys in behalf of said township, and to levy
6 the necessary tax to pay for their services, and to defray the expenses
7 of such litigation.

[C. C. 3441, modified.]

That sections thirty-four hundred forty-five (3445) to thirty-four hundred forty-nine (3449), inclusive, and sections thirty-four hundred fifty-three (3453) and thirty-four hundred fifty-four (3454) of the compiled code of Iowa are amended, revised and codified to read as follows:

Sec. 19. Tax to Pay for Cemeteries and Parks.

1 They shall, at the regular meeting in April, levy a tax sufficient
2 to pay for any lands so condemned or purchased, or for the necessary
3 improvement and maintenance of cemeteries thus established, and for
4 the necessary improvement and maintenance of public parks acquired
5 by gift, devise or bequest under the preceding section, or for the
6 maintenance and improvement of cemeteries so established in adjoining
7 townships in case they deem such action advisable.

[C. C. 3445.]

Sec. 20. Power and Control Whether Owner or Not.

1 It shall control any such cemeteries, or appoint trustees for the
2 same, or sell the same to any private corporation for cemetery purposes,
3 and levy a tax not to exceed one (1) mill to improve and maintain any
4 cemetery not owned by the township, provided the same is
5 devoted to general public use.

[C. C. 3445.]

Sec. 21. Levy May Cover City or Town Property—When.

1 The levy authorized in the two (2) preceding sections may be
2 extended to property within the limits of any city or town so far as

3 same is situated within the township, unless such city or town is al-
4 ready maintaining a cemetery, or has levied a tax in support thereof.
5 The said tax may be so expended for the support and maintenance of
6 any such cemetery after the same has been abandoned and is no longer
7 used for the purpose of interring the dead.

[C. C. 3445.]

Sec. 22. Regulations for Cemeteries.

1 The trustees, board of directors, or other officers having the cus-
2 tody and control of any cemetery in this state, shall have power, sub-
3 ject to the by-laws and regulations of such cemetery, to enclose, im-
4 prove and adorn the ground of such cemetery; to construct avenues
5 in the same; to erect proper buildings for the use of said cemetery;
6 to prescribe rules for the improving or adorning the lots therein, or
7 for the erection of monuments or other memorials of the dead upon
8 such lots; and to prohibit any use, division, improvement or adorn-
9 ment of a lot which they may deem improper.

[C. C. 3446.]

Sec. 23. Record to Be Kept.

1 The record keeping officer of each cemetery shall make and keep
2 a permanent record of all interments made in such cemetery, which
3 record shall at all times be open to public inspection. This record
4 shall consist of a copy of the certificate of death as provided by the
5 state board of health, and a record of the exact location of the grave
6 on the cemetery lot.

[C. C. 3446, 3447.]

Sec. 24. Watchmen Appointed—Oath.

1 Such trustees, directors or other officers may appoint as many

2 day and night watchmen of their grounds as they may think expe-
3 dient, and such watchmen, and also all their sextons, superintend-
4 ents, gardeners and agents, stationed upon or near said grounds are
5 hereby authorized to take and subscribe, before any mayor of a city
6 or justice of the peace of the township where such cemetery is situ-
7 ated, an oath of office, similar to that required by law of constables.

[C. C. 3449.]

Sec. 25. Powers of Police Officers.

1 Upon the taking of such oath, such watchmen, sextons, superin-
2 tendents, gardeners and agents shall have and exercise all powers of
3 police officers within and adjacent to the cemetery grounds and each
4 shall have power to arrest any and all persons engaged in violating
5 the laws of this state, and to bring such person so offending before
6 any justice of the peace within such township, to be dealt with ac-
7 cording to law.

[C. C. 3449.]

Sec. 26. Cemeteries—Plat—Record.

1 Where there is located in any township one (1) or more cemeteries,
2 the owner of the same, or any party owning an interest therein, may
3 cause the same to be surveyed, platted, and laid out into subdivisions
4 and lots, numbering the same by progressive numbers, giving the
5 length and breadth, also the location with reference to known or per-
6 manent monuments to be made. The plat shall accurately describe
7 all the subdivisions of the tract of land used, or designed to be used
8 as a cemetery, and shall be recorded in the office of the county re-
9 corder, and filed with and recorded by the township clerk, and pre-
10 served by him among the records of his office.

[C. C. 3453.]

Sec. 27. Conveyance of Lots—Record of.

1 All conveyances of subdivisions or lots of a cemetery thus platted
2 shall be by deed from the proper owner, which deed shall be recorded
3 with the township clerk in a book kept by him for that purpose, for
4 the recording of which the said clerk shall be entitled to a fee of fifty
5 cents (50c) for each instrument recorded, to be paid by the party desir-
6 ing the record made.

[C. C. 3454.]

That 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.

1 The township clerk shall keep a record of all the proceedings and
2 orders of the trustees, and of all acts done by him, including the filing
3 of certificates of official oaths having been taken before other officers,
4 and perform such other acts as may be required of him by law. Each
5 township clerk shall receive, collect, preserve, and disburse, under the
6 orders of the township trustees, all funds belonging to his township,
7 including the cemetery fund, and those which are now or may here-
8 after be by law created or authorized.

[C. C. 3450.]

Sec. 29. Funds Placed at Interest—How Checked Out.

1 He shall deposit all funds coming into his hands by virtue of his
2 office, in a bank conveniently located, each deposit to be in the name
3 of his township and at a rate of interest not less than two per cent
4 (2%) per annum on ninety per cent (90%) of the daily balances,
5 payable at the end of each month, which interest shall accrue to the
6 benefit of the township road fund. No check shall be drawn upon

7 said township bank account by the township clerk, except it be in
8 payment of bills which have come before and have been properly au-
9 thorized and audited by the township trustees.

[C. C. 3450.]

That sections thirty-four hundred fifty-eight (3458) and thirty-four
hundred fifty-nine (3459) of the compiled code of Iowa are amended, re-
vised and codified to read as follows:

Sec. 30. Compensation of Clerk.

1 The township clerk shall receive:

2 1. For each day of eight (8) hours necessarily engaged in official
3 business, where no other compensation or mode of payment is pro-
4 vided, to be paid from the county treasury, four dollars (\$4.00).

5 2. For all money coming into his hands by virtue of his office,
6 except from his predecessor in office, unless otherwise provided by
7 law, two per cent (2%).

8 3. For filing each application for a drain or ditch, fifty cents
9 (50c).

10 4. For making out and certifying the papers in any appeal taken
11 from an assessment by the trustees of damages done by trespassing
12 animals, such additional compensation as the board of supervisors
13 may allow.

[C. C. 3458.]

Sec. 31. Compensation of Assessor.

1 Each township assessor shall receive in full for all services re-
2 quired of him by law, a sum to be paid out of the county treasury, and
3 fixed annually by the board of supervisors at its January session, for

4 the current year, on the basis of four dollars (\$4.00) for each day of
5 eight (8) hours which said board determines may necessarily be re-
6 quired in the discharge of all official duties of such assessors.

[C. C. 3459, modified.]

Code Commissioners' Bill No. 152.

Subject: TOWNSHIP HALLS.

Senate File No.	Referred to Committee on
House File No. . . . .	.. .. .
By	Date

A BILL FOR

An act to amend, revise and codify chapter twenty-four (24) of title twelve (12) of the compiled code of Iowa, relating to township halls.

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

That chapter twenty-four (24) of title twelve (12) of the compiled code of Iowa is amended, revised and codified to read as follows:

CHAPTER 24.

TOWNSHIP HALLS

Section 1. Township Hall—Submission to Vote.

1 The trustees, on a petition of a majority of the resident free-

2 holders of any civil township, shall submit to the electors thereof, by

3 posting notices of such election in four (4) conspicuous places in the

4 township, thirty (30) days before election, and the form of the propo-

5 sition shall be: "Shall the proposition to levy a tax of mills

6 on the dollar for the erection of a public hall be adopted?"

[C. C. 3460, modified.]

Sec. 2. Tax to Build Hall.

1 If a majority of the votes cast are in favor of the tax, the trus-

2 tees shall certify such fact to the board of supervisors, and they shall

3 thereupon levy a tax not to exceed the rate voted and not to exceed

4 three (3) mills on the dollar on the taxable property of the township;
5 and when such tax is collected by the treasurer, it shall be paid to
6 the township clerk; but said clerk shall not receive to exceed one per
7 cent (1%) for handling said money.

[C. C. 3461, modified.]

Sec. 3. Township Hall Funds—Transfer Authorized—How Made.

1 When there are funds in the hands of any township clerk, raised
2 under the provisions of this chapter, when same is not desired for the
3 purposes for which it was raised, then said fund may be transferred
4 to the road fund of any township wherein same was raised, when a
5 petition is presented to the trustees, signed by a majority of the
6 electors of said township that voted at the last regular election prior
7 to the signing of said petition, as shown by the pollbooks of said town-
8 ship, said transfer of funds to be made by the township clerk upon
9 order of the trustees after the filing of said petition with said clerk.

[C. C. 3462.]

Sec. 4. Location.

1 Any public hall built under the provisions of this chapter shall be
2 located by the township trustees so as to accommodate the greatest
3 number of the resident taxpayers, and for such purpose the trustees
4 may purchase land not to exceed in value one hundred dollars
5 (\$100.00).

[C. C. 3463.]

Sec. 5. Trustees to Build.

1 The township trustees shall have charge of the building of such
2 hall, shall receive bids, and shall let the building of the same to the
3 lowest responsible bidder, and the township clerk shall pay out of the

4 funds collected, only on the order of the trustees of said township.

[C. C. 3464.]

Sec. 6. Clerk to Be Custodian—Law Displayed.

1 The township clerk, under the direction of the trustees, shall be
2 the custodian of the building, and the use thereof may be permitted by
3 the township trustees to citizens of the township for any lawful pur-
4 pose; and, for the purposes of this chapter, the township clerk is
5 hereby clothed with all the powers and duties of a constable of the
6 township, to maintain order within and about the premises, protect
7 the property, and enforce orders of the township trustees with respect
8 thereto. A copy of this section shall be at all times kept posted in a
9 conspicuous place in said hall.

[C. C. 3465.]

Sec. 7. Clerk to Give Bond.

1 When a tax is voted as provided in this chapter, the township
2 clerk shall, before drawing any of said tax from the treasury of the
3 county, execute a bond, with penalty double the amount of said tax,
4 which bond shall be approved by the board of supervisors.

[C. C. 3466.]

Sec. 8. Tax for Repairs.

1 The trustees of any township where such building has been erected
2 are hereby authorized to certify to the board of supervisors that a tax
3 of not exceeding in any one (1) year, one-half ($\frac{1}{2}$) mill on the dollar,
4 of the taxable property of the township, should be levied, to be used in
5 keeping such building in repair, to furnish same with necessary fur-
6 niture and provide for the care thereof. When such certificate is filed
7 in the auditor's office, the board of supervisors shall levy such tax.

[C. C. 3467.]

Code Commissioners' Bill No. 153.

Subject: MUNICIPAL CORPORATIONS—INCORPORATIONS

Senate File No. Referred to Committee on

House File No.

By Date

A BILL FOR

An act to amend, revise and codify sections three thousand four hundred seventy-one (3471) to three thousand four hundred seventy-three (3473), inclusive, three thousand four hundred seventy-nine (3479) to three thousand four hundred eighty-one (3481), inclusive, three thousand four hundred eighty-five (3485), three thousand four hundred eighty-eight (3488), three thousand four hundred ninety-seven (3497), three thousand five hundred four (3504), and three thousand five hundred nineteen (3519) 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.

1 If a majority of the ballots cast at such election be in favor of the
2 incorporation and the result has been confirmed and approved, the
3 court or in vacation a judge thereof shall order the election of a mayor,
4 treasurer, assessor, and council. The commissioners shall give notice
5 for two (2) consecutive weeks of the time and place of holding the
6 election, by publication once each week in a newspaper published and of
7 general circulation in the county where the court is held, and by post-

8 ing the same in five (5) public places within the limits of such town.
9 At said election the qualified voters residing within the limits of the
10 town shall elect the officers. The election shall be conducted, so far
11 as practicable, in the manner of municipal elections, and the commis-
12 sioners shall act as judges and clerks of election.

[C. C. 3471 ,modified.]

Sec. 2. Report of Commissioners—Judgment.

1 The commissioners shall promptly report the results of the elec-
2 tion to the court, and it, or in vacation a judge thereof, may confirm
3 and approve the election and report or set the same aside and order a
4 new election with the same or other commissioners. Upon the con-
5 firmation of the election and report, a judgment shall be entered of
6 record, declaring the town duly incorporated and confirming and
7 approving the first election of officers. Should any officer fail to qualify
8 the court or judge shall declare the office vacant and appoint some
9 other person to fill the vacancy.

[C. C. 3472.]

Sec. 3. Record—Payment of Costs.

1 The clerk of the court shall enter the proceedings in the matter
2 of the incorporation and election of officers in the complete record
3 book and file a certified copy of the entry in the office of the secretary
4 of state and in the office of the recorder, who shall record the same.
5 The costs of all the proceedings for the incorporation shall be paid by
6 the town if established, otherwise they shall be paid by the petitioners,
7 and judgment shall be entered accordingly.

[C. C. 3472.]

Sec. 4. Terms of Officers Elected.

1 The officers elected shall hold office until their successors are
2 elected at the general city election held in the second March thereafter,
3 and have qualified, but the term of the assessor shall begin on the first
4 day of January succeeding his election.

[C. C. 3471, modified by 3519.]

Sec. 5. Discontinuance—How Effected.

1 Upon a petition of the voters equaling twenty-five per cent (25%)
2 of the number voting at the last preceding municipal election, to the
3 district court of the county wherein a municipal corporation is sit-
4 uated, for the discontinuance of the same, the court shall, thirty (30)
5 days prior to the next regular city or town election, cause notice to be
6 given that the question of discontinuing such corporation will be sub-
7 mitted to the legal voters thereof at the said election, by publication
8 once a week for two (2) weeks in a newspaper of general circulation
9 within the city or town, and by posting the same in five (5) public
10 places therein. The proposition submitted shall be: "Shall the propo-
11 sition to discontinue the corporation of (inserting name) be adopted?"
12 The clerk of the city or town shall cause the proposition to be printed
13 on the ballots.

[C. C. 3473, modified.]

That sections three thousand four hundred seventy-nine (3479) to three thousand four hundred eighty-one (3481), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

Sec. 6. Cities or Towns May Unite.

1 When any city or town desires to be annexed to another contigu-
2 ous city or town, the council of each shall appoint three (3) commis-

3 sioners who shall meet and fix the terms upon which the proposed
4 annexation shall be made, and make report thereof to their respective
5 councils. If both councils approve the proposed terms, they shall by
6 identical ordinances so declare, and therein determine whether the
7 question shall be voted upon at a special election, fixing the date
8 thereof, or at the next regular city election. Thereupon a copy of
9 the ordinances, together with a statement that both councils have
10 adopted the same, shall be published once in two (2) newspapers of
11 general circulation in both cities or towns, and be posted in five (5)
12 public places therein, at least ten (10) days prior to the election speci-
13 fied in the ordinance.

[C. C. 3481, modified.]

Sec. 7. Question Submitted—Proceedings Thereafter.

1 The proposition to be submitted at the election shall be: "Shall
2 the proposition for the annexation of (naming the city or town) to
3 (naming the city or town) be adopted?" If a majority of the votes
4 cast in each city or town is in favor of annexation, the council of each
5 shall by ordinance so declare. A certified copy of the whole proceed-
6 ings for the annexation shall be filed with the clerk of the city or
7 town to which such annexation is made, who shall file a certified copy
8 thereof with the secretary of state, and in the recorder's office of the
9 county, who shall record the same.

[C. C. 3481.]

That section three thousand four hundred eighty-five (3485) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 8. Taxation of Agricultural Lands.

1 No lands included within said extended limits which shall not have

2 been laid off into lots of ten (10) acres or less, or which shall not sub-
3 sequently be divided into parcels of ten (10) acres or less by the exten-
4 sion of streets and alleys, and which shall also in good faith be occu-
5 pied and used for agricultural or horticultural purposes, shall be tax-
6 able for any city or town purpose.

[C. C. 3485.]

That section three thousand four hundred eighty-eight (3488) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 9. Proposition Submitted.

1 The council of the city or town may give consent to the annexa-
2 tion, or may provide by resolution for submitting the question to the
3 electors at a special election or at the next city or town election, and if
4 the consent be given or a majority of the electors vote in favor thereof,
5 a resolution shall be adopted declaring the territory described in the
6 petition to be annexed. A copy of such resolution duly certified by the
7 clerk shall be filed in the proceedings in the district court in which the
8 matter of annexation is pending. If the court, or in vacation a judge
9 thereof, approves the consent as evidenced by the resolution, judg-
10 ment shall be entered, declaring the territory described in the petition
11 to be annexed to the city or town. Upon the entry of judgment, the
12 clerk of the court shall make a complete record of the proceedings and
13 record the same as provided in the matter of the incorporation of
14 towns. Whereupon the territory proposed to be annexed shall be a
15 part of such city or town.

[C. C. 3488.]

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. 10. Changing Name—Question Submitted.

1 The corporate name of any city or town may be changed as fol-
2 lows: The council may, by resolution, propose such change of name,
3 setting forth therein the proposed new name, which shall not be the
4 same as that of any city, town, or postoffice existing in the state at the
5 time of the passage of such resolution. The question shall then be
6 submitted to a vote of the qualified electors at the next regular city or
7 town election, or at a special election, as the council may provide.
8 Notice that a change of name is to be voted on at any election shall
9 be published in a newspaper published and of general circulation in
10 said city or town, or, if there be none, then by posting in five (5) pub-
11 lic places, at least ten (10) days before the election.

[C. C. 3497, modified.]

That section three thousand five hundred four (3504) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 11. Officers Elected—Ordinances—Resubmission.

1 If a majority of the votes cast be in favor of the adoption of the
2 proposition, the charter shall be abandoned. Prior to the holding of
3 the next succeeding city election, the mayor shall issue his proclama-
4 tion and an election shall be held and officers chosen in the city or
5 town under the provisions of the chapter relating to the election of
6 officers for cities or towns of the class to which the corporation will
7 belong when the charter is abandoned. Upon the election and qualifi-
8 cation of such officers the charter of the city or town shall be deemed
9 abandoned, and it shall be held organized under this chapter. All
10 ordinances in force at the time of the abandonment of the charter not
11 inconsistent or in conflict with the laws of the state shall remain in

12 force until amended or repealed. If a majority of the votes be against
13 the abandonment of the charter, the question shall not be again sub-
14 mitted until after the expiration of one (1) year from the time of such
15 election.

[C. C. 3504.]

Code Commissioners' Bill No. 154.

Subject: MUNICIPAL CORPORATIONS—ORGANIZATION AND OFFICERS

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

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 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 forty-seven (3547), 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, 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.

1 Within six (6) months after the publication of any state or fed-
2 eral census, the executive council shall cause a statement and list of
3 each city or town affected thereby in its class as a corporation to be
4 published in some newspaper at the seat of government and in each

5 city or town the class of which is changed. No city shall be affected
6 in its classification by a subsequent loss of population unless in a city
7 of the second class it shall have dropped below fifteen hundred (1,500)
8 or in a city of the first class below ten thousand (10,000).

[C. C. 3508, modified.]

Sec. 2. Necessary Ordinances to Be Passed.

1 Before the next election in a city or town after a change of class,
2 the council shall make and publish such ordinances as may be neces-
3 sary to perfect such organization in respect to the election, duties, and
4 compensation of officers. All assets and property of the corporation
5 shall be held and administered as provided by law for its new class as
6 a corporation. Upon the change of a town to a city, the council shall,
7 for the purpose of holding the first election, divide the same into wards.

[C. C. 3509, modified.]

That sections three thousand five hundred eleven (3511) to three
thousand five hundred eighteen (3518), inclusive, three thousand five hun-
dred fifty-three (3553), and three thousand five hundred fifty-four (3554)
of the compiled code of Iowa are amended, revised and codified to read as
follows:

Sec. 3. Regular Elections—Qualifications of Voters.

1 Regular city and town elections shall be held on the last Monday
2 in March, and elective officers shall be chosen biennially to succeed
3 officers whose terms expire. The voting places shall be fixed by the
4 council, at least one (1) polling place for each precinct or ward as the
5 case may be, and the election shall be conducted in the manner pro-
6 vided by law for general elections. Each qualified elector may vote

7 thereat who, for ten (10) days, has been a resident of the precinct in
8 which he offers to vote.

[C. C. 3511, 3515, modified.]

Sec. 4. Tie Votes—Contesting Elections.

1 A tie vote for any city or town office shall be determined as pro-
2 vided in the title on elections. The election of any person to a city or
3 town office may be contested on the same grounds and in the same
4 manner provided for contesting elections to county offices, so far as
5 applicable. The mayor shall be the presiding officer of the court, but
6 if his election is contested, the council shall select one (1) of its mem-
7 bers to act in his place.

[C. C. 3553, 3554.]

Sec. 5. Qualifications of Officers.

1 Every officer elected or appointed in a city or town shall be a quali-
2 fied voter thereof, and every officer elected by any ward or district of
3 a city or town shall reside within the limits of said ward or district.

[C. C. 3512, 3513.]

Sec. 6. Council—How Composed—Election.

1 Councils shall be composed in towns of five (5) councilmen at
2 large, and in cities, except as otherwise provided, of two (2) council-
3 men at large and one (1) councilman from each ward; but if any city
4 embraces within its limits the whole or part of two (2) or more town-
5 ships, two (2) of which parts contain one thousand (1,000) or more
6 electors, only one (1) councilman at large shall be chosen from any
7 one (1) township.

[C. C. 3514, 3515.]

Sec. 7. Officers Elected by Entire Electorate.

1 In all cities and towns the mayor, treasurer, and assessor, and in
 2 cities of the first class the solicitor, auditor, city engineer, and where
 3 there is no municipal or superior court, the police judge, shall be
 4 elected by the entire electorate.

[C. C. 3516, 3517, 3518.]

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.

1 The officers to be appointed by the mayor shall be:

2 1. A marshal, and such police and other officers as may be pro-
 3 vided by ordinance; and in emergencies such special policemen as he
 4 may think proper, reporting such appointments to the council at its
 5 next regular meeting. Such special appointments shall continue in
 6 force until such meeting, unless sooner terminated by the mayor.

7 2. A health officer who shall be a member of the local board of
 8 health.

9 3. A street commissioner, but if there is a board of public works,
 10 such board shall make such appointment.

11 4. In cities of the first class, when necessary, a wharfmaster.

[C. C. 3521, modified.]

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.

1 Treasurers of cities and towns shall, with the approval of the
 2 council as to place and amount of deposit, by resolution entered of

3 record, deposit city and town funds in any bank or banks in the city or
4 town to which the funds belong, at interest at the rate of not less than
5 two per cent (2%) per annum on ninety per cent (90%) of the daily
6 balances, payable at the end of each month. Interest shall accrue to
7 the benefit of the general fund.

[C. C. 3530, modified.]

Sec. 10. Bond—Action on Bond.

1 Before such deposit is made in any bank, it shall file a bond in a
2 sum to be fixed by the council, which shall not be less than double the
3 amount which it is estimated will be on deposit at any one (1) time,
4 with sureties to be approved by the treasurer and city council and
5 conditioned to hold the treasurer harmless from all loss by reason
6 thereof. All bonds shall be filed with the city clerk and action thereon
7 may be brought by the treasurer or the city, as the council may elect.

[C. C. 3530, modified.]

Sec. 11. Failure of Local Bank to Accept Funds.

1 If no such bank will accept said deposits, under the conditions set
2 forth, then said funds may be deposited in any bank in the state which
3 will accept them under said conditions.

[C. C. 3531, modified.]

Sec. 12. Private Use of Funds Prohibited.

1 No treasurer shall loan or in any manner use for private purposes
2 any funds coming into his hands as treasurer.

[C. C. 3532.]

Sec. 13. Expense of Bond.

1 If the treasurer request it, the city or town shall pay the reason-
2 able expense of procuring the bond for the city treasurer, at a pre-

3 mium not exceeding one-half ($\frac{1}{2}$) of one per cent (1%) per annum
4 of the amount thereof.

[C. C. 3533, modified.]

That sections 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.**

1 The marshal shall be ex officio chief of police and may appoint one
2 (1) or more deputy marshals, who may perform his duties, and who, in
3 cities of the first class, shall be members of the police force. He shall
4 have the supervision and general direction of the police force, and
5 shall be the ministerial officer of the corporation. He shall attend
6 upon the sittings of the mayor's and police court, execute within the
7 county and return all writs and other processes directed to him from
8 the mayor's and police court, suppress all riots, disturbances, and
9 breaches of the peace, arrest all disorderly persons in the city or town
10 and all persons committing any offense against the ordinances thereof,
11 and forthwith bring such persons before the proper court for examina-
12 tion or trial. He shall pursue and arrest any person fleeing from jus-
13 tice, and shall diligently enforce all laws, ordinances, and regulations
14 for the preservation of the public welfare and good order, and shall
15 have the same powers and duties as constables in similar cases.

[C. C. 3535, 3536, 3521.]

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.

1 All legislative and other powers granted to cities and towns shall
2 be exercised by the councils, except those conferred upon some officer
3 by law or ordinance. All executive functions and powers shall be exer-
4 cised by the mayor and other officers and boards, and neither the
5 council nor the members thereof shall exercise any executive function
6 unless expressly conferred by law.

[C. C. 3541, 3551.]

Sec. 16. City and Town Councils—Duties and Powers.

1 City and town councils shall:

2 1. *Organization—quorum.* On the first Monday after their elec-
3 tion, assemble and organize. A majority of the whole number of
4 members to which the corporation is entitled shall be necessary to
5 constitute a quorum.

[C. C. 3541.]

6 2. *Meetings.* Determine the time and place of holding their meet-
7 ings which shall at all times be open to the public, and in the absence
8 of the mayor or clerk appoint a temporary chairman or clerk, as the
9 case may be, from their own number, which appointment shall be
10 entered of record.

[C. C. 3541.]

11 3. *Special meetings.* Hold special meetings when called by the
12 mayor or any three (3) members of the council. Notice thereof shall
13 be given personally or left at the usual place of residence of each
14 member of the council, and a record of the service of notice made by
15 the clerk.

[C. C. 3541.]

16 4. *Rules—journal.* Determine the rules of their own proceedings,
17 and cause to be kept a journal thereof which shall be open to public
18 inspection.

[C. C. 3541.]

19 5. *Attendance of members.* Compel the attendance of absent
20 members in such manner and under such penalties as they may pre-
21 scribe.

[C. C. 3541.]

22 6. *Seal.* Cause to be provided a seal in the center of which shall
23 be the name of the city or town, and around the margin the words
24 “city seal” or “town seal”, as the case may be, which shall be affixed
25 to all transcripts, orders, or certificates which it may be necessary
26 or proper to authenticate.

[C. C. 3541.]

27 7. *Election of officers.* Make, viva voce, all appointments or elec-
28 tions of officers, except for the purpose of filling vacancies in offices
29 not filled by election by the council, and a concurrence of a majority
30 of the whole number of members of the council shall be required. On
31 the vote resulting in an election or appointment, the name of each
32 member and for whom he voted shall be recorded.

[C. C. 3541.]

33 8. *Election for filling vacancies.* Elect by ballot persons to fill
34 vacancies in offices not filled by election by the council, and the person
35 receiving a majority of the votes of the whole number of members
36 shall be declared elected to fill the vacancy.

[C. C. 3541.]

37 9. *Terms of officers.* Fix by ordinance the terms of service which
38 shall not exceed two (2) years, of all officers whose terms are not
39 prescribed by law.

[C. C. 3541.]

40 10. *Powers of officers.* Prescribe by ordinance the powers to be
41 exercised and duties performed by officers in so far as such powers
42 and duties are not defined by law.

[C. C. 3541.]

43 11. *Police force.* Have power to establish a police force and or-
44 ganize the same under the general supervision of the marshal, and
45 to provide one (1) or more station houses.

[C. C. 3541.]

46 12. *Custody of women and children.* Appropriate annually in
47 cities having a population of twenty-five thousand (25,000) inhabi-
48 tants or more, such sums as may be necessary to secure separate care
49 and confinement in stationhouses of all women and children under
50 arrest, and for the appointment, salaries, and maintenance of police
51 matrons.

[C. C. 3541, modified.]

52 13. *Community civic congress.* In any city or town erecting a sol-
53 diers', sailors' and marines' memorial building, appoint a community
54 civic congress to serve without compensation, composed of three (3)
55 residents especially fitted for and interested in community work, who
56 may cooperate with the council in all matters pertaining to commu-
57 nity improvement, child welfare, social and recreational activities.
58 Such congress may be appointed in any city or town.

[C. C. 3640, 3766.]

59 14. *Control of finances.* Provide for the management and control
60 of the finances and of the property, real and personal, belonging to
61 the city or town.

[C. C. 3541.]

62 15. *Advertise for supplies.* In cities, advertise in at least two (2)
63 newspapers published and of general circulation in the city for three
64 (3) weeks by one (1) insertion in each newspaper per week, for bids
65 for furnishing all supplies for the several departments of the city not
66 required to be advertised for by the board of public works. The last
67 publication of said advertisement shall be two (2) weeks before the
68 beginning of the fiscal year.

[C. C. 3541.]

69 16. *Appropriations.* Make separate appropriations in cities for
70 all the different expenditures of the city government for each fiscal
71 year at or before the beginning thereof, and it shall be unlawful for
72 it or any officer, agent, or employee of the city to issue any warrant,
73 enter into any contract, or appropriate any money in excess of the
74 amount thus appropriated during the year for which the appropria-
75 tion is made. No city shall appropriate in the aggregate an amount
76 in excess of its annual legally authorized revenue, but cities may an-
77 ticipate their revenues for the year for which appropriation is made,
78 or bond or refund their outstanding indebtedness.

[C. C. 3541, modified.]

That section three thousand five hundred forty-seven (3547) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 17. Compensation of Assessors and Deputies.

1 Assessors in cities of the second class and towns and their deputies
2 shall receive the same compensation as township assessors, which shall
3 be determined in the same manner. In cities of the first class the
4 compensation of assessors shall be not more than eighteen hundred
5 dollars (\$1,800.00) per annum nor less than five dollars (\$5.00) per
6 day for the time actually employed, to be fixed by the board of super-
7 visors, and that of deputies not more than five dollars (\$5.00) nor
8 less than three and one-half dollars (\$3.50) per day, Sundays excepted,
9 for the time actually employed, to be fixed by the board of supervisors.
10 In cities under the commission form of government having a popula-
11 tion of one hundred thousand (100,000) or more, the board shall fix
12 the compensation of the assessor not to exceed twenty-five hundred
13 dollars (\$2,500.00) per annum, and the compensation of not more
14 than two (2) head deputy assessors at not to exceed fifteen hundred
15 dollars (\$1,500.00) per annum. The compensation of assessors and
16 deputies shall be paid from the county treasury.

[C. C. 3547, modified.]

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. 18. No Change of Compensation During Term.

1 No member of any city or town council shall, during the time for
2 which he has been elected, be appointed to any municipal office which
3 has been created or the emoluments of which have been increased dur-
4 ing the term for which he was elected, nor shall the emoluments of any
5 city or town officer be changed during the term for which he has been

6 elected or appointed, unless the office be abolished. No person who
7 shall resign or vacate any office shall be eligible to the same during
8 the time for which he was elected or appointed, when, during the time,
9 the emoluments of the office have been increased.

[C. C. 3550, 3551, 3541.]

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Code Commissioners' Bill No. 155.

Subject: MUNICIPAL CORPORATIONS—BOARD OF POLICE AND FIRE COMMISSIONERS

Senate File No. Referred to Committee on
House File No.....
By Date

A BILL FOR

An act to amend, revise and codify sections three thousand five hundred sixty-three (3563) to three thousand five hundred sixty-six (3566), inclusive, three thousand five hundred sixty-eight (3568), three thousand five hundred seventy (3570), and three thousand five hundred seventy-one (3571) 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 five hundred sixty-three (3563) to three thousand five hundred sixty-six (3566), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Board of Police and Fire Commissioners.

1 In cities having a population of eight thousand (8,000) or more,
2 in which a paid fire department exists, there shall be a board of police
3 and fire commissioners. Said board shall consist of three (3) members
4 who shall be citizens of the state of Iowa, and shall have been residents
5 of the city in which they are appointed for more than five (5) years
6 next preceding the date of their appointment. The commissioners
7 shall be selected from the two (2) leading political parties, so that so
8 far as practicable two (2) members of the board shall be members of
9 the dominant political party, and one (1) member of the board shall

10 be a member of the political party next in numerical strength as shown
11 by the votes cast at the last state or national election.

[C. C. 3563, 3564, 3566.]

Sec. 2. Appointment—Terms—Vacancies.

1 The mayor shall appoint the members of said board, whose
2 appointment shall be confirmed by the city council. The first commis-
3 sioners so appointed shall hold office, one until the first Monday in
4 April in the next succeeding even-numbered year, one until two (2)
5 years thereafter, and one until four (4) years thereafter, and subse-
6 quent appointments shall be for a term of six (6) years. Vacancies in
7 the membership of the board shall be filled in the same manner as orig-
8 inal appointments are made.

[C. C. 3564, 3566.]

Sec. 3. Qualification by Commissioners.

1 Before entering upon the duties of the office, each commissioner
2 shall qualify as prescribed by law, and in addition thereto shall take
3 oath to aim in all of his official acts and judgments to secure and main-
4 tain an honest, efficient police and fire force, free from party distinc-
5 tion and control; and shall execute a bond payable to the city in which
6 he is appointed in the penal sum of five thousand dollars (\$5,000.00)
7 with sureties to be approved by the council of said city. The expense
8 for said bond shall be paid by the city.

[C. C. 3565.]

Sec. 4. Quorum—Chairman—Acts Which Render Office Vacant.

1 A majority of the board shall constitute a quorum for the transac-
2 tion of business, and the chairman of the board for each biennial
3 period shall be the member whose term first expires. No commis-

4 sioner shall receive compensation for his services, and any commis-
5 sioner who during his term of office becomes a candidate for or accepts
6 any other place of public trust or emolument, or who, during the same
7 period, knowingly consents to his nomination to any office elective by
8 the people, or fails publicly to decline the same within twenty (20)
9 days succeeding such nomination, shall be deemed to have thereby va-
10 cated his office, and a successor shall be appointed.

[C. C. 3564, 3566.]

That section three thousand five hundred sixty-eight (3568) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 5. Police and Fire Departments—Officers—Salary.

1 The officers of the police force in such cities shall be the marshal
2 and such other officers as the city council may designate. The officers
3 of the fire department shall be the chief of the fire department, ap-
4 pointed by the board of police and fire commissioners, and such other
5 officers as the council may designate. The council shall fix the salary
6 of the marshal and of the chief of the fire department, the number of
7 policemen and firemen, and the salaries to be paid to each. The coun-
8 cil shall also provide a suitable room in which the board of police and
9 fire commissioners may hold its meetings.

[C. C. 3568.]

Sec. 6. Meetings—Clerk—Record.

1 Meetings of the board shall be called by the chairman upon the
2 application of two (2) members of the board, and written notices must
3 be sent to all members of the board, stating the time and the place
4 and the purpose of calling a meeting. The board may appoint a clerk,
5 whose salary shall be fixed by the council, and shall keep a record of

6 all its meetings and transactions.

[C. C. 3568, 3570.]

That sections three thousand five hundred seventy (3570) and three thousand five hundred seventy-one (3571) of the compiled code of Iowa are amended, revised and codified to read as follows:

Sec. 7. Removal.

1 All police officers and policemen and firemen, including the chief
2 of the fire department, and all employees in the civil list mentioned in
3 this chapter, shall be subject to removal by the board for misconduct
4 or failure to perform their duty, under such rules as may be adopted
5 by the board, whenever the board shall consider or declare such re-
6 moval necessary for the proper management and discipline of the
7 department. The chief of either department may suspend any member
8 of his force for misconduct, neglect of duty, or disobedience of orders.
9 Any person suspended or discharged may appear before the board
10 within five (5) days thereafter, and it shall investigate the cause of his
11 suspension or discharge, and if the same is found insufficient, he shall
12 be reinstated.

[C. C. 3570, modified.]

Sec. 8. Trial.

1 If the accused demand a hearing, the board shall set a date for a
2 public trial which shall be within fifteen (15) days after demand there-
3 for is made, and shall give the accused ten (10) days' written notice
4 thereof, specifying the charges upon which he is to be tried, and the
5 name of the person making the charges. The board shall have power
6 to enforce the attendance of witnesses, the production of books and
7 papers, and to administer oaths. The accused shall have the right to

8 appear by counsel. The examination of witnesses shall be in his pres-
9 ence, and he shall have the right to cross-examine any witness testi-
10 fying against him. He may produce witnesses in his defense, and the
11 board shall cause them to be subpoenaed.

[C. C. 3570.]

Sec. 9. Reduction of Police and Fire Departments.

1 When the revenue of the city available for paying the salaries of
2 the members of the police or fire department is insufficient to pay such
3 salaries, the council may provide by ordinance for a reduction in the
4 number of such members, not including the chief of either the fire or
5 police department. The persons to be discharged shall be designated
6 in writing by the mayor, and shall be those whose period of service is
7 of the shortest duration, and who have shown the least efficiency and
8 competency. The men so designated shall be honorably discharged.

[C. C. 3570.]

Sec. 10. Officers Continued in Office.

1 The officers and members of the police and fire departments of
2 each city affected by this chapter, except the chief of police, shall be
3 continued in their positions without further appointment or examina-
4 tion, subject to the rules adopted by the board for the government of
5 said departments.

[C. C. 3571.]

Code Commissioners' Bill No. 156.

Subject: MUNICIPAL CORPORATIONS—ORDINANCES

Senate File No. Referred to Committee on
 House File No.
 By Date

A BILL FOR

An act to amend, revise and codify sections three thousand five hundred seventy-five (3575), three thousand five hundred seventy-seven (3577), three thousand five hundred seventy-eight (3578), and three thousand five hundred eighty (3580) of the compiled code of Iowa, relating to municipal corporations.

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

That section three thousand five hundred seventy-five (3575) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Adoption of Ordinances.

1 No ordinance shall contain more than one (1) subject, which shall
 2 be clearly expressed in its title. An ordinance revising or amending
 3 an ordinance or section thereof shall specifically repeal the ordinance
 4 or section amended or revised, and set forth in full the ordinance or
 5 section as amended or revised. When a city or town shall make a
 6 complete revision of its ordinances by rearrangement and grouping of
 7 the same under appropriate titles, parts, chapters, and sections, the
 8 enactment of said revision or ordinances as so rearranged and grouped
 9 shall be considered a sufficient compliance with the provisions of this
 10 section.

[C. C. 3575.]

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.

1 No resolution or ordinance for any of the purposes hereinafter set
2 forth, except as specifically provided by law, shall be adopted without
3 a concurrence of a majority of the whole number of members elected
4 to the council, by call of the yeas and nays which shall be recorded:

- 5 1. To pass or adopt any by-law or ordinance.
- 6 2. To pass or adopt any resolution or order to enter into a contract.
- 7 3. To pass or adopt any ordinance or resolution for the appropria-
8 tion or payment of money. In cities all money shall be appropriated by
9 ordinance, but in towns it may be appropriated by resolution.
- 10 4. To direct the opening, straightening, or widening of any street,
11 avenue, highway, or alley.
- 12 5. To direct the making of any improvement which will require
13 proceedings to condemn private property.
- 14 6. To direct the repair of any street improvement or sewer, the
15 cost of which is to be assessed upon property or against the owners
16 thereof.

[C. C. 3577, 3578, 3856, modified.]

That section three thousand five hundred eighty (3580) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 3. Recording.

1 All ordinances shall, as soon as may be after their passage, be
2 recorded in a book kept for that purpose, and be authenticated by the
3 signature of the presiding officer of the council and the clerk. Imme-

4 diately following the record of every ordinance, the clerk shall append
5 a certificate, stating therein the time and manner of publication
6 thereof, which certificate shall be presumptive evidence of the facts
7 therein stated.

[C. C. 3580.]

Sec. 4. **Publication.**

1 All ordinances of a general or permanent nature, and those impos-
2 ing any fine, penalty, or forfeiture, shall be published in some news-
3 paper published and of general circulation in the city or town; but if
4 there be no such newspaper, such ordinances may be published by
5 posting copies thereof in three (3) public places therein, one (1) of
6 which shall be the mayor's office. When the ordinance is published
7 in a newspaper it shall take effect from and after its publication;
8 when published by posting, it shall take effect five (5) days thereafter.
9 It shall be a sufficient defense to any suit or prosecution for such fine,
10 penalty, or forfeiture to show that no such publication was made.

[C. C. 3580, modified.]

Code Commissioners' Bill No. 157.

Subject: MUNICIPAL CORPORATIONS—MAYOR'S AND POLICE COURTS

Senate File No. Referred to Committee on
House File No.
By Date

A BILL FOR

An act to amend, revise and codify sections three thousand five hundred eighty-four (3584) and three thousand five hundred eighty-seven (3587) of the compiled code of Iowa, relating to municipal corporations.

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

That section three thousand five hundred eighty-four (3584) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Police Court—Jurisdiction.

1 In cities of the first class wherein there is no municipal or superior
2 court there shall be a police court which in all criminal actions shall
3 have the jurisdiction of a justice of the peace court and a mayor's
4 court. It shall be a court of record, and have a seal to be provided by
5 the council, with the name of the state in the center and the style of
6 the court around the margin. It shall be held in suitable rooms to be
7 provided by the city, and shall always be open for business.

[C. C. 3584.]

That section three thousand five hundred eighty-seven (3587) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 2. Jurisdiction of Mayor.

1 Except in cities having a superior, municipal, or police court, the

2 mayor shall have exclusive jurisdiction of all actions or prosecutions
3 for violations of city or town ordinances. He shall have, in criminal
4 matters, the jurisdiction of a justice of the peace, coextensive with the
5 county, and, in civil cases, the jurisdiction within the city or town that
6 a justice of the peace has within the township. If the mayor or judge
7 of the superior or police court is absent or unable to act, the nearest
8 justice of the peace shall have jurisdiction and hold court in criminal
9 proceedings, and receive the statutory fees, to be paid by the city or
10 county, as the case may be.

[C. C. 3587, modified.]

Sec. 3. Transfer of Case—Fees.

1 When an information is filed before the mayor for the violation of
2 an ordinance of the city or town, he may, upon his own motion only, at
3 any time before trial, transfer the case for further proceedings to any
4 justice of the peace court within such city or town, and such justice of
5 the peace shall have jurisdiction thereof to the same extent and with
6 the same power as the mayor. The fees taxable after the transfer of
7 the case, fixed by ordinance, shall be paid by the city or town to such
8 justice.

[C. C. 3587.]

Code Commissioners' Bill No. 158.

Subject: MUNICIPAL CORPORATIONS—GENERAL POWERS

Senate File No. Referred to Committee on
 House File No.
 By Date.....

A BILL FOR

An act to amend, revise and codify sections three thousand five hundred ninety-two (3592) to three thousand five hundred ninety-five (3595), 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), and three thousand six hundred fifty-nine (3659) to three thousand six hundred sixty-three (3663), 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 five hundred ninety-two (3592) to three thousand five hundred ninety-five (3595), 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.

1 They shall have power to prevent injury or annoyance from any-
2 thing dangerous, offensive, or unhealthful; to cause any nuisance to
3 be abated, and to provide for the assessment of the cost thereof to the
4 property. They may prohibit any public or private nuisance, and may
5 maintain actions in equity to restrain and abate any nuisance.

[C. C. 3592, modified.]

Sec. 2. Storing Inflammable Junk.

1 The depositing or storing of inflammable junk, such as old rags,
2 rope, cordage, rubber, bones, and paper, by dealers in such articles,
3 within the fire limits of any city, unless it be in a building of fireproof
4 construction, is a public nuisance.

[C. C. 3594.]

Sec. 3. Smoke Nuisance—Inspection.

1 The emission of dense smoke in cities of thirty thousand (30,000)
2 inhabitants or over is a nuisance and such cities may provide the
3 necessary rules for smoke inspection.

[C. C. 3625, 3626.]

Sec. 4. Power to Regulate.

1 They shall have power to regulate:

2 1. *Slaughterhouses.* The management of packing and slaughter-
3 houses, renderies, tallow chandleries, soap factories, bone factories,
4 tanneries, and manufactories of fertilizers and chemicals.

[C. C. 3592.]

5 2. *Parades.* Parades, by providing that before any association,
6 company, society, order, exhibition, or aggregation of persons shall
7 parade or march upon the streets of any city, they shall first obtain
8 from the mayor a permit, to be without charge, which shall state the

9 the time, manner, and condition of such parade or march.

[C. C. 3609.]

Sec. 5. Power to Regulate and License.

1 They shall have power to regulate and license:

2 1. *Hotels.* Hotels, restaurants, and eating houses.

[C. C. 3599.]

3 2. *Milk dealers.* Dealers in and distributors of milk, skimmed
4 milk, buttermilk, and cream.

[New.]

5 3. *Engineers.* Engineers of stationary engines, and provide for
6 their examination.

[C. C. 3599.]

7 4. *Peddlers.* Peddlers, house movers, billposters, itinerant doc-
8 tors, itinerant physicians and surgeons, junk dealers, scavengers,
9 pawnbrokers, and persons receiving actual possession of personal
10 property as security for loans, with or without a mortgage or bill of
11 sale thereon.

[C. C. 3599.]

12 5. *Employment bureaus.* Keepers of intelligence or employment
13 offices, bureaus, and agencies, and all persons doing the business of
14 seeking employment for others, or procuring or furnishing employers
15 for others, or giving information whereby employees or employers
16 may be obtained.

[C. C. 3599.]

17 6. *Billboards.* The construction, location, and maintenance of
18 billboards.

[C. C. 3601.]

19 7. *Sales.* Sales of auctioneers, bankrupt and dollar stores, and
20 the like, and those of transient merchants, and to define by ordinance
21 who shall be considered transient merchants; but the exercise of such
22 power shall not interfere with sales made by sheriffs, constables, cor-
23 oners, marshals, executors, guardians, assignees of insolvent debtors
24 or bankrupts, or any other person required by law to sell real or per-
25 sonal property.

[C. C. 3599.]

Sec. 6. **Power to Restrain and Prohibit.**

1 They shall have power to restrain and prohibit:

2 1. *Barbed wire.* The use of barbed wire to inclose land within
3 the corporation, and provide for the removal of such wire.

[C. C. 3656.]

4 2. *Sale of tainted provisions.* The sale of tainted or unsound
5 meat, or other provisions, and to provide for the immediate seizure
6 and destruction thereof.

[C. C. 3592, modified.]

7 3. *Offensive materials.* The deposit and removal of offensive ma-
8 terials and substances, and those engendering offensive odors and
9 sights, so as to protect the public against the same.

[C. C. 3592.]

10 4. *Tuberculosis.* The sale to inhabitants of milk or cream from
11 cows which have not been tested for tuberculosis by some competent
12 veterinarian.

[C. C. 3595.]

13 5. *Pawnbrokers.* The purchasing or receiving by pawnbrokers
14 and junk or secondhand dealers, of any property from minors, with-

15 out the written consent of their parents or guardians, and to provide
16 for the examination of the premises of such persons for the purpose
17 of discovering stolen property.

[C. C. 3602.]

18 6. *Animals running at large.* The running at large of cattle,
19 horses, swine, sheep, and other animals or fowl, within the limits of
20 the corporation, and to authorize the distraining, impounding, and
21 sale of the same for the penalty incurred and the costs of the pro-
22 ceeding.

[C. C. 3610, modified.]

23 7. *Begging.* Begging in and on the streets and other public places.

[C. C. 3608.]

24 8. *Riots.* Riots, noise, disturbance and disorderly assemblies, and
25 to punish any person engaged in riotous, noisy, or disorderly conduct.

[C. C. 3609.]

26 9. *Gambling.* All gambling games or devices; to authorize the
27 destruction of all instruments or devices used for the purpose of gam-
28 ing or gambling.

[C. C. 3605.]

29 10. *Gambling houses.* Gambling houses, bawdy houses, disorder-
30 ly houses, houses of ill-fame, road houses where lewdness is carried
31 on, opium or hop joints or places resorted to for the use of opium or
32 hasheesh, and places where intoxicating liquor is illegally kept, sold,
33 or given away, and to punish the keepers and inmates thereof, and
34 persons resorting thereto, and persons who, knowing the character
35 or reputation of such places, transport others to or from any of the
36 above described places.

[C. C. 3607.]

Sec. 7. Power to Regulate, License, or Prohibit.

1 They shall have power to regulate, license, or prohibit:

2 1. *Public dance halls.* Public dance halls, skating rinks, fortune
3 tellers, palmists, and clairvoyants.

[C. C. 3600.]

4 2. *Billiard saloons.* Billiard saloons, billiard tables, pool tables,
5 and all other tables kept for hire; bowling alleys and shooting galleries
6 or places.

[C. C. 3605.]

7 3. *Circuses.* Circuses, menageries, theaters, theatrical exhibi-
8 tions, shows and exhibitions of all kinds; but lectures on scientific,
9 historical, or literary subjects shall not come within this provision.

[C. C. 3606.]

10 4. *Dogs.* The running at large of dogs within their limits, and
11 to require them to be kept upon the premises of the owners thereof,
12 unless licensed to run at large, and to provide for the destruction
13 thereof when found at large contrary to and in violation of the pro-
14 visions of any ordinance or by-law passed pursuant to the power
15 herein granted.

[C. C. 3611.]

16 5. *Sales at auction.* Sales at auction in streets, highways, ave-
17 nues, alleys, and public places.

[C. C. 3612, modified.]

Sec. 8. Power to Establish.

1 They shall have power to establish and regulate:

2 1. *Slaughterhouses.* Slaughterhouses, and in cities having five
3 thousand (5,000) or more inhabitants, to build and control the same.

[C. C. 3592.]

4 2. *Sanitary districts.* Sanitary districts for the collection and dis-
5 posal of garbage and other such waste material as may become dan-
6 gerous to the public health or detrimental to the best interests of the
7 community, and to adopt rules necessary for the administration
8 thereof.

[C. C. 3593.]

9 3. *Garbage disposal plants.* Garbage disposal plants, and erect
10 or purchase the same.

[C. C. 3593.]

Sec. 9. Inspection of Milk.

1 Cities of the first class shall have power to adopt and enforce ordi-
2 nances providing for the bacteriological examination and pasteuriza-
3 tion of milk, skimmed milk, buttermilk and cream, to appoint inspec-
4 tors of milk, skimmed milk, buttermilk and cream, and define their
5 duties, which shall include the duties of state milk inspectors. This
6 section shall not be construed as limiting the powers or duties of the
7 food and drug commissioner.

[New.]

That section three thousand six hundred twenty (3620) of the com-
piled code of Iowa is amended, revised and codified to read as follows:

Sec. 10. Dangerous Structures.

1 Cities and towns shall have the power to provide by ordinance for
2 the repair, removal, or destruction of any building, structure, or inclo-
3 sure which is dangerous or which may be liable to fall, and to levy and
4 collect a special tax against the property and the owner for the ex-
5 pense thereof as other special taxes are levied and collected.

[C. C. 3620, 3623.]

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. 11. Regulation of Electric Installation.

1 Cities and towns shall have the power to prescribe rules for the
2 installation of electric light and power wiring, electrical fixtures and
3 appliances, and electrical work and material, to provide for the inspec-
4 tion of such work, materials, and the manner of installation; to compel
5 the removal of dangerous electric light and power wiring, electrical
6 fixtures and appliances, and electrical work installed in violation of
7 the manner prescribed. This section shall not apply to substations,
8 central power stations, and the installations therein belonging to and
9 operated by public utility corporations.

[C. C. 3622.]

Sec. 12. Chimneys—Manufactories—Fireworks.

1 They shall have power to regulate and control the building, con-
2 struction, and erection of chimneys, stacks, flues, fireplaces, hearths,
3 stovepipes, ovens, boilers, and all apparatus used for heating purposes,
4 and the use of lights in stables, shops, and other places; to regulate
5 or prohibit bonfires, and the use of fireworks, firecrackers, torpedoes,
6 Roman candles, sky-rockets, and other pyrotechnic displays; to pre-
7 vent the deposit of ashes and combustible matter in unsafe places, and
8 to provide for the collection of the costs and expenses incurred in any
9 of the matters provided for in this and the second preceding section in
10 the manner authorized for the collection of special assessments.

[C. C. 3623, modified.]

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. House of Refuge—Workhouse.

1 Cities shall have power to establish and maintain within the
2 county in which they are situated, a house of refuge, or a house of cor-
3 rection and a workhouse, or either of them, and place the same under
4 the control of such doctors, superintendents, and other officers as the
5 council may by ordinance prescribe. Persons sentenced to imprison-
6 ment for violation of any ordinance, if under eighteen (18) years of
7 age, may be committed to the city house of refuge, if there be one;
8 if over eighteen (18) years of age, to the house of correction or work-
9 house.

[C. C. 3642, modified.]

Sec. 14. Jail—Stationhouse.

1 Cities and towns may erect, establish, and maintain a jail, which
2 shall be in the keeping of the marshal, under such rules as the council
3 shall provide, and the provisions of the chapter on county jails shall
4 apply, so far as applicable, to such jails and the persons in charge
5 thereof. Any city or town shall have the right to use the jail of the
6 county for the confinement of such persons as may be subject to im-
7 prisonment under the ordinances of such city or town, but it shall pay
8 the county the cost of keeping such prisoners. Cities of the first class
9 shall have power to erect, lease, establish, and maintain stationhouses
10 for the detention of persons arrested, which shall be under the control
11 of the marshal.

[C. C. 3643, 3644.]

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. 15. Plumbers' License—Board of Examiners—Inspection.

1 Cities having a population of less than six thousand (6,000) and
2 towns shall have power to regulate and license plumbers, to create a
3 board of examiners, to determine the qualifications thereof, to pre-
4 scribe rules for the installation of plumbing work and materials, to
5 provide for the inspection of such work, materials, and installation,
6 and to compel the removal of plumbing installed in violation thereof.

[C. C. 3647.]

Sec. 16. Plumbing Regulations.

1 All cities having a population of six thousand (6,000) or more
2 shall adopt and enforce ordinances regulating the business of plumb-
3 ing, and prescribe rules not inconsistent with law for the installation
4 and inspection of plumbing, and prescribe the grade of material to be
5 used and compel the removal of plumbing installed in violation of such
6 rules.

[C. C. 3648.]

Sec. 17. Examiners.

1 In such cities the council shall by ordinance appoint a board of
2 examiners, consisting of three (3) members, one (1) of whom shall
3 be a practical journeyman plumber, one (1) a member of the local
4 board of health, and one (1) a practical master plumber, two (2) of
5 whom shall constitute a quorum for the transaction of business.

[C. C. 3649.]

Sec. 18. Board—When Not Necessary.

1 If there is no resident practical journeyman plumber or practical
2 master plumber in the city, the council shall not be required to appoint
3 a board of examiners, and every city not having a board of examiners
4 shall require every person engaged as a master or employing plumber
5 or journeyman plumber to have a certificate or license from some ex-
6 amining board within the state.

[C. C. 3649.]

Sec. 19. Expenses—Compensation.

1 The council shall provide suitable rooms in which the board of
2 examiners may hold its meetings, and shall provide for the payment
3 of the necessary incidental expenses incurred by the board, and may
4 also provide a per diem compensation for the members of said board
5 not exceeding ten dollars (\$10.00) per day for the time actually spent
6 in performing their duties.

[C. C. 3649.]

Sec. 20. Examinations—License—Fee.

1 The board shall, when so directed by the council, and under such
2 rules as the council shall prescribe, hold examinations of applicants for
3 licenses to work, either as master or employing plumber or journeyman
4 plumber, and if satisfied as to the competency of the applicant shall
5 issue to such plumber a license. The amount of the fee for such ex-
6 amination shall not exceed ten dollars (\$10.00) for a master or employ-
7 ing plumber, and shall not exceed five dollars (\$5.00) for a journeyman
8 plumber. Fees for the renewal of a master or employing plumber's
9 certificate shall not be more than two dollars (\$2.00), and for a jour-
10 neyman plumber's license, shall not be more than one dollar (\$1.00).

[C. C. 3649.]

Sec. 21. When License Valid—May Be Revoked.

1 A plumber's license shall be valid and recognized throughout the
2 state for a period of one (1) year, and may be renewed from year to
3 year upon payment of the renewal fee. Such license shall not be trans-
4 ferable, and shall expire on the thirty-first day of December of each
5 year. Any license may be revoked by a board of examiners for re-
6 peated violations of plumbing ordinances.

[C. C. 3650.]

Sec. 22. Definition of Terms.

1 The term "journeyman plumber" shall mean a person who does
2 any plumbing work which is by law, ordinance, or rule subject to
3 official inspection. The term "master or employing plumber" shall
4 include any person, firm, or corporation other than a journeyman
5 plumber engaged in the business of installing plumbing. The term
6 "plumbing" shall mean any receptacle or appliance installed or used
7 to receive waste water, house soil, slops, or sewage.

[C. C. 3652.]

That sections three thousand six hundred fifty-nine (3659) to three thousand six hundred sixty-three (3663), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

Sec. 23. Report.

1 Each city or town shall through its chief accounting and warrant
2 issuing officer make an annual public report which shall contain an
3 accurate statement in summarized form of all collections made or re-
4 ceipts of the municipality from all sources, all accounts due the public
5 but not collected, and all expenditures for every purpose, and a state-
6 ment in detail of the cost of operation and income of each public utility

7 operated or owned by the municipality. It shall show in detail the
8 entire public debt of the municipality and the amount of debt which it
9 may under the law contract for the year in which report is made.

[C. C. 3659, 3660.]

Sec. 24. Reports by Accounting Officers.

1 All accounting officers of all boards and commission departments
2 and offices within the municipality receiving and disbursing public
3 funds shall file with the auditor or clerk within thirty (30) days from
4 the expiration of their fiscal year, a report in writing of official transac-
5 tions in the form and manner required by law. In case of refusal or
6 gross neglect to comply with the law governing the method of account-
7 ing for and reporting municipal transactions, the official delinquent
8 shall be deemed guilty of a misdemeanor. The auditor or clerk may
9 institute legal proceedings to enforce the making of such reports.

[C. C. 3660.]

Sec. 25. Annual Report Publication.

1 The annual report shall be published in two (2) newspapers of
2 general circulation in the city or town, or in one (1) if no other is pub-
3 lished therein, and if none be published, by posting a copy in three (3)
4 public places within the city or town. In cities having a population
5 of five thousand (5,000) or over, the annual report shall also be pub-
6 lished in pamphlet form. In cities having a population of less than
7 five thousand (5,000) and towns, it may be published in pamphlet form
8 if authorized by the council.

[C. C. 3659, 3661, modified.]

Sec. 26. Certified Report—Failure to Make.

1 On or before the first day of May of each year, the official making

2 the report for each city or town shall forward to the auditor of state
3 a certified copy of the annual report. If such official fails to file his
4 report with the auditor of state within the time prescribed, the auditor
5 may send an examiner or examiners to make the report and the ex-
6 penses thereof shall be charged against the delinquent city or town.

[C. C. 3662.]

Sec. 27. Report—By Whom Made.

1 It shall be the duty of the auditor or clerk who served in the
2 capacity during the time covered by the report, to prepare and file
3 the same, and if said official has retired from office, the council shall
4 allow him such compensation for preparing the report as may be
5 deemed proper, not to exceed five dollars (\$5.00) per day for the
6 days actually employed in such service.

[C. C. 3662.]

Sec. 28. Publication of Reports by State Auditor.

1 The auditor of state shall publish said reports in a separate volume
2 showing under appropriate schedules the total receipts and expendi-
3 tures, assets and indebtedness and related data of all cities and towns
4 in the state, together with comments and recommendations respecting
5 desirable changes in the law governing financial administration in
6 municipalities. Three thousand five hundred (3,500) copies of this
7 volume shall be printed annually on or before December first for gen-
8 eral distribution.

[C. C. 3662.]

Sec. 29. Membership League of Municipalities—Appropriation.

1 Cities and towns may by resolution appropriate out of the general
2 fund to pay dues in the league of Iowa municipalities not to exceed the

3 following amounts: Municipalities having a population of less than
4 one thousand (1,000), ten dollars (\$10.00); from one thousand (1,000)
5 to two thousand (2,000), twenty dollars (\$20.00); from two thou-
6 sand (2,000) to three thousand (3,000), thirty dollars (\$30.00); from
7 three thousand (3,000) to five thousand (5,000), forty dollars
8 (\$40.00); from five thousand (5,000) to ten thousand (10,000), fifty
9 dollars (\$50.00); from ten thousand (10,000) to twenty thousand
10 (20,000), sixty dollars (\$60.00); from twenty thousand (20,000) to
11 forty thousand (40,000), seventy dollars (\$70.00); from forty thou-
12 sand (40,000) to sixty thousand (60,000), eighty dollars (\$80.00);
13 from sixty thousand (60,000) to one hundred thousand (100,000), one
14 hundred dollars (\$100.00); over one hundred thousand (100,000), two
15 hundred dollars (\$200.00). In addition they may pay the annual ex-
16 penses of not more than two (2) delegates to the meetings of the
17 league.

[C. C. 3663, modified.]

Code Commissioners' Bill No. 159.

Subject: MUNICIPAL CORPORATIONS—PARK TAX

Senate File No.		Referred to Committee on
House File No.	.	--
By	.	Date

A BILL FOR

An act to amend, revise and codify sections three thousand six hundred sixty-seven (3667), three thousand six hundred eighty-five (3685), and three thousand six hundred eighty-six (3686), of the compiled code of Iowa, relating to municipal corporations.

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

That sections three thousand six hundred sixty-seven (3667), three thousand six hundred eighty-five (3685), and three thousand six hundred eighty-six (3686) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Tax Levy.

1 The board shall, on or before the first day of August of each year,
2 determine and fix the amount or rate not exceeding two and one-half
3 (2½) mills on the dollar in all cities and towns on the taxable valua-
4 tion of such city or town, to be levied, collected, and appropriated for
5 the ensuing year, for general park purposes, and shall cause the same
6 to be certified to the city council, which shall levy such tax or so much
7 thereof as it may deem necessary to promote park interests, and certify
8 the per cent thereof to the county auditor, with the other taxes for
9 said year.

[C. C. 3667, modified.]

Code Commisisoners' Bill No. 160.

Subject: MUNICIPAL CORPORATIONS—BOARD OF PUBLIC WORKS

Senate File No..... Referred to Committee on
 House File No.....
 By Date

A BILL FOR

An act to amend, revise and codify sections three thousand six hundred eighty-seven (3687), three thousand seven hundred (3700) and three thousand seven hundred three (3703) of the compiled code of Iowa, relating to municipal corporations.

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

That sections three thousand six hundred eighty-seven (3687), three thousand seven hundred (3700), and three thousand seven hundred three (3703) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. **Board of Public Works.**

1 In any city having a population of thirty thousand (30,000) or
 2 more inhabitants, the council may by ordinance establish a board of
 3 public works, which shall consist of two (2) members, residents of the
 4 city, to be appointed by the mayor. Upon the establishment of the
 5 board one (1) member shall be appointed for two (2) years and one
 6 (1) for three (3) years, and their successors shall be appointed for
 7 three (3) years.

[C. C. 3687, modified.]

Code Commissioners' Bill No. 161.

Subject: MUNICIPAL CORPORATIONS—RIVER FRONT COMMISSION

Senate File No. _____ Referred to Committee on _____

House File No. _____ .. _____

By _____ Date _____

A BILL FOR

An act to amend, revise and codify sections three thousand seven hundred seven (3707) and three thousand seven hundred eight (3708) of the compiled code of Iowa, relating to municipal corporations.

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

That sections three thousand seven hundred seven (3707) and three thousand seven hundred eight (3708) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Title to River Bed—Lost Boundary Lines.

1 When said commissioners have been so appointed and qualified,
 2 the fee simple title to the bed of the meandered stream, separating
 3 the corporate limits of the city for which they are appointed, shall
 4 immediately vest in the commission in trust for the public, and the
 5 same while held by the commission shall be exempt from taxation; but
 6 the fee title to the channel or bed of the stream to be located and pre-
 7 served as hereinafter provided shall remain in the state; and the
 8 vested rights of riparian owners and owners of water powers, shall not
 9 be injuriously affected by this chapter. Where the original boundary
 10 lines separating the land under the control of said commission from
 11 the land of the state or of any adjoining landowner, or the monuments

12 marking the same have been lost, destroyed, or in dispute, said com-
13 missioners may proceed to have said boundary lines established as
14 disputed corners and boundaries are established.

[C. C. 3707.]

Sec. 2. **Powers.**

1 Said commission may redeem lands between the meandered lines
2 of such stream, construct, regulate and maintain dams across such
3 streams, provide for and protect, by secure walls or banks, a channel
4 adequate to carry flood waters of a volume equal to all reasonable ex-
5 pectations, based on past experience, and the area drained by such
6 stream, according to expert authority; beautify such walls or banks;
7 and park so much thereof as public interest may require; and where
8 circumstances permit, make any part of the area redeemed and ac-
9 quired suitable for sites for public buildings. The acts of said com-
10 mission so far as the same may affect city parks, theretofore under
11 the jurisdiction of the park commissioners or additions acquired
12 thereto, shall be subject to the approval of the board of park com-
13 missioners.

[C. C. 3708.]

Code Commissioners' Bill No. 162.

Subject: MUNICIPAL CORPORATIONS—COMFORT STATIONS

Senate File No.		Referred to Committee on
House File No.	..	..
By .	..	Date ..

A BILL FOR

An act to amend, revise and codify section three thousand seven hundred thirty (3730) of the compiled code of Iowa, relating to municipal corporations.

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

That section three thousand seven hundred thirty (3730) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Public Comfort Stations.

1 Any town of one thousand (1,000) or more inhabitants and any
 2 city of less than twenty-five thousand (25,000) inhabitants may estab-
 3 lish and maintain one (1) public comfort station. Any city of more
 4 than twenty-five thousand (25,000) inhabitants and less than fifty
 5 thousand (50,000) may establish and maintain two (2) public com-
 6 fort stations, and any city of over fifty thousand (50,000) inhabitants
 7 may establish and maintain three (3) public comfort stations.

[C. C. 3730, modified.]

Code Commissioners' Bill No. 163.

Subject: MUNICIPAL CORPORATIONS—JUVENILE PLAYGROUNDS

Senate File No. Referred to Committee on
 House File No.
 By Date.....

A BILL FOR

An act to amend, revise and codify sections three thousand seven hundred thirty-four (3734), three thousand seven hundred thirty-eight (3738) and three thousand seven hundred thirty-nine (3739) of the compiled code of Iowa, relating to juvenile playgrounds.

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

That sections three thousand seven hundred thirty-four (3734), three thousand seven hundred thirty-eight (3738) and three thousand seven hundred thirty-nine (3739) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. **Playgrounds.**

1 Cities may, when authorized by the voters, provide one (1) or
 2 more playgrounds. The number and location thereof shall be deter-
 3 mined by the city council.

[C. C. 3734.]

Sec. 2. **Superintendents—Assistants—Maintenance.**

1 The council shall appoint a suitable superintendent, and all neces-
 2 sary assistants, for each playground and fix their term of employment,
 3 salaries and duties. The superintendent shall have control of the
 4 children while playing on such grounds. All salaries and expenses

5 incurred in the maintenance of such grounds shall be paid from the
6 playground maintenance fund.

[C. C. 3738.]

Sec. 3. Cooperation—Rules.

1 The council shall cooperate with the board of education, the super-
2 intendent of schools, and with public-spirited citizens interested in
3 child welfare in the government and operation of playgrounds and to
4 that end it may, from time to time, adopt and enforce such rules as it
5 may deem advisable.

[C. C. 3739.]

Code Commissioners' Bill No. 164.

Subject: MUNICIPAL CORPORATIONS—CITY HALL

Senate File No.	Referred to Committee on
House File No.	.....
By	Date .. .

A BILL FOR

An act to amend, revise and codify sections three thousand seven hundred forty (3740) and three thousand seven hundred forty-five (3745) to three thousand seven hundred forty-eight (3748), 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 forty (3740) and three thousand seven hundred forty-five (3745) to three thousand seven hundred forty-eight (3748), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. **City Hall.**

1 Any city or town may, when authorized by the voters, erect a city
 2 or town hall to be used for general community purposes, including
 3 assembly hall, auditorium, public hall, armory, council chamber and
 4 offices, fire or police station, or for any one (1) or more of such pur-
 5 poses. The council may prescribe rules whereby such building may be
 6 used for other than municipal purposes, and fix the compensation to
 7 be paid therefor.

[C. C. 3740, 3743.]

Code Commissioners' Bill No. 165.

Subject: MUNICIPAL CORPORATIONS—PUBLIC LIBRARIES

Senate File No. Referred to Committee on

House File No.

By Date

A BILL FOR

An act to amend, revise and codify sections three thousand seven hundred forty-nine (3749), three thousand seven hundred fifty-two (3752), three thousand four hundred forty-three (3443), and three thousand seven hundred sixty (3760) 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 forty-nine (3749) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. **Public Library—Formation—Maintenance.**

1 Cities and towns may provide for the formation and maintenance
 2 of free public libraries open to the use of all inhabitants under proper
 3 regulations, and may erect or rent buildings or rooms suitable for this
 4 purpose and provide for the compensation of necessary employees.
 5 They may receive, hold and dispose of all gifts, donations, devises, and
 6 bequests that may be made to them for the purpose of establishing,
 7 increasing, or improving any library; and when the conditions thereof
 8 have been accepted by the city, their performance may be enforced by
 9 the library board by an action of mandamus against the council or by
 10 other proper action. The council may apply the profits accruing there-
 11 from to best promote the prosperity and utility of the library.

[C. C. 3749.]

That sections three thousand seven hundred fifty-two (3752) and three thousand four hundred forty-three (3443) of the compiled code of Iowa are amended, revised and codified to read as follows:

Sec. 2. Power of Libraries to Contract.

1 The board of library trustees of any free public library may con-
2 tract with any school corporation, township, county, city, or town, in
3 the same or an adjoining county, for the free use of the library by
4 residents thereof. When a majority of the resident taxpayers of any
5 civil township petition the trustees thereof in writing to enter into
6 such contract with a designated library, such trustees shall offer to
7 make such contract with the library, but such trustees may without
8 petition therefor enter into such contract with a public library.

[C. C. 3443, 3752, modified.]

Sec. 3. Method of Use Under Contract.

1 Such use shall be accomplished by one (1) or more of the follow-
2 ing methods in whole or in part:

3 1. By lending the books of such library to such residents on the
4 same terms and conditions as to residents of the city or town in which
5 said library is situated.

6 2. By the establishment of depositaries of books of such library
7 to be loaned to such residents at stated times and places.

8 3. By the transportation of books of such library by wagon or
9 other conveyance for lending the same to such residents at stated times
11 and places.

12 4. By the establishment of branch libraries for lending books to
13 such residents.

[C. C. 3752.]

Sec. 4. Termination of Contract.

1 Such contracts, unless otherwise provided therein, shall remain in
 2 force for five (5) years unless sooner terminated by a majority vote of
 3 the electors of the school corporation, township, county, city, or town;
 4 but when the board of supervisors enters into a contract it shall super-
 5 sede all contracts made by townships or school corporations.

[C. C. 3130, 3752.]

Sec. 5. Township Tax.

1 The board of trustees of any township which has entered into such
 2 a contract shall at the April meeting levy a tax not exceeding one (1)
 3 mill on the dollar on all taxable property in the township to create a
 4 fund to fulfill its obligation under the contract.

[C. C. 3443.]

Sec. 6. County Tax.

1 The board of supervisors, after it makes such contract, shall levy
 2 annually on the taxable property of the county outside of cities and
 3 towns a tax of not more than one (1) mill to be paid the library with
 4 which the contract is made.

[C. C. 3130.]

That section three thousand seven hundred sixty (3760) of the com-
 piled code of Iowa is amended, revised and codified to read as follows:

Sec. 7. Memorial Libraries—Tax.

1 The board of supervisors of the county in which any city or town
 2 is located which has provided for the establishment of a free public
 3 library may agree with the council that such library shall be a “sold-
 4 iers’, sailors’ and marines’ memorial and public library” and to appro-

5 priate annually thereafter from the fund created by the tax specified
6 in section three thousand three hundred forty-two (3342) a specified
7 sum to be used in the erection and maintenance of such library.

[C. C. 3760, modified.]

Code Commissioners' Bill No. 166.

Subject: MUNICIPAL CORPORATIONS—HOSPITALS

Senate File No. Referred to Committee on

House File No.

By Date.

A BILL FOR

An act to amend, revise and codify section three thousand seven hundred seventy-seven (3777) 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.

- 1 In a city maintaining a hospital the council may appropriate each
- 2 year not exceeding five per cent (5%) of the general fund for its im-
- 3 provement and maintenance.

[C. C. 3777.]

Code Commissioners' Bill No. 167

Subject: MUNICIPAL CORPORATIONS—BRIDGES

Senate File No..... Referred to Committee on

House File No... ..

By Date

A BILL FOR

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.

1 Cities shall have the care, supervision, and control of all bridges
2 and culverts within their corporate limits; shall cause the same to be
3 kept open and free from nuisance; cities not controlling the city bridge
4 fund shall construct and keep in repair all culverts which are thirty-six
5 (36) inches or less in diameter within the city. They may aid in the
6 construction of county bridges within the limits of the city, or of any
7 bridge contiguous thereto, on a highway leading to the city, or of any
8 bridge across any unnavigable river which divides the county in which
9 the city is located from another state, by appropriating a sum not
10 exceeding ten dollars (\$10.00) per linear foot therefor.

[C. C. 3779, modified.]

Sec. 2. Bridges in Certain Cities.

1 Cities of the second class having a population of five thousand
2 (5,000) or over, which are traversed by a stream two hundred (200)
3 feet or more in width from shoreline to shoreline, and cities of the first
4 class, shall have full control of the city bridge fund levied and col-
5 lected therein, and shall use the same for the construction and repair
6 of bridges, culverts and approaches thereto, and payment of bridge
7 bonds, and interest thereon, issued by such city, and shall be liable for
8 the defective construction thereof and for failure to maintain the same
9 in safe condition as counties now are with reference to county bridges,
10 and no county shall be liable for any such bridge or injuries caused
11 thereby.

[C. C. 3780.]

Sec. 3. Bridge Tax—Levy Authorized.

1 When the whole or any part of the cost of the building or recon-
2 struction of any bridge by such city shall be ordered paid from the
3 city bridge fund, it may, after the completion of the work, by resolu-
4 tion levy at one time the whole or any part of the cost of such im-
5 provement upon all the taxable property within the city and determine
6 the whole percentage of tax necessary to pay the same and the per-
7 centage to be paid each year, not exceeding two-thirds ($\frac{2}{3}$) of the
8 maximum annual limit of the tax such city may levy for a bridge fund;
9 and the number of years, not exceeding twenty-five (25), given for the
10 maturity of each installment thereof.

[C. C. 3781, modified.]

Sec. 4. Limitation—Certificates to Be Filed.

1 No part of such costs shall be levied against the property owned

2 by the city, county, state, or the United States. Certificates of such
3 levy shall be filed with the auditor of the county or counties in which
4 the city is located, setting forth the amount or percentage and ma-
5 turity of said tax or each installment thereof, upon the assessed valua-
6 tion of all the property in said city, certified as correct by the city clerk
7 or auditor, and thereupon said tax shall be placed upon the tax lists
8 of the proper county or counties.

[C. C. 3781.]

Code Commissioners' Bill No. 168.

Subject: MUNICIPAL CORPORATIONS—STREETS AND PUBLIC GROUNDS

Senate File No. Referred to Committee on

House File No.

By Date

A BILL FOR

An act to amend, revise and codify sections three thousand eight hundred eight (3808), three thousand eight hundred eleven (3811), three thousand eight hundred fourteen (3814), 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, 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 compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Establishment—Improvement.

1 Cities and towns shall have power to establish, lay off, open, widen,
 2 straighten, narrow, vacate, extend, improve and repair streets, high-
 3 ways, avenues, alleys, public grounds, wharves, landings and market
 4 places within their limits; but no street, avenue, highway, or alley dedi-
 5 cated to public use by the proprietor of the ground in any municipal
 6 corporation shall be deemed a public street, avenue, highway, or alley,
 7 or be under the use or control of such municipality, unless the dedica-
 8 tion shall be accepted and confirmed by a resolution specially passed
 9 for such purpose.

[C. C. 3808, modified.]

Sec. 2. Payment of Costs of Improvements.

1 The expenses of such extension, repairs, and improvement may be
2 paid from the general fund, the grading fund, or from the highway or
3 poll taxes of such cities or towns, or partly from each of such funds,
4 or by assessing all or any portion of the cost thereof on abutting and
5 adjacent property according to the benefits derived from such exten-
6 sion, repairs and improvements. The district benefited and in which
7 adjacent property is to be assessed shall be designated and determined
8 by the council in the resolution ordering such extension, repairs, and
9 improvements, but nothing in this section shall be construed as chang-
10 ing the manner of assessing abutting and adjacent property for the
11 cost of paving, guttering, curbing or macadamizing streets and alleys.

[C. C. 3808, 3882, modified.]

That section three thousand eight hundred eleven (3811) of the com-
piled code of Iowa is amended, revised and codified to read as follows:

Sec. 3. Roads Within Corporate Limits.

1 The councils of cities and towns, respectively, shall cause the main-
2 traveled roads within the corporate limits leading into the city or
3 town to be dragged at the times and in the manner provided by law for
4 the dragging of roads outside such corporate limits.

[C. C. 3811, modified.]

That section three thousand eight hundred fourteen (3814) of the
compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 4. Regulation of Jitney Busses.

1 They shall have power by ordinance to regulate and license so-
2 called "jitney" busses, and all motor vehicles operating upon the
3 streets and avenues of such cities and towns and engaged in carrying

4 passengers for hire, on a plan similar to that followed by street rail-
5 way companies; to fix and determine the streets and avenues upon
6 which they shall be permitted to operate; to require such vehicles to be
7 operated over reasonable routes, and upon reasonable schedules; to
8 require the owners or operators thereof to file with such city or town,
9 a proper indemnity bond for the protection of the city or public
10 against damages resulting from negligence in the operation of such
11 vehicles. "Jitney" busses shall not be excluded from streets on which
12 street cars are allowed to operate.

[C. C. 3814.]

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. 5. Granting Franchise—Question Submitted.

1 No franchise shall be granted, renewed, or extended by any city
2 or town for the use of its streets, highways, avenues, alleys, or public
3 places, for any of the purposes named in the preceding section, unless
4 a majority of the legal electors voting thereon vote in favor of the
5 same at a general, city or town, or special election. The council may
6 order the question of the granting, renewal, or extension of any such
7 franchise so submitted; or the mayor shall submit said question to
8 such vote upon the petition of twenty-five (25) property owners of
9 each ward in a city which is so divided; or fifty (50) property owners
10 in any town; or of ten (10) voters in each precinct in cities under the
11 commission form of government.

[C. C. 3825, modified.]

Sec. 6. Notice—Ballots—Expenses.

1 Notice of such election shall be given in two (2) newspapers pub-

2 lished in said city or town, if there are two (2), if not, then in one (1)
3 once each week for at least four (4) consecutive weeks. If no such
4 newspaper is published within the limits of the corporation, then such
5 notice may be given by posting thereof in three (3) public places within
6 the limits of said corporation, one (1) of which shall be the mayor's
7 office of such city or town, and by publication for four (4) consecutive
8 weeks in a newspaper of general circulation in the county. The clerk
8 shall prepare the ballots, and the proposition shall be submitted as pro-
9 vided for in the title on elections. The party applying for the fran-
10 chise, or for a renewal or extension thereof, shall pay all expenses in-
11 curred in holding the election.

[C. C. 3825, modified.]

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. 7. Permanent Sidewalks.

1 Cities and towns shall have power to provide for the construc-
2 tion, reconstruction and repair of permanent sidewalks upon any street,
3 highway, avenue, public ground, wharf, landing or market place within
4 the limits of such city or town; but the construction of permanent side-
5 walks shall not be made until the bed of the same shall have been
6 graded so that, when completed, such sidewalks will be at the estab-
7 lished grade; and to assess the cost thereof on the lots or parcels of
8 land in front of which the same shall be constructed. But unless the
9 owners of a majority of the linear feet of the property fronting on said
10 improvements petition the council therefor, the same shall not be made
11 unless three-fourths ($\frac{3}{4}$) of all the members of the council shall by
12 vote order the making thereof.

[C. C. 3836.]

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. 8. Rights and Liabilities Under Sidewalk Certificates.

1 Such certificate shall be the same as certificates of the levy of
2 special assessments for street improvements, and shall create the same
3 rights and liabilities and be dealt with in a similar manner.

[C. C. 3840, 3841, 3842, 3843.]

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. 9. Temporary Sidewalks.

1 They shall have power to provide for the laying, relaying, and
2 repairing of temporary sidewalks upon any street, avenue, public
3 ground, wharf, landing or market place within the limits of such city
4 or town, at a cost not exceeding sixty cents (60c) a linear foot, to pre-
5 scribe a uniform width thereof, and to regulate the grade of the same,
6 and to provide for the assessment of the cost thereof on the property
7 in front of which the same shall be laid.

[C. C. 3845, 3846, modified.]

Code Commissioners' Bill No. 169.

**Subject: MUNICIPAL CORPORATIONS—STREET IMPROVEMENTS
AND SEWERS**

Senate File No. Referred to Committee on
 House File No.
 By Date

A BILL FOR

An act to amend, revise and codify sections three thousand eight hundred forty-nine (3849) to three thousand eight hundred sixty (3860), inclusive, three thousand eight hundred seventy-three (3873) to three thousand eight hundred ninety-six (3896), inclusive, three thousand eight hundred ninety-eight (3898) to three thousand nine hundred four (3904), inclusive, three thousand nine hundred six (3906), three thousand nine hundred seven (3907), three thousand nine hundred ten (3910) to three thousand nine hundred twenty-eight (3928), inclusive, three thousand eight hundred thirty-five (3835) and three thousand eight hundred forty-four (3844) 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 eight hundred forty-nine (3849) to three thousand eight hundred sixty (3860), inclusive, three thousand eight hundred seventy-three (3873) to three thousand eight hundred ninety-six (3896), inclusive, three thousand eight hundred ninety-eight (3898) to three thousand nine hundred four (3904), inclusive, three thousand nine hundred six (3906), three thousand nine hundred seven (3907), three thousand nine hundred ten (3910) to three thousand nine hundred twenty-eight (3928), inclusive, three thousand eight hundred thirty-five (3835) and three thousand eight hundred forty-four (3844) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Street Improvements.

1 Cities and towns shall have power:

2 1. To improve any street, highway, avenue, or alley by grading,
3 parking, curbing, paving, oiling, graveling, macadamizing or gutter-
4 ing the same or any part thereof, and to provide for the repair or
5 reconstruction of such improvements.

[C. C. 3836, 3849, 3854, 3923.]

6 2. To construct paved roadways along such streets, avenues, or
7 highways within the corporation as in the judgment of the council
8 constitute main-traveled ways into and out of such cities or towns,
9 and to repair, improve, and reconstruct the same.

[C. C. 3912, modified.]

Sec. 2. Street Improvements—Limitation.

1 The construction of permanent parking, curbing, paving, gravel-
2 ing, macadamizing, or guttering shall not be done until the bed there-
3 for shall have been graded, so that such improvement, when fully com-
4 pleted, will bring the street, highway, avenue, or alley up to the estab-
5 lished grade; but only so much of the cost of the removal of the earth
6 and other material as lies between the subgrade and the established
7 grade shall be assessed to private property. The cost of preparing a
8 street to receive oil shall be paid by the city, except that portion
9 between the rails of any railway or street railway, and one (1) foot
10 outside thereof.

[C. C. 3836, 3849, 3854, 3921, 3923.]

Sec. 3. Salvage.

1 Upon repaving, they may use the old material for such reconstruc-
2 tion and dispose of the waste material and salvage from the old pave-

3 ment as the council may by resolution direct. The value of the salvage
4 so used or the proceeds derived from the sale thereof shall be equitably
5 applied upon the cost of the new improvement. No salvage may be
6 sold until the owner of property assessed for the original construction
7 of the paving shall have been given ten (10) days' notice in writing
8 requiring him to elect whether he desires such salvage, which notice
9 shall be personally served on the owner or his agent, or, if neither
10 be found, by posting in a conspicuous place on the property. The elec-
11 tion, if made, shall be in writing and filed with the city clerk. No
12 owner electing to take salvage shall be entitled to a pro rata distribu-
13 tion derived from the proceeds of sale of salvage.

[C. C. 3836, 3849, 3854, modified.]

Sec. 4. Gas and Water and Other Connections.

1 They shall have power to require the connections from gas, water,
2 and steam-heating pipes, sewers, and underground electric construc-
3 tion, to the curb line of adjacent property, to be made before the per-
4 manent improvement of the street, highway, avenue, alley, public
5 ground, or place where located; and, if such improvements have
6 already been made, to regulate the making of such connections, fix the
7 charges therefor, and make all needful rules in relation thereto, and
8 the use thereof. If the owners of property on such streets fail to
9 make such connections in the manner and within the time fixed by
10 the council, it may cause the same to be made, and assess the cost
11 thereof against the property for which they are made.

[C. C. 3836, 3854, 3873.]

Sec. 5. Gas and Water and Other Connections—Certain Cities.

1 When any city or town having a board of waterworks trustees has

2 ordered any street, highway, avenue, alley, or public place perma-
3 nently improved by paving, graveling, or macadamizing, the council
4 shall at once notify the board of the passage of the resolution of neces-
5 sity. The board shall report to the council the lots and names of the
6 owners and the requirements in respect to connections from any water
7 mains or pipes to the curb line of the abutting and adjacent property.
8 Thereupon the council shall pass a resolution requiring the respective
9 owners of the said abutting or adjacent property to make said connec-
10 tions in the manner required by the rules of the board, and fixing a
11 time therefor. Notice thereof shall be given by two (2) publications in
12 some newspaper published in such city or town, the first of which shall
13 be at least twenty (20) days prior to the time fixed in said resolution.

[C. C. 3836, 3854, 3873, modified.]

Sec. 6. Cost of Installation Specially Assessed.

1 If the owner fail to put in the said water connections before the
2 time fixed or within additional time granted by the council, not exceed-
3 ing thirty (30) days, the board of waterworks trustees shall put in said
4 connections and certify the actual cost thereof to the council, which
5 shall assess the same to the respective lots and tracts of land in the
6 manner in which other special assessments are made.

[C. C. 3836, 3854, 3873.]

Sec. 7. Sewers.

1 Cities and towns shall have power to provide for the making, re-
2 construction, and repair of sewers and catch basins in any street,
3 highway, avenue, alley, public ground, or market place within the
4 limits of said city, and may by ordinance divide the city or town into
5 such sewer districts as the council may determine, numbering them

6 consecutively, or the entire city may be included in one (1) district.

[C. C. 3835, 3857, 3858.]

Sec. 8. Sewer Outlets and Purifying Plants.

1 They may construct outlets and purifying plants in connection
2 with sanitary sewers, and such outlets and plants may be considered
3 as a part of the sewer system, and the cost thereof may be assessed
4 against property benefited thereby.

[C. C. 3910, 3911, modified.]

Sec. 9. Main Sewer Assessments—Terms Defined.

1 In addition to other powers, cities having a population of less than
2 forty-seven thousand (47,000) shall have power to assess the whole or
3 any part of the cost of the construction of any main sewer or system
4 of main sewers to the respective lots, tracts, or parcels of ground as
5 adjacent property which are included within a district to be fixed by
6 the council, which may include all territory within the drainage area
7 of such main sewer or main sewer system. All such lots, tracts, or
8 parcels of land which may be furnished with sewer connections or
9 drained by such main sewer or sewer system shall be considered as
10 adjacent property. A main sewer shall be held to mean any sewer that
11 is commonly referred to by any one (1) of the following terms: “in-
12 tercepting sewer, out-fall sewer, or trunk sewer.”

[C. C. 3906, 3907, modified.]

Sec. 10. Sewers for State Building.

1 Any city in which any state building may be situated shall permit
2 the officers in charge thereof and the persons constructing or improv-
3 ing the same to construct sewers therefor through or under any of the
4 streets, highways, avenues, alleys, or public places of the city or to

5 connect the same with the city sewer system under the same regula-
6 tions that are provided for private property owners.

[C. C. 3857.]

Sec. 11. Condemnation.

1 Cities and towns shall have power to condemn in the manner pro-
2 vided for the condemnation of land for city purposes right of way
3 through private property along ravines and natural watercourses suf-
4 ficient for the construction and maintenance of sewers. The cost of
5 such right of way shall constitute a part of the expense of sewers and
6 be assessed accordingly.

[C. C. 3835, 3859.]

Sec. 12. Cross Sewers.

1 They shall have power to provide the terms and conditions on
2 which cross and lateral sewers may be connected with main sewers.
3 In cases where sewers have been paid for in whole or in part by special
4 assessment, they may pay to the parties to whom the benefits have
5 been assessed an equitable proportion of the money collected for the
6 purpose of connecting such cross or lateral sewers.

[C. C. 3835, 3860, modified.]

Sec. 13. Resolution of Necessity—Street Improvements and Sewers.

1 When the council shall deem it necessary to make or reconstruct
2 any street improvement or sewer, it shall in a proposed resolution, de-
3 clare such necessity stating the kinds of material proposed to be used
4 and method of construction, whether private property will be assessed,
5 and, in case of sewers, the kinds and size, and what adjacent property
6 is proposed to be assessed therefor, and in both cases designate the
7 location and terminal points thereof. It shall fix the time for the con-

8 sideration of the proposed resolution of necessity, at which time the
9 owners of property subject to assessment for the proposed improve-
10 ment or sewer may appear and make objection thereto, and the passage
11 of the proposed resolution. At the hearing the resolution may be
12 amended and passed, or passed as proposed.

[C. C. 3835, 3836, 3854, 3858, 3874, 3917, 3923, modified.]

Sec. 14. Resolution of Necessity—Paving District.

1 If it is proposed to construct paved roadways, the proposed resolu-
2 tion shall also provide for the establishment of a paving district within
3 which the lots or tracts of land are to be assessed. A plat and schedule
4 shall be filed with the resolution and made a part thereof showing the
5 paving district, each lot and tract of land therein, the proportion of
6 the total cost which is to be assessed against each lot or tract, and an
7 estimate of the total cost of the proposed improvement.

[C. C. 3913, 3914, 3915, modified.]

Sec. 15. Notice.

1 It shall cause notice of the time when said resolution will be con-
2 sidered by it for passage to be given by two (2) publications in some
3 newspaper published in the city or town, the last of which shall be
4 not less than two (2) nor more than four (4) weeks prior to the day
5 fixed for its consideration; but if there be no such newspaper, such
6 notice may be given by posting copies thereof in three (3) public
7 places within the limits of the corporation, two (2) of which shall be
8 the mayor's office and the postoffice, or if there be no postoffice, such
9 other place as the council may designate.

[C. C. 3835, 3836, 3854, 3858, 3874, 3916, modified.]

Sec. 16. Passage of Resolution—Record.

1 After the passage of the resolution of necessity, the council by
2 another resolution may order the making or reconstruction of the im-
3 provement or sewer. If the improvement or sewer is made on the
4 motion of the council, such resolution shall require for passage the
5 vote of three-fourths ($\frac{3}{4}$) of all the members of the council, or, in
6 cities under the commission form of government having but three (3)
7 members of the council, the vote of two (2) members; but if petitioned
8 for by a majority of the resident owners of property to be assessed for
9 the construction thereof, the resolution may be passed by a majority
10 vote of the council.

[C. C. 3835, 3854, 3856, 3857, 3858, 3875, 3918, modified.]

Sec. 17. Contract.

1 When the making or reconstruction of any such street improve-
2 ment or sewer is ordered, the council, or board of public works where-
3 such board exists, shall contract for furnishing labor and material and
4 for the making or reconstruction, either of the entire work in one (1)
5 contract, or for parts thereof in separate and specified sections; but no
6 work shall be done under any such contract until a certified copy
7 thereof shall have been filed in the office of the clerk. The city or
8 town may oil the streets without letting a contract therefor.

[C. C. 3835, 3836, 3854, 3858, 3876, 3923.]

Sec. 18. Contractor's Agreement to Repair.

1 All contracts for the making or reconstruction of street improve-
2 ments or sewers shall contain a provision obligating the contractor and
3 his bondsmen to keep such improvement or sewer in good repair for not
4 less than four (4) years after the acceptance of the same by the city.

[C. C. 3835, 3836, 3854, 3858, 3878.]

Sec. 19. Bids—Notice.

1 All contracts for the making or reconstruction of street improve-
2 ments and sewers shall be let in the name of the city or town, to the
3 lowest bidder, by sealed proposals, upon giving notice by two (2) pub-
4 lications in a newspaper published in said city or town, the first of
5 which shall be not less than ten (10) days before the date set for re-
6 ceiving bids, which notice shall state as nearly as practicable, the ex-
7 tent of the work, the kinds of materials for which bids will be received,
8 when the work shall be done, the terms of payment fixed, and the time
9 the proposals will be acted upon. If there be no such newspaper, such
10 notice may be given by posting the same in three (3) public places
11 within the limits of such city or town, two (2) of which shall be the
12 mayor's office and the postoffice, or, if there be no postoffice, in such
13 public place as the council may designate.

[C. C. 3835, 3836, 3854, 3858, 3877.]

Sec. 20. Security.

1 All bids must be accompanied, in a separate envelope, by a certified
2 check on an Iowa bank, payable to the order of the treasurer, in a sum
3 to be named in the notice for bids, as security that the bidder will
4 enter into a contract for the doing of the work, and will give bond as
5 required in the following sections. Such checks shall be returned to
6 the respective bidders whose bids have not been accepted. All bids
7 may be rejected and new bids ordered.

[C. C. 3835, 3836, 3854, 3858, 3877, modified.]

Sec. 21. Bond.

1 Each contractor for street improvements or sewers shall give bond
2 to the city, with sureties to be approved by the council, or board of

3 public works where such board exists, for the faithful performance of
4 the contract, and suit on such bond may be brought in the county in
5 which the council may hold its sessions.

[C. C. 3835, 3836, 3854, 3858, 3879.]

Sec. 22. Filing of Notice.

1 After a contract has been made by any city or town for the mak-
2 ing or reconstruction of any street improvement or sewer, the clerk
3 shall file with the auditor of the county, or each of the counties, in
4 which said city or town is situated, a written or printed copy of the
5 notice of the resolution of necessity, with a true copy of the proof of
6 publication thereof, together with a certificate of the clerk that a reso-
7 lution has been adopted directing the making or reconstruction of said
8 improvement or sewer. In all counties where taxes are collected in
9 two (2) or more places, such notices and certificates shall be filed in
10 the office of the auditor in the place where said special taxes are col-
11 lected. The auditor shall keep a book properly ruled for that purpose
12 and enter thereon under its tract number all of such notices imme-
13 diately following the filing of the same.

[C. C. 3836, 3854, 3880, modified.]

Sec. 23. Lien of Tax.

1 Thereupon all special taxes for the cost thereof, or any part of
2 said cost, which are to be assessed and levied against real property, or
3 any railway or street railway, together with all interest and penalties
4 on all of said assessments, shall become and remain a lien on such prop-
5 erty from the date of the filing of said papers with the county auditor
6 until paid, and such liens shall have precedence over all other liens
7 except ordinary taxes, and shall not be divested by any judicial sale.

8 Any such assessment against a railway or street railway shall be a
9 first and paramount lien upon the track thereof within the limits of
10 the city.

[C. C. 3836, 3854, 3880, modified.]

Sec. 24. Cost at Intersections.

1 Except for that part for which railways or street railways are
2 liable, the whole or any part of the cost of any street improvement or
3 sewer at the crossings of streets, highways, avenues, and alleys; and
4 not exceeding one-half ($\frac{1}{2}$) of such cost at spaces opposite streets,
5 highways, avenues, and alleys intersecting but not crossing, and at
6 spaces opposite property owned by the city or the United States may
7 be assessed against privately owned property. In the case of sewers,
8 such cost may be paid from the city or town or district sewer fund, or
9 the general fund, as provided in the fifth succeeding section. In case
10 of street improvements, such cost may be paid from the city improve-
11 ment fund.

[C. C. 3835, 3836, 3854, 3858, 3881, modified.]

Sec. 25. Cost of Improvements—How Paid.

1 The cost of making or reconstructing any street improvement,
2 except as provided in the preceding section, and except for that part
3 for which railways or street railways are liable, shall be assessed as a
4 special tax against all lots and parcels of land according to area, so as
5 to include one-half ($\frac{1}{2}$) of the privately owned property between the
6 street improved and the next street, whether such privately owned
7 property abut upon said street or not. In no case shall property sit-
8 uated more than three hundred (300) feet from the street so im-
9 proved be so assessed. Such assessment for improvements upon an

10 alley shall be confined to privately owned property within the block or
11 blocks improved, and if not platted into blocks, to property not more
12 than one hundred fifty (150) feet from the improved alley.

[C. C. 3836, 3854, 3855, 3882, modified.]

Sec. 26. Railroad Right of Way Subject Special Assessments.

1 The right of way of any railroad company shall be subject to
2 special assessment for sidewalks and street improvements as is other
3 private property, and such assessment shall constitute a debt due per-
4 sonally from the railroad company owning or leasing such right of way.

[C. C. 3844.]

Sec. 27. Cost of Paved Roadway—How Paid.

1 Not more than one-half ($\frac{1}{2}$) of the cost of the construction of a
2 paved roadway within an assessment district may be paid by the city
3 or town, and the part of the cost not so paid shall be assessed against
4 the lots or tracts of land embraced in the paving district established
5 therefor.

[C. C. 3913, 3919, 3920.]

Sec. 28. Cost of Sewers.

1 The cost, or any part thereof, of making or reconstructing sewers,
2 including that provided for in the fourth preceding section, may be
3 paid from the district sewer fund of the sewer district in which the
4 same is situated, or from the city or town sewer fund, or for main
5 sewers from the main sewer fund, or from the general revenue, and
6 the portion thereof not so paid, and not in excess of three dollars
7 (\$3.00) per linear foot of sewer, shall be assessed against the property
8 abutting on such sewer in proportion to the number of linear front feet
9 of each parcel thereof, and upon adjacent property in proportion to the

10 benefit thereto; but in estimating the benefits to result therefrom to
 11 adjacent property, each lot or parcel of land shall be considered as
 12 wholly unimproved. Said methods of assessment may be combined.

[C. C. 3835, 3858, 3883, 3907.]

Sec. 29. Cost of Repairs.

1 The cost or any part thereof of the repair of any street improve-
 2 ment may be paid from the improvement fund or the general revenue.
 3 The cost or any part thereof of the repair of any sewer may be paid
 4 from the city, town, or district sewer fund, or for main sewers from the
 5 main sewer fund, or the general fund or part from each of said funds.

[C. C. 3835, 3836, 3854, 3858, 3896, 3907, 3922.]

Sec. 30. Assessment of Cost.

1 When the making or reconstruction of any street improvement or
 2 sewer, or such part thereof as under the contract is to be paid for when
 3 done, shall have been completed, the council or board of public works
 4 where such board exists shall, within twenty (20) days following such
 5 completion, ascertain the cost thereof, including the cost of the esti-
 6 mates, notices, inspection, and preparing the assessment and plat, and
 7 shall also ascertain what the proportion of such cost shall be, by law
 8 or the resolution of the council under which such improvement was
 9 made or sewer constructed, assessable upon private property, and shall
 10 then assess such portions upon and against such private property.

[C. C. 3835, 3836, 3854, 3858, 3884, 3922.]

Sec. 31. Privately Owned Property—What Constitutes.

1 All property except streets, alleys, public highways, public drive-
 2 ways, property owned by the United States, and property owned by
 3 the city or town shall be deemed privately owned property.

[C. C. 3855, modified.]

Sec. 32. Exemption.

1 The council may exempt the homestead of any honorably dis-
2 charged soldier or sailor of the Mexican war or the war of the rebellion
3 or his unmarried widow, from any charge or claim on account of such
4 special assessment, if such person is not the owner of sufficient non-
5 exempt property to pay the special assessment. If such exemption is
6 made, the special assessment shall be paid from the general fund of
7 the city or town.

[C. C. 3855.]

Sec. 33. Special Assessment—Rate.

1 When any city or town council or board of public works levies any
2 special assessment for any public improvement against any lot or tract
3 of land, such special assessment shall be in proportion to the special
4 benefits conferred upon the property thereby and not in excess of such
5 benefits. Such assessment shall not exceed twenty-five per cent (25%)
6 of the actual value of the lot or tract at the time of levy, and the last
7 preceding assessment roll shall be taken as prima facie evidence of such
8 value.

[C. C. 3835, 3836, 3850, 3854, 3858, 3913, 3914, 3922.]

Sec. 34. Plat and Schedule.

1 In assessing that part of the cost of the making or reconstruction
2 of any street improvement or sewer, or completed part thereof, which
3 is assessable against private property, the council, or board of public
4 works where such board exists, shall cause to be prepared a plat of the
5 streets, avenues, highways, alleys, or the parts thereof on which the
6 same shall have been made or reconstructed, showing the separate lots
7 or parcels of ground, or specified portion thereof, subject to assessment

8 for such improvement, the names of the owners thereof so far as prac-
9 ticable, and the amount to be assessed against each lot or parcel of
10 ground, and against any railway or street railway, and shall file said
11 plat and schedule in the office of the clerk, which shall be subject to
12 public inspection.

[C. C. 3835, 3836, 3854, 3858, 3885, 3922.]

Sec. 35. Report of Cost of Oiling Streets.

1 Upon the completion of the oiling of a street, the officer designated
2 by the council to have charge thereof shall, within thirty (30) days,
3 file with the clerk a statement of the amount due, if the work was
4 done by contract, or if done by the municipality, an itemized, verified
5 statement of expenditures for materials and labor used in making such
6 improvement.

[C. C. 3924, modified.]

Sec. 36. Estimates—City Engineer.

1 The city engineer, or other person employed by the council to dis-
2 charge the duties of such office, shall, under its direction, or that of
3 the board of public works where such board exists, make or assist in
4 making all estimates for street improvements and sewers, furnish the
5 necessary grades and lines, see that the work conforms thereto and is
6 in accordance with the resolution of the council, and make or assist in
7 making each required assessment, plat, and schedule.

[C. C. 3835, 3836, 3854, 3858, 3886.]

Sec. 37. Notice of Assessment—Publication.

1 After filing the plat and schedule for street improvements or
2 sewers, or the report of cost of oiling streets, the council shall give
3 notice by two (2) publications in each of two (2) newspapers pub-

4 lished in the city, if there be that number, otherwise in one (1), and by
5 handbills posted in conspicuous places along the line of such street
6 improvement or sewer; but if no such newspaper is published within
7 the limits of such city or town, then such notice may be given by post-
8 ing copies thereof in three (3) public places within the limits of such
9 city or town, two (2) of which shall be the mayor's office and the post-
10 office, or, if there be no postoffice, in such public place as the council
11 may designate; said notice shall state that said plat and schedule or
12 report are on file in the office of the clerk, and that within twenty (20)
13 days after the first publication all objections thereto, or to the prior
14 proceedings, on account of errors, irregularities, or inequalities, must
15 be made in writing and filed with the clerk. The council having heard
16 such objections and made the necessary corrections, shall then make
17 the special assessments as shown in said plat and schedule, as cor-
18 rected and approved.

[C. C. 3887, 3922, 3925, modified.]

Sec. 38. Objections.

1 All objections to errors, irregularities, or inequalities in the mak-
2 ing of said special assessments, or in any of the prior proceedings or
3 notices, not made before the council at the time and in the manner
4 provided in the preceding section, shall be waived except where fraud
5 is shown.

[C. C. 3888, 3922, 3927.]

Sec. 39. Levy of Assessment.

1 The special assessments in said plat and schedule, as corrected and
2 approved, shall be levied at one time, by resolution, against the prop-
3 erty affected thereby, and, when levied and certified, shall be payable

4 at the office of the county treasurer.

[C. C. 3889, 3922, 3926.]

Sec. 40. Objections Waived—Installments.

1 If the owner of any lot or parcel of land or railway or street rail-
2 way, the assessment against which is embraced in any bond or certifi-
3 cate provided for by law, shall, within thirty (30) days from the date
4 of such assessment, agree in writing that, in consideration of having
5 the right to pay his assessment in installments, he will not make any
6 objection of illegality or irregularity as to the assessment or levy of
7 such tax upon and against his property, and will pay said assessment
8 with interest thereon at such rate, not exceeding six per cent (6%)
9 per annum, as shall by resolution of the council be prescribed, such
10 tax so levied shall be payable in seven (7) equal installments. The
11 cost of oiling streets may not be paid in installments.

[C. C. 3889, 3922, 3926.]

Sec. 41. Installments—Payment—Delinquency.

1 The first installment, with interest on the whole assessment from
2 date of acceptance of the work by the council, shall mature and be
3 payable on the date of such assessment, and the others, with interest
4 on the whole amount unpaid, annually thereafter, at the same time and
5 in the same manner as the March semiannual payment of ordinary
6 taxes; but if no agreement in writing be made within said time, the
7 whole of such special assessment shall mature at one time and be due
8 and payable with interest from the date of the acceptance of the work
9 by the council, on the date of such assessment, and shall be collected at
10 the next succeeding March semiannual payment of ordinary taxes. All
11 such taxes with interest shall become delinquent on the first day of

12 March next after their maturity, and shall bear the same interest with
13 the same penalties as ordinary taxes. Upon the payment of any install-
14 ment, there shall be computed and collected interest on the whole
15 assessment remaining unpaid up to the first day of April following.

[C. C. 3835, 3836, 3854, 3858, 3889, 3891, 3922.]

Sec. 42. Filing Certificate of Assessment.

1 A certificate of levy of such special assessment, stating the num-
2 ber of installments, the rate of interest, and time when payable, certi-
3 fied as correct by the clerk, shall be filed with the auditor of the county,
4 or of each of the counties, in which such city or town is located, and
5 thereupon said special assessment as shown therein shall be placed on
6 the tax list of the proper county.

[C. C. 3890, 3891, 3922, 3926, modified.]

Sec. 43. Payment.

1 The owner of any property against which a street improvement or
2 sewer assessment has been levied shall have the right to pay the
3 same, or the unpaid installments thereof, with all interest, as the case
4 may be, up to the time of said payment, with any penalties and the
5 cost of any proceedings for the sale of the property for such special
6 assessment or installments. No part of the line of any railway or
7 street railway shall be released from the lien for any part of any
8 unpaid assessment which has been made against it for street improve-
9 ments, until the whole assessment shall have been paid. If any owner
10 of property subject to special assessment shall divide the same into
11 two (2) or more lots or parcels, he may discharge the lien upon any
12 one (1) or more of them, by payment of the amount unpaid, calculated
13 by the ratio of square feet in area of such lot or lots or parcel or par-

14 cels to the area of the whole lot.

[C. C. 3892, 3922, 3926, modified.]

Sec. 44. Sale for Assessment.

1 Property against which a special assessment has been levied for
2 street improvements or sewers may be sold for any sum of principal
3 or interest due and delinquent at any regular or adjourned tax sale, in
4 the same manner, with the same forfeitures, penalties and right of re-
5 demption, and certificates and deeds on such sales shall be made in the
6 same manner and with like effect, as in case of sales for the nonpay-
7 ment of ordinary taxes. At any such sale, where bonds have been
8 issued in anticipation of such special taxes and interest, the city may
9 be a purchaser, and be entitled to all the rights of purchasers at tax
10 sales. The purchaser at such sale shall take the property charged with
11 the lien of the remaining unpaid installments and interest. The pro-
12 ceeds subsequently realized from sales of any property so purchased by
13 a city shall be covered into the city improvement fund.

[C. C. 3893, 3922, 3926.]

Sec. 45. Deficiencies—How Paid.

1 If the special assessment which may be levied against any lot or
2 tract of land shall be insufficient to pay its proportion of the cost of
3 constructing or reconstructing a street improvement or sewer, the de-
4 ficiency shall be paid out of the general fund, or, for sewers, out of the
5 sewer fund, and for other improvements out of the improvement fund.
6 If there be property against which no special assessment can be levied,
7 the proportion of the cost of the improvement or sewer which might
8 otherwise be assessed against such property shall be paid in like
9 manner.

[C. C. 3835, 3836, 3851, 3854, 3858.]

Sec. 46. Levy for City Improvement Fund.

1 When the whole or any part of the cost of the making or recon-
2 struction of any street improvement shall be ordered paid from the
3 improvement fund, the city or town shall have the power, after the
4 completion of the work, by resolution to levy at one time, such cost
5 upon all the taxable property within such city or town, and determine
6 the whole percentage of tax necessary to pay the same, and the per-
7 centage to be paid each year, not exceeding the maximum annual limit
8 of said taxes, and the number of years, not exceeding ten (10) given
9 for the maturity of each installment thereof.

[C. C. 3836, 3854, 3894, modified.]

Sec. 47. Levy for Roadway in District.

1 When part of the cost of making or reconstructing a paved road-
2 way within an assessment district is to be paid by the city or town, it
3 may levy an annual tax for such purpose, but the aggregate of all such
4 levies shall not exceed ten (10) mills nor shall it exceed one (1) mill
5 for any one (1) year; except that cities having a population of fifty
6 thousand (50,000) or more may levy a tax not exceeding in the aggre-
7 gate fifteen (15) mills nor exceeding one and one-half (1½) mills for
8 any one (1) year.

[C. C. 3919.]

Sec. 48. Levy for Sewer Fund.

1 When the whole or any part of the cost of making or reconstruct-
2 ing any sewer shall be ordered paid from the sewer fund of any sewer
3 district or from the city or town sewer fund, or from the main sewer
4 fund, the council may, after the completion of the work, by resolution
5 levy at one time the whole or any part of such cost upon all the taxable

6 real property within such sewer district or within the city or town, as
7 the case may be, and determine the whole percentage of tax necessary
8 to pay the same, and the percentage to be paid each year, not exceed-
9 ing the maximum annual limit of said taxes, and the number of years,
10 not exceeding ten (10) given for the maturity of each installment
11 thereof.

[C. C. 3835, 3858, 3895, 3907.]

Sec. 49. Certificates.

1 Certificates of such levies shall be filed with the auditor of the
2 county or counties in which the city or town is located, setting forth
3 the amount or percentage and maturity of the tax, or each installment
4 thereof, designating by reasonable description the real property upon
5 which the tax is to be levied, certified as correct by the clerk, and
6 thereupon the tax shall be placed upon the tax list of the proper county
7 or counties.

[C. C. 3894, 3895, 3922, modified.]

Sec. 50. Construction of Improvements by Railways.

1 All railway and street railway companies shall be required to
2 make, reconstruct, and repair all street improvements between the
3 rails of their tracks, and one (1) foot outside thereof, at their own
4 expense, unless by ordinance of the city, or by virtue of the provisions
5 or conditions of any ordinance of the city under which said railway or
6 street railway may have been constructed, or may be maintained, it
7 may be required to improve other portions of said street, and in that
8 case, said railway or street railway shall make, reconstruct, and repair
9 the improvement of that part of the street specified by such ordinance;
10 and such improvement, or the reconstruction or repair thereof, shall be

11 of the material and character ordered by said city, and shall be done
12 at the time the remainder of said improvement is made, reconstructed,
13 or repaired.

[C. C. 3836, 3854, 3898, 3922, 3923.]

Sec. 51. Maintenance by Railways and Street Railways.

1 When an improvement is made, said companies shall lay, in the
2 best approved manner, such rail as the council may require. They
3 shall keep the part of the improvement they are liable to construct or
4 maintain, up to grade.

[C. C. 3836, 3854, 3898, 3922, 3923.]

Sec. 52. Cost May Be Assessed—When.

1 If the owner of said railway or street railway shall fail or refuse
2 to comply with the order of the council to make, reconstruct, or repair
3 an improvement, such work may be done by the city, and the expense
4 thereof shall be assessed upon the real estate and personal property
5 of said railway or street railway company within said city, and against
6 such railway or street railway company, in the manner hereinbefore
7 provided for the assessment of such cost against private property and
8 the owners thereof.

[C. C. 3836, 3854, 3898, 3922, 3923.]

Sec. 53. Enforcing Assessment Against Railways and Street Railways.

1 Any special assessment made under this chapter against any rail-
2 way or street railway shall be a debt due personally from such railway.
3 Such special assessments and each installment thereof, and certificates
4 issued therefor when due, may be collected by action at law, in the
5 name of the city or town against such railway or street railway, or
6 the lien thereof enforced against the property of such railway or

7 street railway, on or against which the same has been levied, by action
 8 in equity, at the election of the plaintiff; and in any action at law
 9 where pleadings are required, it shall be sufficient to declare generally
 10 for work and labor done, or materials furnished, on the particular
 11 street, avenue, alley, highway, the levy of the tax and nonpayment of
 12 the same; and in any action in equity, it shall be sufficient to aver the
 13 same matters, together with a description of the property, or parts
 14 thereof, against which such lien is sought to be enforced.

[C. C. 3836, 3844, 3854, 3904.]

Sec. 54. City May Maintain Action.

1 Such action may be maintained for the use of any person entitled
 2 thereto or any part thereof, upon filing a bond conditioned to pay all
 3 costs adjudged against the plaintiff and protect it from all liability
 4 therefrom or damages growing out of the same; the amount of the
 5 bond to be fixed by the court, or a judge thereof in vacation, and the
 6 sureties thereon to be approved by the clerk of said court.

[C. C. 3836, 3844, 3854, 3904.]

Sec. 55. Cost of Paving Already Laid.

1 Before any street railway company shall lay its track upon any
 2 street that has been paved, and which at the time is not being repaved,
 3 it shall pay into the city treasury the value of all paving between its
 4 tracks, and one (1) foot outside thereof, which value shall be deter-
 5 mined by the city council, but in no case shall exceed the original cost
 6 of the paving, and the money thus paid shall be refunded to the own-
 7 ers of the property assessed for said improvement in proportion to
 8 the amounts originally assessed against such property. The company
 9 or any person affected by or interested in such determination of the

10 value of such pavement may appeal therefrom to the district court
11 within thirty (30) days thereafter, in the manner by which appeals
12 are taken from the levy of special assessments.

[C. C. 3836, 3854, 3899, 3922, 3923, modified.]

Sec. 56. Relevy.

1 When by reason of nonconformiity to any law or resolution, or by
2 reason of any omission, informality, or irregularity, any special tax
3 or assessment levied is invalid, or is adjudged illegal, the council shall
4 have power to correct the same by resolution, and may reassess and
5 relevy the same, with the same force and effect as if done at the proper
6 time and in the manner provided by law or by the resolution relating
7 thereto.

[C. C. 3835, 3836, 3854, 3858, 3900, 3922.]

Sec. 57. Schedule—Assessment Void.

1 Whenever any such special tax or assessment, upon property not
2 by law exempt therefrom, shall be adjudged void for any jurisdictional
3 defect, and the city adjudged liable to pay the same, the council shall
4 as to such property have power, by resolution, to cause to be prepared
5 a schedule and proposed reassessment in proportion to and not in
6 excess of benefits, and to cause notice thereof to be given, and to hear
7 objections thereto and make necessary corrections, and thereupon the
8 council shall reassess and relevy such special tax or special assessment
9 as so corrected, with the same force and effect as if jurisdiction had
10 been acquired in the first instance, and all subsequent proceedings had
11 been regularly and legally had.

[C. C. 3835, 3836, 3854, 3858, 3900, 3922.]

Sec. 58. Correction of Assessments.

1 When, in making any special assessment, any property is assessed
2 too little or too much, the same may be corrected, and a reassessment
3 and relevy made in conformity therewith; and any tax collected in ex-
4 cess of the proper amount shall be refunded to the person paying the
5 same. Such corrected assessments shall be a lien on the lots and par-
6 cels of land the same as the original, and shall be certified by the clerk
7 to the county auditor in the same manner, and shall, so far as practica-
8 ble, be collected in the same installments, draw interest at the same
9 rate, and be enforced in the same manner as the original assessment.

[C. C. 3835, 3836, 3854, 3858, 3901, 3922.]

Sec. 59. Time Waived.

1 Any provision of law, resolution, or ordinance specifying a time
2 when, or the order in which, acts shall be done in a proceeding which
3 may result in a special assessment, shall be taken to be subject to the
4 qualifications of the three (3) preceding sections.

[C. C. 3835, 3836, 3854, 3858, 3902, 3922.]

Sec. 60. Appeal.

1 Any person affected by the levy of any special assessment for
2 street improvements or sewers may appeal therefrom to the district
3 court within ten (10) days from the date of such levy, by serving
4 written notice thereof upon the mayor or clerk, and filing a bond for
5 costs, to be fixed and approved by either of said officers. Upon such
6 appeal, all questions not waived touching the validity of such assess-
7 ment, or the amount thereof, shall be heard and determined. The
8 appeal shall be tried as an equitable action, and the court may make

9 such assessment as should have been made, or direct the making of
10 such assessment by the council. The costs of the appeal shall be taxed
11 as in other actions.

[C. C. 3835, 3836, 3852, 3854, 3858, 3903, 3922, 3928.]

Code Commissioners' Bill No. 170.

**Subject: MUNICIPAL CORPORATIONS — PROTECTION OF CITY
PROPERTY**

Senate File No. Referred to Committee on
 House File No.
 By Date

A BILL FOR

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 forty-four (3944), three thousand nine hundred fifty (3950), three thousand nine hundred fifty-three (3953), and three thousand nine hundred fifty-four (3954) 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 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.

1 Cities and towns may, in accordance with the provisions of this
 2 chapter, improve, beautify or protect lots, lands, and property within
 3 their limits from danger and damage from floods and high water, by
 4 deepening, widening, straightening, altering, changing, diverting, or
 5 otherwise improving watercourses within their limits, by constructing
 6 levees, embankments, or conduits therefor, and may levy special assess-

7 ments and other taxes to defray the expense of such improvements,
 8 and issue bonds and certificates in anticipation of such special assess-
 9 ments and taxes.

[C. C. 3861, 3937, modified.]

Sec. 2. Plans—Petition—Estimate of Cost and Benefit—Plat.

1 Upon the filing of a petition requesting the exercise of the powers
 2 mentioned in the preceding section, signed by one hundred (100) resi-
 3 dent taxpayers of the city or town, the council shall, or on its own
 4 motion it may, direct the city engineer to make necessary surveys, to
 5 prepare plans and specifications for doing the work, to furnish the
 6 council with an estimate of the cost, including an estimate of the dam-
 7 ages to property, if any, and a map or plat showing the boundaries of
 8 the district which will be specially benefited by such improvement, a
 9 schedule showing, as nearly as may be, the ownership and value of each
 10 lot or parcel of land or other property therein as shown by the last
 11 assessment roll, and an estimate of the benefit to each lot or parcel of
 12 land and to any railway or street railway within such improvement
 13 district. The plans, specifications, estimates, maps, plats, and schedule
 14 so prepared shall be filed with the clerk.

[C. C. 3863, 3864, 3938, modified.]

That section three thousand nine hundred forty-four (3944) of the
 compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 3. Improvement District—Assessment.

1 When the work is contracted for, the council may assess the lands
 2 and other property within the improvement district for such propor-
 3 tion of the cost of the improvement, including the filling of the old
 4 channel at places where the same is crossed by any street, avenue, or

5 alley, as shall be in proportion to the benefits conferred by the im-
6 provement and not in excess thereof.

[C. C. 3944, modified.]

That section three thousand nine hundred fifty (3950) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 4. Cost of Improvements.

1 After the contract or contracts for making such improvement
2 have been entered into, the council shall ascertain the cost of the work,
3 including the cost of property purchased or condemned and appro-
4 priated, and the cost of filling the old channel where it is intersected
5 by any street, avenue, or alley, and the cost of surveys, plans and spe-
6 cifications, estimates, notices, inspection, and supervision, and the pre-
7 paring of plats and schedules of assessments, and shall thereupon by
8 resolution levy the whole of the said cost remaining, after deducting
9 the amount of the special assessments for benefits conferred upon the
10 lands and other property within the improvement district, at one time
11 as a special tax. Such tax shall be levied upon all the taxable property
12 of the city except moneys and credits, and the levy shall not exceed in
13 the aggregate five (5) mills per year for all improvements made.

[C. C. 3950.]

Sec. 5. Certificate of Levy Filed.

1 A certificate of such levies and of the special assessments for
2 benefits conferred upon lands and property within the improvement
3 district shall then be filed by the clerk with the auditor of the county
4 or counties in which the city is located, and thereupon such taxes and
5 assessments shall be placed upon the tax lists.

[C. C. 3950.]

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.**

1 Cities having fifty thousand (50,000) population or more may con-
2 tract indebtedness and issue bonds for the purpose of paying for im-
3 provements contemplated by this chapter. Such bonds shall be payable
4 in not to exceed twenty-five (25) equal annual installments, shall bear
5 interest not to exceed five per cent (5%) per annum, payable semi-
6 annually, and shall be made payable at such place, and be of such form
7 as the council may by ordinance designate. For the purpose of this
8 chapter a city may become so indebted in an amount which with all
9 other municipal indebtedness for general purposes may equal, but not
10 exceed, five per cent (5%) of the actual value of the taxable property
11 of said city as shown by the last preceding assessment roll.

[C. C. 3953.]

Code Commissioners' Bill No. 171.

Subject:—MUNICIPAL CORPORATIONS — STREET IMPROVEMENT AND SEWER BONDS

Senate File No. Referred to Committee on
House File No.
By Date

A BILL FOR

An act to amend, revise and codify sections three thousand nine hundred fifty-five (3955) to three thousand nine hundred fifty-seven (3957), inclusive, three thousand nine hundred sixty-four (3964) and three thousand nine hundred sixty-five (3965) 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 nine hundred fifty-five (3955) to three thousand nine hundred fifty-seven (3957), inclusive, three thousand nine hundred sixty-four (3964), and three thousand nine hundred sixty-five (3965) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Certificates Issued.

1 The council may provide by resolution for the issuance of street
2 improvement and sewer certificates payable to the bearer or to the con-
3 tractors who have constructed any street improvement or sewer or
4 completed part thereof, in payment or part payment therefor and may
5 negotiate the same. Each of said certificates shall state the amount of
6 one (1) or more assessments or the part thereof made against the
7 property designated therein, including railways and street railways,
8 and the owners thereof liable to assessment for the cost of the same.

9 Said certificates shall bear interest at a rate not exceeding six per cent
10 (6%) per annum, payable annually or semiannually, as fixed by the
11 council, and may be paid by the taxpayer to the county treasurer, who
12 shall receipt for the same and cause the amount paid to be applied to
13 the payment of the certificate issued therefor.

[C. C. 3955, modified.]

Sec. 2. Rights of Bearer.

1 Such certificate shall transfer to the bearer all of the rights and
2 interest of the city in every such assessment or part thereof, described
3 therein, and shall authorize the bearer to collect and receive every
4 assessment embraced in the certificate by or through any of the
5 methods provided by law for their collection as the same may nature.
6 No certificate shall be issued or negotiated by the city for less than
7 its par value with accrued interest up to the date of the delivery
8 thereof.

[C. C. 3955.]

Sec. 3. Bonds.

1 For the purpose of providing for the payment of the assessed cost
2 of any street improvement or sewer which is to be or has been assessed
3 upon property subject to assessment therefor, including railways and
4 street railways liable for the payment thereof, the council may by reso-
5 lution provide for the execution and delivery of bonds for the amount
6 of so much of the assessed cost or any part thereof in anticipation of
7 the deferred payment of assessments levied therefor; such bonds shall
8 be called street improvement bonds or sewer bonds and issued in
9 amount of one hundrd dollars (\$100.00) or multiples thereof, not ex-
10 ceeding one thousand dollars (\$1,000.00), except that one (1) bond

11 may be issued for the amount necessary to make up the exact amount
 12 of such cost, which shall not exceed one thousand dollars (\$1,000.00).
 13 Street improvement bonds shall not include any sewer assessments
 14 nor sewer bonds any street improvement assessments.

[C. C. 3956.]

Sec. 4. **Bonds—Series—When Due—Interest.**

1 Street improvement and sewer bonds, respectively, issued for any
 2 one (1) levy shall all bear the same date and be divided into seven (7)
 3 series, and each series shall be as nearly equal in amount as practicable.
 4 Each series of bonds shall mature on the first day of April in the years
 5 in which the installments of said special taxes come due, shall bear the
 6 name of the street, avenue, highway, alley, or district in which said
 7 street improvement or sewer is located, and shall bear interest at a
 8 rate not exceeding six per cent (6%) per annum, payable annually or
 9 semiannually, and coupons for said interest shall be attached thereto.

[C. C. 3957.]

Sec. 5. **Form.**

1 Said bonds shall be signed by the mayor, countersigned by the
 2 clerk, and sealed with the corporate seal, and coupons shall be attested
 3 by the signature of the clerk, and shall be substantially in the follow-
 4 ing form, but subject to changes that will conform them to the resolu-
 5 tion of the council, to wit:

6 The city of _____, in the state of Iowa, promises to pay
 7 as hereinafter stated, to the bearer hereof, on the _____ day of
 8 _____, the sum of _____ dollars, with interest
 9 thereon at the rate of _____ per cent per annum, payable _____
 10 annually, on the presentation and surrender of the interest coupons

11 hereto attached. Both principal and interest of this bond are payable
12 at the _____ bank in the city of _____, state of
13 _____. This bond is issued by the city of _____
14 under and by virtue of chapter twenty-six (26) of title thirteen (XIII)
15 of the code of Iowa and the resolution of said city, duly passed on the
16 _____ day of _____, 1_____.

17 This bond is one of a series of bonds of like tenor, date and amount,
18 numbered from _____ to _____ and issued for the purpose of de-
19 fraying the cost of improving, curbing, and paving a portion of
20 _____ street (or constructing a sewer on
21 street), as described in said resolution, in said city, which cost is pay-
22 able by the abutting and adjacent property along said improvements,
23 and is made by law a lien on all said property. It is payable in seven
24 (7) equal annual installments, with interest on all deferred payments
25 at the rate of six per cent (6%) per annum, but only out of the _____
26 _____ fund created by the collection of said special tax,
27 and said fund can be used for no other purpose.

28 It is hereby certified and recited that all the acts, conditions and
29 things required to be done, precedent to, and in issuing this series of
30 bonds, have been done, happened and performed, in regular and due
31 form, as required by law and said resolution, and for the assessment,
32 collection and payment hereon of said special tax, the full faith and
33 diligence of said city of _____ are hereby irrevoc-
34 ably pledged.

35 In testimony whereof, the city of _____, by its coun-
36 cil, has caused this bond to be signed by its mayor and countersigned
37 by its city clerk, and the seal of said city to be thereto affixed, this

Code Commissioners' Bill No. 172.

Subject: MUNICIPAL CORPORATIONS—PUBLIC UTILITIES

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

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), three thousand nine hundred seventy-seven (3977), and four thousand six (4006) 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 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.

1 Cities and towns shall have the power to purchase, establish, erect,
 2 maintain, and operate within or without their corporate limits, heating
 3 plants, waterworks, gasworks, or electric light or power plants, with all
 4 the necessary reservoirs, mains, filters, streams, trenches, pipes, drains,
 5 poles, wires, burners, machinery, apparatus, and other requisites of
 6 said works or plants, and lease or sell the same. They may grant to
 7 individuals or private corporations the authority to erect and main-
 8 tain such works or plants for a term of not more than twenty-five (25)
 9 years, and may renew, amend, or extend the terms of the grant; but
 10 no exclusive franchise shall be granted, amended, extended, or renewed.

11 Cities with a population of less than ten thousand (10,000) may utilize
12 the steam and excess power of such works or plants in the manufacture
13 of artificial ice, and may install machinery and equipment therefor.

[C. C. 3966.]

Sec. 2. Purchase of Products of Utilities.

1 They may enter into contracts with persons, corporations, or mu-
2 nicipalities for the purchase of heat, gas, water, or electric current for
3 either light or power purposes, and shall have power to sell the same
4 either to residents of the municipality or to others, including corpora-
5 tions, and to erect and maintain the necessary transmission lines there-
6 for, either within or without their corporate limits, to the same ex-
7 tent, in the same manner, and under the same regulations, and with
8 the same power to establish rates and collect rents, as is provided by
9 law for cities having municipally owned plants.

[C. C. 3966.]

Sec. 3. Election Required.

1 No such works or plants shall be authorized, established, erected,
2 purchased, leased, or sold, or franchise granted, extended, renewed, or
3 amended, or contract of purchase entered into unless a majority of the
4 legal electors voting thereon vote in favor of the same.

[C. C. 3966, modified.]

Sec. 4. Question Submitted—Notice.

1 The council may order any of the questions provided for in the
2 three (3) preceding sections submitted to a vote at a general or mu-
3 nicipal election, or at one specially called for that purpose, or the mayor
4 shall submit said question to such a vote upon the petition of twenty-
5 five (25) property owners of each ward in a city which is so divided,

6 or of ten (10) property owners in each precinct in cities under the com-
7 mission form of government, or of fifty (50) property owners of any
8 incorporated town. Notice of the election shall be published in two
9 (2) newspapers published in the city or town, if there are two (2); if
10 not, then in one (1), once each week for four (4) consecutive weeks;
11 but if no newspaper is published within the limits of the corporation,
12 then such notice may be given by posting copies thereof in three (3)
13 public places within the limits of said corporation, one (1) of which
14 shall be at the mayor's office. The person asking for the granting,
15 renewal, or extension of a franchise shall pay the costs incurred in
16 holding the election.

[C. C. 3967, modified.]

Sec. 5. Condemning Land.

1 They shall have power to condemn and appropriate so much pri-
2 vate property as may be necessary for the construction and operation
3 of said works or plants, and for the purpose of constructing and main-
4 taining dams across the nonnavigable waters and watercourses of the
5 state in forming reservoirs and sources of water to supply such water-
6 works and plants, as provided for the condemnation of land for city
7 purposes; to issue bonds for the payment of the cost of establishing
8 the same, including the cost of land condemned on which to locate them,
9 and to confer by ordinance the power to appropriate and condemn pri-
10 vate property for such purpose upon any individual or corporation
11 authorized to construct and operate such works or plants.

[C. C. 3968.]

Sec. 6. Acquiring Utilities—Special Condemnation Proceedings.

1 When any city or town shall have voted at an election to pur-

2 chase, establish, erect, maintain, and operate heating plants, water-
3 works, gasworks, or electric light or power plants, or when it has
4 voted to contract an indebtedness and issue bonds therefor, and in such
5 city or town there shall then exist any such utility, or incomplete parts
6 thereof or more than one (1), not publicly owned, and the contract or
7 franchise of the owner of which utility has expired or been surren-
8 dered, and such owner and the city or town cannot agree upon terms
9 of purchase, it may, by resolution, proceed to acquire by condemna-
10 tion, any one (1) or more of such utilities or incomplete parts thereof.
11 When so acquired it may apply the proceeds of the bonds in payment
12 therefor and in making extensions and improvements to such works
13 or plants so acquired.

[C. C. 3968, modified.]

Sec. 7. Court of Condemnation—Appointment.

1 Upon the passage of the resolution as provided in the preceding
2 section and the presentation of a certified copy thereof to the supreme
3 court while in session, or to the chief justice of the supreme court, the
4 said court or chief justice shall within five (5) days thereafter appoint
5 as a court of condemnation three (3) district court judges from three
6 (3) judicial districts, of whom one (1) shall be from the district
7 wherein the city or town is located, if not a resident of the city or town,
8 and shall enter an order requiring said judges to attend as such court
9 of condemnation at the county seat of the county in which said city or
10 town is located within ten (10) days thereafter, and the said district
11 court judges shall so attend and shall constitute a court of condemna-
12 tion.

[C. C. 3969.]

Sec. 8. Procedure.

1 Said court when it meets to organize or at any time during the
2 proceedings, which may be adjourned from time to time for any pur-
3 pose, may fix the time for the appearance of any person or persons
4 that any party desires to have joined in the proceedings, and whom
5 the court deems necessary. The time for appearance shall be suffi-
6 ciently remote to serve notice upon such parties, but if the time for
7 appearance occur after the proceedings are begun, such proceedings
8 may be reviewed by the court to give all parties a full opportunity to
9 be heard.

[C. C. 3969.]

Sec. 9. Appearance.

1 Persons not voluntarily appearing, but having any right, title, or
2 interest in or to the property which is the subject of condemnation,
3 or any part thereof, including all leaseholders, mortgagees, and trus-
4 tees of bondholders, who are to be made parties to the proceedings shall
5 be served with notice thereof and of the time and place of meeting of
6 said court in the same manner and for the same length of time as for
7 the service of original notice, either by personal service, or by service
8 by publication, the time so set being the time at which the parties so
9 served are required to appear, and actual personal service of the notice
10 within or without the state shall supersede the necessity for publica-
11 tion.

[C. C. 3969.]

Sec. 10. Powers of Court.

1 The court of condemnation shall have power to summon and swear
2 witnesses, take evidence, order the taking of depositions, require the

3 production of any books or papers, and may appoint a shorthand re-
4 porter. It shall perform all the duties of commissioners in the condem-
5 nation of property. Such duties and the method of procedure and con-
6 demnation, including provisions for appeal, shall, except as herein
7 otherwise specifically provided, be, as nearly as may be, as provided
8 for the taking of private property for works of internal improvement.
9 The clerk of the district court of the county where the city or town is
10 located shall perform all of the duties required of the sheriff in such
11 condemnation, and in case of a vacancy in the court, such vacancy shall
12 be filled in the manner in which the original appointment was made
13 When necessary by reason of such vacancy, the court may review any
14 evidence in its record.

[C. C. 3969.]

That sections three thousand nine hundred seventy-two (3972) and
four thousand six (4006) of the compiled code of Iowa are amended, re-
vised and codified to read as follows:

Sec. 11. Sale of Products—Rates—Taxes.

1 They may sell the products of municipal heating plants, water-
2 works, gasworks, or electric light or power plants to any municipality,
3 individual, or corporation outside the city or town limits, as well as to
4 individuals or corporations within its limits, and may with the consent
5 of the board of railroad commissioners erect in the public highway the
6 necessary poles upon which to construct transmission lines, and shall
7 from time to time in such manner as they deem equitable, assess upon
8 each tenement or other place supplied with heat, water, gas, light, or
9 power, reasonable rents or rates fixed by ordinance, and shall levy a
10 tax as provided by law to pay or aid in paying the expenses of running,

11 operating, renewing, and extending such works, and the interest on
12 any bonds issued to pay all or any part of their construction.

[C. C. 3972, modified.]

Sec. 12. Free Service—Discriminatory Rates—Penalty.

1 No person or public or private corporation shall give to or receive
2 free service from any of the public utility plants mentioned in this
3 chapter, nor give or receive such service at a more favorable rate than
4 that accorded to the general public. Any person or corporation violat-
5 ing either directly or indirectly the provisions of this section shall be
6 punished by a fine of not less than three hundred dollars (\$300.00) or
7 sixty (60) days in jail, or both, for each and every offense.

[C. C. 4006, modified.]

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.

1 If a majority of the votes cast at such election are in favor of
2 placing the management and control of any or all of the said utilities
3 in the hands of trustees, the mayor shall, within ten (10) days after
4 such election, appoint a board of three (3) trustees, which appoint-
5 ments shall be approved and confirmed by the council. The first ap-
6 pointees shall hold office, one (1) for two (2) years, one (1) for four
7 (4) years, and one (1) for six (6) years, and their successors shall be
8 appointed for a term of six (6) years. All vacancies occurring on
9 said board shall be filled in the manner original appointments are
10 made. The compensation of each trustee shall be not more than one
11 hundred dollars (\$100.00) per year, and each trustee shall execute and

12 furnish to the city an official bond in the sum of twenty-five hundred
13 dollars (\$2,500.00) to be approved by the mavor and filed with the city
14 clerk.

[C. C. 3976.]

Sec. 14. **Powers of Trustees.**

1 The board of trustees shall have all the power and authority in
2 the management and control of the utilities mentioned in the question
3 submitted to the voters at such election as is conferred upon water-
4 works trustees appointed as provided in chapter twenty-eight (28) of
5 this title.

[C. C. 3977.]

Code Commissioners' Bill No. 173.

Subject: MUNICIPAL CORPORATIONS—WATERWORKS

Senate File No..... Referred to Committee on
House File No.....
By Date

A BILL FOR

An act to amend, revise and codify sections three thousand nine hundred eighty-two (3982), three thousand nine hundred eighty-seven (3987), three thousand nine hundred eighty-eight (3988), and three thousand nine hundred ninety (3990) to three thousand nine hundred ninety-two (3992), inclusive, 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 eighty-two (3982) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Use of Sinking Fund.

1 Any city in which a sinking fund has been accumulated as pro-
2 vided in the preceding section, in which waterworks have not been
3 purchased under this chapter, may apply such sinking fund and all
4 accumulations thereof upon the payment of the cost of waterworks
5 purchased or erected under the provisions of the preceding chapter.

[C. C. 3982.]

That section three thousand nine hundred eighty-seven (3987) and section three thousand nine hundred eighty-eight (3988) of the compiled code of Iowa are amended, revised and codified to read as follows:

Sec. 2. Trustees—Appo'ntment—Bond—Removal.

1 The waterworks owned by such cities shall be managed and oper-
2 ated by a board of waterworks trustees, which shall be composed of
3 three (3) resident electors, appointed for the term of six (6) years by
4 the mayor of said city. Upon the approval of the contract for the pur-
5 chase or erection of waterworks by cities as herein provided, the mayor
6 thereof shall, within ten (10) days, appoint such board, the first ap-
7 pointees thereto to hold office, one (1) for two (2) years, one (1) for
8 four (4) years, and one (1) for six (6) years. All vacancies occur-
9 ring on said board shall be filled in the same manner that original
10 appointments are made. Each trustee shall receive a compensation
11 of three hundred dollars (\$300.00) per year, and shall execute and fur-
12 nish to the city an official bond in the sum of five thousand dollars
13 (\$5,000.00) to be approved by the mayor and filed with the city clerk.

[C. C. 3987, 3988.]

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.

1 The board of trustees shall from time to time fix the water rentals
2 or rates to be charged for the furnishing of water, and such rates,
3 with the proceeds of the five (5) mill water levy and the sinking fund
4 levy of two (2) mills shall be sufficient for the maintenance and opera-
5 tion of such works and the proper and necessary extension thereof for
6 all repairs, and for the payment of the purchase price or cost, principal
7 and interest, incurred in the purchase or erection of such works, as the
8 same falls due, according to the tenor of the mortgage and bonds given

9 to secure the payment of such purchase price or cost. The board shall
10 make quarterly statements giving full and complete reports of the
11 receipts and disbursements of the board. Said reports shall be filed in
12 the office of the city clerk on the second Monday in January, April,
13 July, and October, for the quarters preceding the first day of said
14 months. The reports shall be audited by the board of public works or
15 by the city council if there is no such board.

[C. C. 3990, 3992.]

Code Commissioners' Bill No. 174.

Subject: MUNICIPAL CORPORATIONS—WATERWORKS IN CITIES OF ONE HUNDRED THOUSAND

Senate File No..... Referred to Committee on
House File No.....
By Date

A BILL FOR

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.

1 In the exercise of any of the powers herein granted any such city
2 may acquire and hold any or all necessary property of the character
3 specified in the preceding section, including existing franchises or con-
4 tracts, either by purchase or condemnation proceedings. If by con-
5 demnation proceedings, the value of the property shall be determined
6 by a court of condemnation as provided in chapter twenty-seven (27)
7 of this title.

[C. C. 3995.]

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.

1 Whenever any such city becomes the owner of waterworks, the
2 council shall, unless a board of trustees exists, forthwith elect from
3 nominations made by the mayor, trustees for such waterworks. The
4 board of trustees shall consist of five (5) resident voters, who shall
5 hold office, one (1) until the first Monday in April of the second year
6 after his appointment, two (2) until the first Monday in April of the
7 fourth year after appointment, and two (2) until the first Monday in
8 April of the sixth year after appointment. Subsequent appointments
9 shall be for a term of six (6) years. Vacancies shall be filled as orig-
10 inal appointments are made. If the waterworks are leased or sold,
11 the term of office of each member of the board shall be held to have
12 expired.

[C. C. 4000.]

Sec. 3. Chairman—Eligibility to Office.

1 The chairman of the board shall be selected by a majority vote of
2 the members thereof, for such term as the board may determine. No
3 person shall be eligible for appointment on the board while he holds or
4 is a candidate for, or has within one (1) year, held any other salaried
5 civil federal, state, county, or city office or position.

[C. C. 4000, modified.]

Sec. 4. Bond.

1 A bond in the sum of five thousand (\$5,000.00) shall be required
2 of each member of the board before entering upon the duties of his
3 office, conditioned as provided by law, with sureties to be approved by
4 the council. When so approved, said bond shall be filed in the office of
5 the city clerk.

[C. C. 4001.]

Code Commissioners' Bill No. 175

**Subject: MUNICIPAL CORPORATIONS—STREET RAILWAY—REG-
ULATIONS**

Senate File No. Referred to Committee on

House File No.

By Date

A BILL FOR

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.

1 Every person, partnership, company or corporation owning or
2 operating a street railway in this state shall:

3 1. *Transparent shield.* Provide and maintain upon all motor cars,
4 except trailers, used for the transportation of passengers, not required
5 by law to have an enclosed vestibule, a transparent shield extending
6 the full width of each car and so constructed that it will afford pro-
7 tection to the motorman and passengers on the platform from in-
8 clement weather.

[C. C. 4013.]

9 2. *Vestibules.* From November first of each year to April first
10 following, provide all cars used for the transportation of passengers

11 with vestibules enclosing the front and rear platforms on all sides for
12 the protection of employees operating such cars when in the perform-
13 ance of their duties the employees are required to remain on said
14 vestibule the major portion of their time. Each vestibule shall be
15 heated and shall contain a seat for the use of the motorman or con-
16 ductor.

[C. C. 4012, 4020.]

17 3. *Brakes.* Equip all its double truck passenger cars and single
18 truck passenger cars over thirty-two (32) feet in length with power
19 brakes other than hand brakes capable of bringing such cars to a
20 stop within a reasonable distance, together with equipment for sand-
21 ing the rails. Said brake and sand equipment shall be so constructed
22 as to be operated by the motorman on the car operated by him.

[C. C. 4015, 4017, 4018.]

23 4. *Toilets.* Provide and maintain toilet facilities for the use of
24 employees at some suitable location upon such line or run, and the
25 running schedule of said cars and the operating thereof shall be such
26 as will permit said employees to use said toilet facilities.

[C. C. 4021.]

Sec. 2. **Penalty.**

1 Any violation of the provisions of the preceding section shall be
2 punished by a fine of not less than twenty-five dollars (\$25.00) nor
3 more than one hundred dollars (\$100.00) for each offense. Every
4 day's failure to comply with any of the provisions of said section shall
5 be deemed a separate offense.

[C. C. 4012, 4014, 4016, 4019, 4022, modified.]

Code Commissioners' Bill No. 176.

Subject: MUNICIPAL CORPORATIONS—CONDEMNATION

Senate File No. Referred to Committee on
 House File No.
 By Date

A BILL FOR

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), four thousand nine hundred seventy-six (4976), 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), four thousand nine hundred seventy-six (4976), 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 are amended, revised and codified to read as follows:

Section 1. Condemnation—Purposes.

- 1 Cities and towns shall have power to purchase or provide for the
- 2 condemnation of, pay for out of the general fund or the specific fund,
- 3 as may be provided, enter upon, and take any lands, within or without

4 the territorial limits of the city or town, for the following purposes:

5 1. For parks, commons, cemeteries, crematories, or hospital
6 grounds.

[C. C. 3775, 4023.]

7 2. For sites for city halls, community centers, and juvenile play-
8 grounds.

[C. C. 3725, 3736, 3740, modified.]

9 3. For establishing, laying off, widening, straightening, narrow-
10 ing, extending, and lighting streets, avenues, highways, alleys,
11 wharves, landing places, public squares, public grounds, public mar-
12 kets and market places, and public slaughterhouses.

[C. C. 4023.]

13 4. For garbage disposal plants and dump grounds.

[C. C. 4024.]

14 5. For the control of streams and surface waters flowing into
15 sewers within the city or town, or necessary for sewer outlets, or sew-
16 age disposal plants. They may also condemn easements in lands for
17 the same purposes.

[C. C. 4024.]

18 6. For any other purpose provided in this title, and in all cases
19 where such purchase or condemnation may be authorized.

[C. C. 4023.]

Sec. 2. Condemnation Gravel Pits.

1 They shall have the power to purchase or provide for the condem-
2 nation of, pay for out of the general fund, the grading fund, or the
3 highway or poll taxes of said city or town, or partly from each of said
4 funds, lands within or without the territorial limits of the city or town,

5 for the purpose of obtaining gravel, stone, or other suitable material
6 with which to improve the streets, and alleys of said city or town,
7 including a suitable roadway thereto by the most reasonable route;
8 but when such lands taken by condemnation have not been used for
9 the purpose for which taken for a period of five (5) consecutive years,
10 title shall revert to the owner or owners of the tract from which it was
11 taken.

[C. C. 4969, 4976.]

Sec. 3. Condemnation for Location of Libraries.

1 In any city or town in which a free library has been established,
2 the board of library trustees may condemn real estate in the name
3 of the city or town for the location of library buildings and branch
4 libraries, and for the purpose of enlarging the grounds thereof.

[C. C. 3753.]

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.

1 Proceedings for the condemnation of land as contemplated in this
2 title shall be in accordance with the provisions relating to taking pri-
3 vate property for works of internal improvement, except that the
4 jurors shall have the additional qualification of being freeholders of the
5 city or town, and in proceedings for the condemnation of land for
6 library purposes no attorney's fee shall be allowed the owner of the
7 real estate.

[C. C. 3754, 4027, 4970.]

Code Commissioners' Bill No. 177

Subject: MUNICIPAL CORPORATIONS—TAXATION

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

An act to amend, revise and codify sections four thousand thirty-one (4031) to four thousand thirty-four (4034), inclusive, four thousand thirty-seven (4037) to four thousand forty-one (4041), inclusive, 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-eight (3758), 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 fifty-one (4051), and four thousand fifty-three (4053) 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 thirty-one (4031) to four thousand thirty-four (4034), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Road Dragging Fund.

- 1 The council in any city having a population of less than eight
- 2 thousand (8,000), and towns, may levy a tax annually of not more
- 3 than one (1) mill on the dollar on the taxable value of such city or
- 4 town, which shall be used for dragging the roads or streets.

[C. C. 4031.]

Sec. 2. City Bridge Fund.

1 Any city having a population of more than thirty-five thousand
2 (35,000), whose corporate limits are divided by a meandered stream,
3 may annually levy a tax not exceeding four (4) mills on the dollar.
4 Other cities of the first class may annually levy a tax of three (3)
5 mills on the dollar. Cities of the second class having a population of
6 five thousand (5,000) or over, which are traversed by a stream two
7 hundred (200) or more feet in width from shoreline to shoreline may
8 levy a tax of five (5) mills. The proceeds of any such tax shall be
9 known as the city bridge fund.

[C. C. 2870, 4032, modified.]

Sec. 3. Municipal Taxes on Agricultural Lands.

1 All property subject to taxation in any city or town which by
2 law is not subject to taxation for general municipal purposes, and
3 all personal property necessary to the use and cultivation of agricul-
4 tural or horticultural lands shall nevertheless be liable to taxation for
5 road purposes, at not exceeding five (5) mills on the dollar of the
6 assessed valuation thereof and for library purposes.

[C. C. 3485, 4034.]

That sections four thousand thirty-seven (4037) to four thousand
forty-one (4041), inclusive, three thousand seven hundred twenty-six
(3726), three thousand six hundred thirty (3630), three thousand six hun-
dred 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-eight (3758),
three thousand seven hundred fifty-nine (3759), three thousand nine hun-
dred five (3905) and three thousand nine hundred nine (3909) of the com-

piled code of Iowa are amended, revised and codified to read as follows:

Sec. 4. Action.

1 The entry of such tax and penalty upon the tax list shall not pre-
2 vent the bringing of an action therefor as hereinbefore authorized.
3 Such action must be commenced within one (1) year from the first
4 day of November following the giving of notice to perform the labor.
5 When judgment has been rendered therefor and paid in whole or in
6 part after the same has been certified to the county auditor, the court
7 receiving such payment shall execute duplicate receipts, exclusive of
8 costs, if so requested, and upon filing such receipt or duplicate with
9 the county auditor he shall make the proper entries on the tax lists,
10 showing the full payment of such tax and penalty, or part thereof, as
11 the case may be.

[C. C. 4037, modified.]

Sec. 5. Taxes for Particular Purposes.

1 Any city or town shall have power to levy annually the following
2 special taxes:

3 1. *Grading fund.* Not exceeding three (3) mills on the dollar for
4 a grading fund to be used for the purpose of opening, widening, ex-
5 tending, and grading any street, highway, avenue, alley, public ground,
6 or market place.

[C. C. 4038.]

7 2. *Water fund.* Not exceeding five (5) mills on the dollar for the
8 purpose of paying the amount due or to become due for water sup-
9 plied under any contract, and in cities of the first class, if the maxi-
10 mum is insufficient to pay such amount the deficiency shall be paid
11 out of the general fund.

[C. C. 4038.]

12 3. *Improvement fund.* Not exceeding five (5) mills on the dollar
13 for an improvement fund, to be used for the purpose of paying the
14 cost of the making, reconstruction, or repair of any street improve-
15 ments at the intersections of streets, highways, avenues, or alleys, and
16 at spaces opposite streets, highways, avenues, or alleys intersecting
17 but not crossing, and at spaces opposite property owned by the city
18 or the United States, and for the purpose of paying the purchase price
19 and subsequent taxes assessed against property purchased by the city
20 at tax sale.

[C. C. 3854, 4038.]

21 4. *Sewer fund.* Not exceeding five (5) mills on the dollar for a
22 city or town sewer fund, when the entire city or town comprises one
23 (1) sewer district, to be used to pay the cost of the making, recon-
24 struction, or repair of any sewer at the intersection of streets, high-
25 ways, avenues, and alleys, and at spaces opposite streets, highways,
26 avenues, and alleys intersecting but not crossing, and at spaces oppo-
27 site property owned by the city or town or the United States, and to
28 pay the whole or any part of the cost of the making, reconstruction,
29 or repair of any sewer within the limits of said city or town, and for
30 the maintenance and operation of any sewage disposal plant included
31 in said sewer district.

[C. C. 3858, 4038.]

32 5. *District sewer fund.* Not exceeding five (5) mills on the dollar
33 on the assessed valuation of all property within a sewer district, for
34 a district sewer fund, to be used to pay, in whole or in part, the cost
35 of the making, reconstruction, or repair of any sewer located and laid
36 in that particular district, and for the maintenance and operation of

37 any sewage disposal plant included in said sewer districts. The funds
38 created by this and the preceding subsection may be used to secure
39 control of streams and surface waters flowing into sewers, sewer out-
40 lets and disposal plants.

[C. C. 3858, 4024, 4038.]

41 6. *Sewer outlet and purifying plant fund.* Not exceeding five (5)
42 mills on the dollar to be used solely for the purpose of constructing
43 outlets and purifying plants for sewers. The levy made under this
44 subsection shall not be considered a part of the levy for a sewer fund
45 under the two (2) preceding subsections.

[C. C. 3910, modified.]

46 7. *Fire fund.* Not exceeding one and one-half ($1\frac{1}{2}$) mills for
47 the purpose of acquiring property for the use of the fire department
48 and equipping the same. No part of the general fund shall be used
49 for equipping the fire department.

[C. C. 3631.]

50 8. *Fire department maintenance fund.* For the purpose of main-
51 taining a fire department, in cities with a population of over nine
52 thousand (9,000), not exceeding seven (7) mills; in cities with a less
53 population, and in cities under the commission form of government
54 with a population of ninety thousand (90,000) or over, not exceeding
55 three (3) mills; in towns, not exceeding two (2) mills. In cities
56 with a population under three thousand (3,000) and towns, the fund
57 may be used to purchase fire equipment.

[C. C. 3630.]

58 9. *Gas or electric light or power funds.* Not exceeding five (5)
59 mills on the dollar for the purpose of paying the amount due or to

60 become due for all gas, electric light or power supplied under any con-
61 tract, and the expense of the gas light, electric light, or power inspec-
62 tion department of the city, including the salaries of the inspectors
63 therein, but in cities of five thousand (5,000) or less and towns a tax
64 may be levied not to exceed seven (7) mills on the dollar.

[C. C. 4038.]

65 10. *Bond fund.* For the purpose of creating a bond fund suffi-
66 cient to pay the interest to accrue before the next annual levy on fund-
67 ing or refunding bonds outstanding, and such proportion of the prin-
68 cipal that at the end of five (5) years the sum raised shall equal at
69 least twenty per cent (20%) of the amount of the bonds issued, at
70 the end of ten (10) years at least forty per cent (40%) of said
71 amount, at the end of fifteen (15) years at least sixty-five per cent
72 (65%) of said amount, and at or before the date of the maturity of
73 said bonds a sum equal to the whole amount of the unpaid interest and
74 principal.

[C. C. 4038.]

75 11. *Water or gas works or electric plant bond fund.* For the pur-
76 pose of creating bond funds to pay for waterworks, gas works, elec-
77 tric light and power plants, to be levied in the proportions set forth
78 in the preceding subsection, and to be used exclusively in payment
79 of the principal and interest of bonds issued for the construction or
80 purchase of such plants.

[C. C. 4038.]

81 12. *Cemetery purchase fund.* Not exceeding one (1) mill on the
82 dollar for the payment for land acquired for cemetery purposes, and
83 the interest accruing on the price thereof.

[C. C. 4023.]

84 13. *Cemetery fund.* Not to exceed one-half ($\frac{1}{2}$) mill on the dollar
85 for the care, preservation, and adornment of any cemetery owned or
86 controlled by the city or town, or any private or incorporated ceme-
87 tery association utilized by the citizens of the city or town; but in
88 towns the levy may be not to exceed three (3) mills. Said tax may
89 be so expended for the support and maintenance of any cemetery after
90 the cemetery is no longer used for the purpose of interring the dead.

[C. C. 4038.]

91 14. *Comfort station fund.* When authorized to maintain comfort
92 stations, not more than one-half ($\frac{1}{2}$) mill on the dollar for the pur-
93 pose of defraying the expense of establishing and maintaining com-
94 fort stations, but such expenses may be paid from the general fund.

[C. C. 3733.]

95 15. *Garbage disposal and street cleaning fund.* Not exceeding
96 two (2) mills against the property included in any sanitary district,
97 for the purpose of paying the cost of the collection and disposal of
98 garbage and such other material as may become dangerous to the
99 public health; and for the oiling and sprinkling, flushing and clean-
100 ing of streets therein.

[C. C. 3593.]

101 16. *Waterworks fund.* Not exceeding five (5) mills on the dol-
102 lar which, with the water rates or rents authorized, shall be sufficient
103 to pay the expenses of running, operating, and repairing waterworks
104 owned or operated by any city or town, and the interest on any bonds
105 issued to pay all or any part of the cost of construction, renewal, re-
106 pair, or extension of such works.

[C. C. 4038.]

107 17. *Gas or electric plant fund.* Not exceeding five (5) mills on
108 the dollar which with the rates or rentals authorized shall be suffi-
109 cient to pay the expense of running, operating, and repairing gas
110 and electric light or power plants owned by any city or town, and
111 the interest on any bonds issued to pay all or any part of the cost
112 of construction of such works or plants.

[C. C. 4038.]

113 18. *Library fund.* Not exceeding five (5) mills on the dollar for
114 a maintenance fund for a free public library in municipalities where
115 one has been established. The rate of levy for this and the fund
116 created by the following subsection shall be determined and certi-
117 fied to the council by the board of library trustees before the first
118 day of August in each year. The council shall make such levies
119 accordingly.

[C. C. 3758, 4038.]

120 19. *Library building fund.* Not exceeding three (3) mills on the
121 dollar in such municipalities for the purchase of real estate and the
122 erection thereon of a building or buildings for a public library or
123 for the payment of interest on any indebtedness incurred for that
124 purpose, and for the creation of a sinking fund for the extinguish-
125 ment of such indebtedness. When a library building has been fully
126 completed and paid for and a balance remains in the building fund,
127 the trustees may transfer such excess to the maintenance fund, but
128 this shall not be construed to authorize a levy for building purposes
129 with intent to increase the library income for maintenance purposes,
130 after the library has been erected.

[C. C. 3758, 4038.]

131 20. *Library contract fund.* Not exceeding one (1) mill on the
132 dollar in any municipality which has not established a public library
133 to be used to secure for the inhabitants of the city or town the free
134 use of a public library. When a majority of the resident taxpayers
135 petition the council in writing to secure such privilege, the council
136 shall offer to contract therefor with the designated library.

[C. C. 3759.]

137 21. *Community center establishment fund.* Following the estab-
138 lishment of a community center district, not exceeding three (3)
139 mills on the dollar to be levied against all property within the district
140 for not more than forty (40) years for the purpose of providing
141 funds for the purchase of real estate to be used as a community cen-
142 ter and the construction thereon of buildings with the proper equip-
143 ment.

[C. C. 3724.]

144 22. *Community center improvement and maintenance fund.*
145 Not more than five (5) mills on all the taxable property within such
146 community center district to be used solely for the development of
147 said improvement and for the maintenance and operation thereof.

[C. C. 3726.]

148 23. *Juvenile playground establishment fund.* Following the es-
149 tablishment of juvenile playground, a tax sufficient to liquidate, at
150 maturity, bonds issued to acquire playgrounds.

[C. C. 3735.]

151 24. *Playground maintenance fund.* Not more than two (2) mills
152 for a playground maintenance fund to be used for the maintenance,
153 operation, and improvement of such playgrounds.

[C. C. 3737.]

154 25. *Hospital fund.* Following the establishment of a municipal
155 hospital, for a period not exceeding fifteen (15) years, not exceeding
156 three (3) mills on the dollar in cities having a population of over
157 twenty-two thousand (22,000) and not exceeding five (5) mills on
158 the dollar in cities having a population of over five thousand (5,000)
159 and less than twenty-two thousand (22,000) for the purchase of real
160 estate for hospital purposes and for the construction and maintenance
161 of the hospital, or for all of such purposes. After bonds have been
162 issued payable from this fund the municipality shall each year for
163 ten (10) years before the maturity thereof, set aside out of the taxes
164 levied, a sum equal to one-tenth ($\frac{1}{10}$) the principal of the bonds
165 which shall be applied five (5) years from the date of issuance in
166 payment of the principal when the amount on hand shall be sufficient
167 to pay one (1) or more of said bonds.

[C. C. 3773.]

168 26. *Hospital maintenance fund.* Not to exceed five (5) mills on
169 the dollar as an additional fund for the improvement, operation, and
170 maintenance of such hospital.

[C. C. 3777.]

171 27. *City hall fund.* For the purpose of constructing a city hall
172 and the purchase of ground therefor, not exceeding in any one (1)
173 year two (2) mills on the dollar for a period of not exceeding twenty
174 (20) years; but in cities having a population of four thousand
175 (4,000) or less and towns, five (5) mills on the dollar may be levied.

[C. C. 3741.]

Sec. 6. Limitation of Certain Taxes.

1 No tax authorized in subsections two (2), eleven (11), sixteen

2 (16) and seventeen (17) of the preceding section shall be levied
3 against property lying wholly without the limits of the benefit of the
4 works or plants therein mentioned, which limits shall be fixed by the
5 city council.

[C. C. 4038, modified.]

Sec. 7. Main Sewer Fund.

1 Any city of the first class shall have power to levy annually not
2 exceeding five (5) mills on the dollar on the assessed valuation of all
3 property therein for a main sewer fund to be used to pay the whole
4 or any part of the cost of the making, reconstruction, or repair of any
5 main sewer within the city, but the aggregate tax levied by such city
6 in any one (1) year for a city sewer fund and district sewer fund and
7 main sewer fund shall not exceed eight (8) mills on the dollar.

[C. C. 3905, 3909.]

Sec. 8. Park Tax.

1 Cities having a population of eighty-five thousand (85,000) or
2 over shall have power to certify to the county auditor and cause to
3 be collected in addition to all other taxes for park purposes, an annual
4 tax not exceeding one-half ($\frac{1}{2}$) mill on the dollar, to be used for the
5 purpose of purchasing real estate to be used for park, art, or memorial
6 purposes. This section shall be construed as granting additional
7 power without limiting other powers of such cities.

[C. C. 4039, 4040.]

Sec. 9. Transfer of Funds.

1 Cities having a population of eight thousand eight hundred
2 (8,800) or less, and towns, may make either temporary or permanent
3 transfers from the grading fund, improvement fund, sewer fund, the

4 waterworks fund, gas or electric plant fund, water fund, gas or elec-
5 tric light or power fund, to any of said funds by resolution concurred
6 in by a unanimous vote of the council, if approved by a judge of the
7 district court in the county wherein such city or town is located at a
8 hearing had on a day to be fixed by said judge.

[C. C. 4038.]

Sec. 10. Notice of Hearing—Limitation of Right to Transfer.

1 Not less than five (5) days before the date of said hearing, notice
2 thereof shall be given by publication in one (1) or more newspapers
3 published in the city or town of general circulation therein. The notice
4 shall be addressed generally to the taxpayers of the city or town, and
5 shall recite the substance of the resolution adopted by the council,
6 and set forth specifically the funds from and to which the transfer
7 is to be made, the amount of money involved, and the time when ob-
8 jections to the proposed transfer may be filed. Proof of publication
9 shall be made as for the publication of original notices, and the order
10 of the judge shall be indorsed on the original resolution and entered
11 in the record book of the municipality as a part of the resolution. In
12 no case shall the transfer of funds be made where as a result of the
13 transfer more money is placed in any one (1) fund than would have
14 been placed in such fund by the levy of the maximum millage provided
15 therefor.

[C. C. 4038, modified.]

Sec. 11. Consolidated Tax Levy.

1 In lieu of any or all of the separate annual levies for the general
2 fund, the grading fund, the improvement fund, the city or town sewer
3 fund, the water fund, and the gas or electric light or power fund,

4 cities and towns may levy one (1) tax which shall not in the aggregate
5 exceed the total amount of taxes which such municipality might have
6 levied therefor. The city or town making such consolidated levy shall,
7 prior to the first day of April thereafter, appropriate the estimated
8 revenue from such consolidated levy, in such ratio as the council may
9 determine for any purpose for which such funds might have been
10 used, but no part thereof shall be used for any other purpose.

[C. C. 4041.]

That section four thousand fifty-one (4051) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 12. Assessments and Taxes Certified—Collection.

1 All assessments and taxes of every kind and nature levied by the
2 council, except as otherwise provided by law, shall be certified by the
3 clerk on or before the fifteenth day of August, to the county auditor,
4 and by him placed upon the tax list for the current year, and the coun-
5 ty treasurer shall collect all assessments and taxes so levied in the
6 same manner as other taxes, and when delinquent they shall draw
7 the same interest and penalties.

[C. C. 4051, modified.]

Sec. 13. Tax Sales.

1 Sales for such assessments and taxes when delinquent shall be
2 made at the same time and in the same manner as such sales are made
3 for other taxes, and should there be other delinquent taxes or assess-
4 ments due from the same person, and collectible by the county treas-
5 urer, the sale shall be for all such delinquent assessments and taxes,
6 and all the provisions of law relating to the sale of property for de-
7 linquent taxes shall be applicable so far as may be to such sales.

[C. C. 4051.]

Sec. 14. Taxes Paid Over—When.

1 Before the third Monday of each month, the county treasurer
2 shall give written notice to the mayor of each municipality in the
3 county of the amount collected for each fund up to the first day of that
4 month, and the mayor of each municipality shall draw an order there-
5 for in favor of the city treasurer, countersigned by the clerk or au-
6 ditor of the municipality, upon the county treasurer, who shall pay
7 such taxes to the treasurers of the several municipalities only on such
8 order.

[C. C. 4051.]

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.

1 Any councilman or officer of a city or town who shall participate
2 in, advise, consent, or allow any tax or assessment levied by such city
3 or town or by other lawful authority for city or town purposes to be
4 diverted to any other purpose than the one for which it was levied
5 and assessed, or who shall in any way become a party to such diver-
6 sion, shall be guilty of embezzlement.

[C. C. 3897, 3983, 4009, 4053.]

Code Commissioners' Bill No. 178

Subject: MUNICIPAL CORPORATIONS—INDEBTEDNESS

Senate File No. Referred to Committee on
 House File No.
 By Date

A BILL FOR

An act to amend, revise and codify chapter thirty-three (33) of title thirteen (13) and sections 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) and three thousand seven hundred seventy-four (3774) of the compiled code of Iowa, relating to municipal corporations.

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

That chapter thirty-three (33) of title thirteen (13) and sections 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) and three thousand seven hundred seventy-four (3774) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Amount of Indebtedness Limited.

- 1 No county or other political or municipal corporation shall be-
- 2 come indebted in any manner for its general or ordinary purposes to
- 3 an amount exceeding in the aggregate one and one-fourth per cent
- 4 ($1\frac{1}{4}\%$) of the actual value of the taxable property within such cor-

5 poration. The value of such property shall be ascertained by the last
6 tax list previous to the incurring of the indebtedness.

[C. C. 4054.]

Sec. 2. Purpose of Incurring Indebtedness.

1 Cities and towns when authorized to acquire the following named
2 public utilities and improvements may incur indebtedness for the
3 purpose:

4 1. Of purchasing, erecting, extending, reconstructing, or main-
5 taining and operating waterworks, gas works, electric light and power
6 or the necessary transmission lines therefor, and heating plants.

[C. C. 4054.]

7 2. Of purchasing or erecting garbage disposal plants.

[C. C. 3593.]

8 3. Of erecting and equipping community center houses and recre-
9 ation grounds.

[C. C. 3724.]

10 4. Of acquiring real estate and improving the same by the con-
11 struction of the necessary buildings thereon for juvenile playgrounds.

[C. C. 3735, 3736.]

12 5. Of constructing city and town halls.

[C. C. 3742.]

13 6. Of erecting a building or buildings for a public library.

[C. C. 3758.]

14 7. Of constructing hospitals.

[C. C. 3773, 3774.]

Sec. 3. Application of Limitation.

1 No indebtedness created under the preceding section shall be

2 charged against or counted as a part of the one and one-fourth per
3 cent ($1\frac{1}{4}\%$) available for general ordinary purposes until the other
4 three and three-fourths per cent ($3\frac{3}{4}\%$) has been exhausted. But
5 not more than one (1) public utility of the kinds mentioned in chapter
6 twenty-seven (27) of this title may be acquired when the city or town
7 is indebted more than one and one-fourth per cent ($1\frac{1}{4}\%$) of the
8 actual taxable value of the property therein for any such purpose.

[C. C. 3593, 3744, 3968, 4054, modified.]

Sec. 4. Election Required.

1 No such indebtedness shall be incurred nor any money appro-
2 priated therefor until authorized by an election.

[C. C. 3743, 3749, 4055, modified.]

Sec. 5. Initiation of Proceedings.

1 The proceedings to call such an election may be instituted by the
2 council, except that before an election may be called for any of the
3 following purposes, a petition shall be filed with the council, request-
4 ing that such action be taken:

5 1. For any of the purposes mentioned in subsection one (1) of
6 the third preceding section, it shall be signed by ten per cent (10%)
7 of the qualified electors of the city or town, or in cities having a popu-
8 lation of ten thousand (10,000) or over, by one hundred (100) quali-
9 fied electors.

[C. C. 4054, modified.]

10 2. For the establishment of community houses and recreation
11 grounds, it shall be signed by fifteen per cent (15%) of the resident
12 freeholders of the district within which the same is to be constructed.

[C. C. 3722.]

13 3. For the establishment of juvenile playgrounds, it shall be
14 signed by fifteen per cent (15%) of the qualified electors of the city
15 or town.

[C. C. 3734.]

16 4. For the establishment of a hospital in a city of the second
17 class, it shall be signed by a majority of the qualified electors of the
18 city.

[C. C. 3778.]

Sec. 6. Election to Be Called.

1 The council on receipt of any such petition shall, not later than
2 the next regular meeting or at a special meeting held prior thereto,
3 call an election fixing the time and place thereof, but may reject a
4 petition for a community center, or change the area of any district
5 petitioned for.

[C. C. 3722, 4056, modified.]

Sec. 7. Notice.

1 It shall give notice of any election held under the provisions of
2 this chapter by publication once each week for four (4) consecutive
3 weeks in some newspaper published in the city or town, or if none be
4 published therein, in a newspaper published in the county and of gen-
5 eral circulation in the city or town. The election shall be held on a
6 day not less than five (5) nor more than twenty (20) days after the
7 last publication of notice.

[C. C. 3722, 3734, 3744, 3749, 4056, modified.]

Sec. 8. Question Submitted.

1 More than one (1) question may be submitted at such election and
2 the ballots therefor shall be prepared as for the submission of special

3 questions at a general election and shall set forth the particular ques-
4 tion or questions to be voted on, the annual rate of tax to be levied
5 and the amount of indebtedness, if any, to be contracted.

[C. C. 3723, 3734, 3744, 4056, modified.]

Sec. 9. Majorities Required.

1 A majority of all the legal votes cast on the particular question
2 at the election shall be sufficient to authorize the municipality to con-
3 tract the indebtedness, except that if the question submitted is:

[C. C. 3593, 3722, 3734, 3744, 3749, 3773.]

4 1. One in connection with waterworks, gas works, electric light
5 or power plants or heating plants, the affirmative vote shall also be
6 as large as a majority of all the legal votes cast at the preceding mu-
7 nicipal election.

[C. C. 4057.]

8 2. For the establishment of a hospital in a municipality of the
9 second class, the majority shall be two-thirds ($\frac{2}{3}$) of all the electors
10 voting on the question.

[C. C. 3778.]

Sec. 10. Limitation—Submission Certain Questions.

1 If a question for the establishment of community center houses
2 or juvenile playgrounds fails to secure the requisite majority it shall
3 not again be submitted at an election for two (2) years.

[C. C. 3724, 3734.]

Sec. 11. Certain Questions Submitted at the Same Election.

1 When a proposition is submitted to the voters of any city or town
2 for incurring indebtedness for waterworks, gas works, electric light
3 or power plants, or heating plants, there shall, at the same election,

4 be submitted any question of issuing bonds and making tax levies for
5 the raising of funds to pay for the same.

[New.]

Sec. 12. **Council to Issue Bonds.**

1 If the municipality is authorized to incur the indebtedness, the
2 council shall issue bonds and make provisions for the payment thereof
3 with interest.

[C. C. 3593, 3724, 3735, 3742, 3774, 3778.]

Sec. 13. **Bonds—Interest—When Due.**

1 Bonds issued under the provisions of this chapter shall bear in-
2 terest at the rate of not more than five per cent (5%) and shall be-
3 come due as follows:

[C. C. 3638, modified.]

4 1. For waterworks, electric light and power plants, gas works,
5 and heating plants, in not more than twenty (20) years.

[C. C. 3638.]

6 2. For city halls, serially, in not less than five (5) nor more than
7 twenty (20) years.

[C. C. 3742.]

8 3. For juvenile playgrounds and municipal hospitals, serially, in
9 not more than fifteen (15) years.

[C. C. 3735, 3774.]

10 4. For community center houses and recreation grounds, serially,
11 in not less than ten (10) nor more than forty (40) years.

[C. C. 3724.]

12 5. For garbage disposal plants, serially, in not exceeding twenty
13 (20) years.

[C. C. 3593.]

14 6. For libraries in not more than twenty (20) years.

[C. C. 3638.]

Sec. 14. **Payment of Bonds.**

1 Bonds for garbage disposal plants shall be paid from the general
2 fund of the city or town, but other bonds shall be paid from the par-
3 ticular fund created therefor.

[C. C. 3724, 3725, 3773, 4024.]

Code Commissioners' Bill No. 179

Subject: MUNICIPAL CORPORATIONS—BONDS

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

An act to amend, revise and codify sections four thousand sixty-one (4061) to four thousand sixty-three (4063), inclusive, four thousand sixty-six (4066) to four thousand sixty-eight (4068), inclusive, three thousand nine hundred eight (3908) and three thousand nine hundred fifty-one (3951), 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 sixty-one (4061) to four thousand sixty-three (4063), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Form.

1 Such bond shall be issued in sums of not less than one hundred
2 dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) each,
3 running not more than twenty (20) years, bearing interest not exceed-
4 ing six per cent (6%) per annum, payable annually or semiannually and
5 shall be substantially in the following form, but subject to changes
6 that will conform them to the resolution of the council, to wit:

7 The city (or town) of _____ in the state of
8 Iowa, for value received promises to pay to bearer
9 dollars, lawful money of the United States of America, on _____,

10 with interest on said sum from the date hereof until paid at the rate
 11 of per cent per annum, payable annually on the first
 12 day of and in each year, on pre-
 13 sentation and surrender of the interest coupons hereto attached; both
 14 principal and interest payable at .

15 This bond is issued by the city (or town) of ,
 16 pursuant to the provisions of section , chapter , title
 17 , of the code of Iowa, and in conformity to a resolution of
 18 the council of said city (or town) duly passed, on the day
 19 of , . And it is hereby certified and recited
 20 that all acts, conditions, and things required by the laws and consti-
 21 tution of the state of Iowa to be done precedent to and in the issue
 22 of this bond have been properly done, happened and been performed
 23 in regular and due form as required by law, and that the total indebt-
 24 edness of said city, including this bond, does not exceed the consti-
 25 tutional or statutory limitations.

26 In testimony whereof said city (or town) by its council has
 27 caused this bond to be signed by its mayor and attested by its auditor
 28 (or clerk), with the seal of said city attached, this day
 29 of . . .

30 . . .
 31 Mayor of the city (or town) of

32 ATTEST

33

34 Clerk of the city (or town) of

35 (Form of Coupon.)

36 The treasurer of the city (or town) of , Iowa,

37 will pay to bearer . . . dollars, on.. , at
 38 , for annual interest on its
 39 bond, dated . No. .

40 ATTEST

41

42 Clerk of the city (or town) of .

[C. C. 4061, modified.]

Sec. 2. **Bonds Signed—Attested.**

1 Said bonds shall be numbered consecutively, signed by the mayor,
 2 and attested by the auditor or clerk as the case may be, with the seal
 3 of the city affixed. The interest coupons attached thereto shall be
 4 attested by the signature of the clerk.

[C. C. 4062, modified.]

Sec. 3. **Issuance.**

1 All bonds issued under the provisions of this chapter shall be
 2 issued pursuant to, and in conformity with, a resolution adopted by
 3 the council of said city or town, which shall specify the amount au-
 4 thorized to be issued, the purpose for which issued, the rate of inter-
 5 est they shall bear, and whether payable annually or semiannually,
 6 the place where the principal and interest shall be payable, and when
 7 to become due, and such other provisions, not inconsistent with law,
 8 in reference thereto, as the council shall think proper, which reso-
 9 lution shall be entered of record upon the minutes of the proceedings
 10 of the council, and when so entered shall constitute a contract be-
 11 tween the city or town and the purchasers or holders of said bonds.

[C. C. 4063, modified.]

That sections four thousand sixty-six (4066) to four thousand sixty-eight (4068), inclusive, three thousand nine hundred eight (3908), and three thousand nine hundred fifty-one (3951), of the compiled code of Iowa are amended, revised and codified to read as follows:

Sec. 4. Taxes to Pay.

1 Cities and towns issuing bonds under this chapter shall levy taxes
2 for the payment of the principal and interest thereof, in accordance
3 with the provisions of the chapter relating to taxation.

[C. C. 4066.]

Sec. 5. Certificates or Bonds in Anticipation of Special Taxes.

1 Any city or town may anticipate the collection of taxes author-
2 ized to be levied for the grading fund, city improvement fund, district
3 sewer fund, city sewer fund, the fund for equipping fire departments,
4 the fund for the construction of sewer outlet and purifying plants,
5 and the fund for flood protection, and cities of the first class may so
6 anticipate the taxes used for the fund for the construction of main
7 sewers, and for that purpose may issue certificates or bonds with in-
8 terest coupons.

[C. C. 3632, 3633, 3634, 3908, 3910, 3951, 4067.]

Sec. 6. How Denominated.

1 Such certificates and bonds shall be respectively denominated city
2 grading certificates or bonds, district sewer certificates or bonds of
3 the particular sewer district, city sewer certificates or bonds of said
4 city, fire department equipment certificates or bonds, sewer outlet and
5 purifying plant certificates or bonds, and flood protection certificates
6 or bonds, and all the provisions of this chapter shall apply to such
7 certificates, bonds, and coupons, with such changes only as are neces-

8 sary to adapt them thereto.

[C. C. 3632, 3633, 3634, 3908, 3910, 3951, 4067.]

Sec. 7. Trust Created.

1 Said bonds and interest thereon shall be secured by said assess-
2 ments and levies, and shall be payable only out of the respective funds
3 named pledged to the payment of the same, and no bonds shall be
4 issued in excess of taxes authorized and levied to secure the payment
5 of the same. It shall be the duty of said city to collect said several
6 funds with interest thereon, and to hold the same separate and apart,
7 in trust, for the payment of said bonds and interest, and to apply the
8 proceeds of said funds pledged for that purpose to the payment of
9 said bonds and interest.

[C. C. 3632, 3633, 3634, 3910, 3951, 4067.]

Code Commissioners' Bill No. 180

Subject: MUNICIPAL CORPORATIONS—PLATS

Senate File No. Referred to Committee on
 House File No.
 By Date

A BILL FOR

An act to amend, revise and codify sections four thousand seventy-one (4071), four thousand seventy-two (4072) and four thousand seventy-three (4073) 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 seventy-one (4071), four thousand seventy-two (4072) and four thousand seventy-three (4073) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Plats of Additions or Subdivisions.

1 The plat of any addition to any city or town or subdivision of
 2 any part or parcel of lands lying within or adjacent to any city or
 3 town shall be divided by streets into blocks and such blocks and streets
 4 shall conform as nearly as practicable to the size of blocks and the
 5 widths of streets therein, and shall be extensions of the existing sys-
 6 tem of streets. The council may require the owner of the land to
 7 bring all streets to a grade acceptable to the council before the plat
 8 is approved. It may require alleys to be platted separating abutting
 9 lots and if so platted, the alleys shall conform as nearly as practicable
 10 to the width of alleys in the city or town and shall be extensions of
 11 the existing system of alleys.

[C. C. 4072.]

Sec. 2. Filing Plat With Clerk—Approval by Council.

1 All such plats, except subdivisions of less than one (1) block,
2 shall be filed with the clerk of the city or town and when so filed, the
3 council within a reasonable time shall consider the same, and shall,
4 if it is found to conform to the provisions of the preceding section,
5 by resolution approve the plat and direct the mayor and clerk to cer-
6 tify the resolution which shall be affixed to the plat.

[C. C. 4072.]

Sec. 3. Acknowledgment.

1 Each plat shall be accompanied by a correct description of the
2 land or parcel of land subdivided and by a statement to the effect that
3 the subdivision as it appears on the plat is with the free consent and
4 in accordance with the desire of the proprietor, signed and acknowl-
5 edged by such proprietor and his spouse, if any, before some officer
6 authorized to take the acknowledgment of deeds.

[C. C. 4071, modified.]

Sec. 4. Abstract of Title—Opinion—Certificates.

1 Every plat shall have attached thereto, a complete abstract of
2 title accompanied by an opinion from a reputable attorney that the
3 fee title is in the proprietor and that the land platted is free from
4 encumbrance, or is free from encumbrance other than that secured
5 by the bond provided for in the second following section, and a certi-
6 fied statement from the treasurer of the county in which the land lies
7 that it is free from taxes and from the clerk of the district court that
8 it is free from all judgments, attachments, mechanics' or other liens
9 as appears by the record in his office.

[C. C. 4071, modified.]

Sec. 5. Encumbrances—Payment—Creditor's Refusal.

1 If the land so platted is encumbered with a debt certain in amount
2 and which the creditor will not accept with accrued interest to the
3 date of proffered payment if it draws interest, or with a rebate of
4 six per cent (6%) per annum if it draws no interest, or if the cred-
5 itor cannot be found, then such proprietor, and if a corporation, its
6 proper officer or agent, may make an affidavit stating either that the
7 proprietor offered to pay the creditor the full amount of his debt, or
8 the debt with the rebate, as the case may be, and that he would not
9 accept the same, or that he cannot be found.

[C. C. 4071.]

Sec. 6. Encumbrance—Bond.

1 The proprietor shall then execute a bond in double the amount
2 of encumbrance with three (3) sureties, to be approved by the re-
3 corder and clerk of the district court, who shall be freeholders of the
4 county. The bond shall run to the county and be for the benefit of
5 purchasers of land subdivided by the plat and shall be conditioned
6 for the payment of the encumbrance, and the cancellation thereof of
7 record as soon as practicable after the same becomes due and to hold
8 all purchasers and those claiming under them forever harmless from
9 such encumbrance.

[C. C. 4071.]

Sec. 7. Record—Dedication.

1 The signed and acknowledged plat, the abstract, and the attor-
2 ney's opinion, together with the certificates of the clerk and treasurer,
3 and the affidavit and bond, if any, shall be entered of record in the
4 plat book in the auditor's office. When so entered, the signed and

5 acknowledged plat shall be entered of record in the office of the county
6 recorder, and shall be of no validity until so filed. Such acknowledg-
7 ment and recording shall be equivalent to a deed in fee simple of such
8 portion of the premises platted as is set apart for streets or other
9 public use, or as is dedicated to charitable, religious or educational
10 purposes.

[C. C. 4071, 4073, modified.]

Code Commissioners' Bill No. 181

**Subject: MUNICIPAL CORPORATIONS—POLICEMEN'S AND FIRE-
MEN'S PENSION FUNDS**

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

An act to amend, revise and codify chapters thirty-six (36) and thirty-seven (37) of title thirteen (13) of the compiled code of Iowa, relating to municipal corporations.

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

That chapters thirty-six (36) and thirty-seven (37) of title thirteen (13) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Tax for Policemen's and Firemen's Pension Funds.

1 Any city or town having an organized fire department may, and
2 all cities having an organized police department or a paid fire depart-
3 ment shall levy annually a tax not to exceed one-half ($\frac{1}{2}$) mill for
4 each such department, for the purpose of creating firemen's and po-
5 licemen's pension funds. All moneys derived from each tax so levied,
6 and all moneys received as membership fees and dues, and all moneys
7 received from grants, donations, and devises for the benefit of each
8 fund shall constitute separate funds, to be known and designated as
9 a policemen's pension fund and a firemen's pension fund.

[C. C. 4089, 4097.]

Sec. 2. Boards of Trustees—Officers.

1 The chief officer of each department, with the city treasurer and
2 the city solicitor or attorney of such cities or towns shall be ex officio
3 members of and shall constitute separate boards of trustees for the
4 management of each fund. The chief officer of the department shall
5 be president and the city treasurer treasurer of such boards, and the
6 faithful performance of the duties of the treasurer shall be secured
7 by his official bond as city treasurer. Such trustees shall not receive
8 any compensation for their services as members of said boards.

[C. C. 4090, 4098.]

Sec. 3. Investment of Surplus.

1 The boards shall have power to invest any surplus left in such
2 funds, respectively, at the end of the fiscal year, but no part of the
3 funds realized from any tax levy shall be used for any purpose other
4 than the payment of pensions. Investments shall be limited to in-
5 terest-bearing bonds of the United States, of the state of Iowa, of
6 any county, township, or municipal corporation of the state of Iowa.
7 All such securities shall be deposited with the treasurer of the boards
8 of trustees for safe-keeping.

[C. C. 4091, 4099.]

Sec. 4. Gifts, Devises or Bequests.

1 Each board may take by gift, grant, devise, or bequest, any money
2 or property, real or personal, or other thing of value for the benefit
3 of said funds. All rewards in moneys, fees, gifts, or emoluments of
4 every kind or nature that may be paid or given to any police or fire
5 department or to any member thereof, except when allowed to be
6 retained or given to endow a medal or other permanent or competi-

7 tive reward on account of extraordinary services rendered by said
8 departments or any member thereof, and all fines and penalties im-
9 posed upon members shall be paid into the said pension fund and
10 become a part thereof.

[C. C. 4092, 4100.]

Sec. 5. Membership Fee—Assessments.

1 Every member of said departments shall be required to pay to
2 the treasurer of said funds a membership fee to be fixed by the board
3 of trustees, not exceeding five dollars (\$5.00), and shall also be as-
4 sessed and required to pay annually an amount equal to one per cent
5 (1%) per annum upon the amount of the annual salary paid to him,
6 which assessment shall be deducted and retained in equal semiannual
7 installments out of such salary.

[C. C. 4092, 4100.]

Sec. 6. Who Entitled to Pension—Conditions of Retirement.

1 Any member of said departments who shall have served twenty-
2 two (22) years or more in such department, and shall have reached
3 the age of fifty (50) years; or who shall while a member of such
4 department become mentally or physically permanently disabled from
5 discharging his duties, shall be entitled to be retired, and upon retire-
6 ment shall be paid out of the pension fund of such department a
7 monthly pension equal to one-half ($\frac{1}{2}$) the amount of salary received
8 by him monthly at the date he actually retires from said department.
9 If any member shall have served twenty-two (22) years in said de-
10 partment, but shall not have reached the age of fifty (50) years, he
11 shall be entitled to retirement, but no pension shall be paid while he
12 lives until he reaches the age of fifty (50) years.

[C. C. 4093, 4101.]

Sec. 7. Disability—How Contracted.

1 No member who has not served five (5) years or more in said
2 department shall be entitled to be retired and paid a pension under
3 the provisions of this chapter, unless such disability was contracted
4 while engaged in the performance of his duties, or by reason of fol-
5 lowing such occupation. The question of disability shall be deter-
6 mined by the trustees upon the advice of a physician appointed by
7 the board of trustees for that purpose. After any member shall be-
8 come entitled to be retired, such right shall not be lost or forfeited
9 by discharge or for any other reason except conviction for felony.

[C. C. 4093, 4101.]

Sec. 8. Retired Members May Be Assigned for Light Duty.

1 The chief of the police department, and the chief of the fire de-
2 partment of such city, may assign any member of such departments,
3 respectively, retired or drawing pensions under the provisions of this
4 chapter, to the performance of light duties in such department.

[C. C. 4093, 4101.]

Sec. 9. Pensions—Widow—Children—Dependents.

1 Upon the death of any acting or retired member of such depart-
2 ments, leaving a widow or minor children, or dependent father or
3 mother surviving him, there shall be paid out of said fund as follows:

4 1. To the surviving widow, so long as she remains unmarried and
5 of good moral character, twenty dollars (\$20.00) per month.

6 2. If there be no surviving widow, or upon the death or remar-
7 riage of such widow, then to his dependent father and mother, if both
8 survive, or to either dependent parent, if one survives, twenty dollars
9 (\$20.00) per month.

10 3. To the guardian of each surviving child under sixteen (16)
11 years of age, six dollars (\$6.00) per month.

12 The aggregate of all such payments shall not exceed one-half ($\frac{1}{2}$)
13 of the amount of the salary of such member at the time of his death
14 or retirement.

[C. C. 4093, 4101.]

Sec. 10. Exemption.

1 All pensions paid under the provisions of this chapter shall be
2 exempt from liability for debts of the person to or on account of whom
3 the same is paid, and shall not be subject to seizure upon execution
4 or other process.

[C. C. 4093, 4101.]

Sec. 11. Applicable to Volunteer or Call Firemen.

1 The provisions of this chapter shall apply to volunteer or call
2 members of a paid fire department, but the amount of pension to be
3 paid to such members shall be determined by the board of trustees.

[C. C. 4093.]

Sec. 12. Re-examination of Retired Members.

1 The board of trustees of each department shall have power, at
2 any time, to cause any member of such department retired by reason
3 of physical or mental disability to be brought before it and again
4 examined by competent physicians for the purpose of discovering
5 whether such disability yet continues and whether such retired mem-
6 ber should be continued on the pension roll, and shall have power to
7 examine witnesses for the same purpose. Such member shall be en-
8 titled to reasonable notice that such examination will be made, and
9 to be present at the time of the taking of any testimony, shall have

10 the right to examine the witnesses brought before the board and to
11 introduce evidence in his own behalf. All witnesses shall be exam-
12 ined under oath, which may be administered by any member of such
13 board.

[C. C. 4094, 4102.]

Sec. 13. Decision of Board.

1 The decision of such board upon such matters shall be final and
2 conclusive, in the absence of fraud, and no appeal shall be allowed
3 therefrom. Such disabled member shall remain upon the pension roll
4 unless and until reinstated in such department by reason of such ex-
5 amination.

[C. C. 4094, 4102.]

Sec. 14. Provisions Subject to Alteration.

1 The provisions of this chapter shall be, at all times, subject to
2 alteration or change, and all persons claiming benefits under the pro-
3 visions of this chapter shall be entitled to receive only such benefits as
4 provided by law at the time such benefits shall accrue.

[C. C. 4095, 4103.]

Sec. 15. Moneys Drawn—How Paid—Report.

1 All pensions paid and all moneys drawn from the pension fund
2 under the provisions of this chapter shall be upon warrants signed
3 by the appropriate board of trustees, which warrants shall designate
4 the name of the person and the purpose for which payment is made.
5 The treasurer shall prepare annually, immediately after the first day
6 of January, and file with the city clerk a report for each fund of the
7 receipts and expenditures for the year ending December thirty-first

8 of the previous year, showing the money on hand, how invested, all
9 moneys received and paid out.

[C. C. 4096, 4105.]

Sec. 16. **City Marshal.**

1 Service by any member of the police department as city marshal
2 shall not deprive him of any rights under this chapter. In any mat-
3 ter in which said city marshal shall be individually interested and
4 which requires the action of the board of trustees of the policemen's
5 pension fund, he shall not act as a member of said board, but the
6 mayor of the city shall act with the other two (2) trustees of the board
7 with respect thereto. Upon the termination of his term as city mar-
8 shal, he shall regain the rank he held in the police department at the
9 time of his appointment as city marshal.

[C. C. 4104.]

Code Commissioners' Bill No. 182.

Subject: MUNICIPAL CORPORATIONS—SPECIAL CHARTER CITIES

Senate File No

Referred to Committee on

House File No.

By

Date

A BILL FOR

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-five (4325), inclusive, four thousand three hundred twenty-seven (4327) to four thousand three hundred thirty (4330), inclusive, four thousand three hundred thirty-six (4336), four thousand three hundred forty-five (4345) to four thousand three hundred sixty-seven (4367), inclusive, four thousand three hundred sixty-nine (4369), four thousand three hundred seventy-one (4371), four thousand three hundred seventy-eight (4378) 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 four (4404), inclusive, four thousand four hundred six (4406) to four thousand four hundred ten (4410), inclusive, 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, four thousand four hundred sixty-seven (4467), and four thousand four hundred sixty-eight (4468), of the compiled code of Iowa, relating to municipal corporations.

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.

1 The provisions of this chapter shall apply only to cities acting
 2 under special charters, and no provisions of this code, nor laws here-
 3 after enacted, relating to the powers, duties, liabilities, or obligations
 4 of cities or towns, shall in any manner affect, or be construed to affect,
 5 cities while acting under special charters, unless the same have special
 6 reference or are made applicable to such cities. In all laws hereafter
 7 enacted such reference or application shall be in a separate section in
 8 the act.

[C. C. 4299, modified.]

That sections four thousand three hundred six (4306) and four thou-
 sand three hundred fifty-six (4356) of the compiled code of Iowa are
 amended, revised and codified to read as follows:

Sec. 2. Definition.

1 Wherever the words "cities organized under the general law"
 2 appear in this chapter, they refer to the law for cities organized under
 3 chapter one (1) of this title.

[New.]

Sec. 3. Police Matrons.

1 Police matrons shall be appointed and paid the same compensa-
 2 tion as in cities organized under the general law.

[C. C. 4306.]

Sec. 4. Community Civic Congress.

1 A community civic congress may be appointed in special charter
 2 cities as in cities organized under the general law.

[C. C. 4356.]

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.

1 The treasurer shall deposit city funds in his possession in the
2 same manner and under the same terms as treasurers in cities orga-
3 nized under the general law.

[C. C. 4310.]

That sections four thousand three hundred eighteen (4318), four thou-
sand 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.

1 Ordinances and resolutions shall be adopted, recorded, published,
2 and evidenced as in cities organized under the general law.

[C. C. 4321, 4322, 4324.]

Sec. 7. Prosecutions.

1 In any prosecution or proceeding for the violation of any ordi-
2 nance, the defendant shall not be entitled to a trial by jury or to a
3 change of venue, except on appeal, but shall be tried by the court or
4 magistrate before whom the action is commenced; except in cities
5 where a municipal court has been established, when such trials shall
6 be governed by the law applicable to municipal courts.

[C. C. 4318, modified.]

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.

1 All suits for the recovery of fines, and prosecutions for the com-

2 mission of offenses made punishable as herein provided, shall be barred
3 in one (1) year after the commission of the offense for which the fine
4 is sought to be recovered or the prosecution is commenced.

[C. C. 4320.]

Sec. 9. Municipal Courts.

1 The law relative to municipal courts shall apply to special charter
2 cities.

[C. C. 4325, modified.]

That sections four thousand three hundred twenty-seven (4327) to
four thousand three hundred thirty (4330), inclusive, of the compiled code
of Iowa are amended, revised and codified to read as follows:

Sec. 10. Juvenile Playgrounds.

1 The law relative to the establishment and maintenance of juvenile
2 playgrounds in cities organized under the general law shall apply to
3 special charter cities.

[C. C. 4327, modified.]

Sec. 11. City Halls.

1 The law relative to the establishment and maintenance of city halls
2 in cities organized under the general law shall apply to special charter
3 cities.

[C. C. 4328, modified.]

Sec. 12. Public Libraries.

1 The law relative to the establishment and maintenance of public
2 libraries in cities organized under the general law shall apply to special
3 charter cities.

[C. C. 4329, modified.]

Sec. 13. Soldiers', Sailors', and Marines' Memorial Buildings.

1 The law relative to the establishment and maintenance of soldiers',
 2 sailors', and marines' memorial buildings in cities organized under the
 3 general law shall apply to special charter cities.

[C. C. 4330, modified.]

That sections four thousand three hundred forty-five (4345) to four thousand three hundred fifty-five (4355), inclusive, four thousand three hundred fifty-seven (4357) to four thousand three hundred sixty-one (4361), inclusive, four thousand three hundred twenty-three (4323), four thousand three hundred thirty-six (4336), four thousand three hundred seventy-eight (4378), 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 are amended, revised and codified to read as follows:

Sec. 14. General Powers.

1 Chapter eight (8) of this title is applicable to special charter cities.

[C. C. 4323, 4345, 4346, 4347, 4348, 4349, 4350, 4351, 4352,
 4353, 4355, 4357, 4358, 4359, 4360, 4361, modified.]

Sec. 15. Tax in Sanitary District—Disposal Plants.

1 Special charter cities shall have the same powers to levy taxes
 2 within sanitary districts and to purchase or erect and contract indebt-
 3 edness for sewage disposal plants, as cities organized under the general
 4 law.

[C. C. 4346.]

Sec. 16. Fire Fund.

1 Special charter cities may levy a tax for a fire fund, anticipate
 2 the collection thereof, and issue bonds therefor, as cities organized

3 under the general law.

[C. C. 4354.]

Sec. 17. Bonds and Certificates.

1 Chapter thirty-four (34) of this title is applicable to special
2 charter cities.

[C. C. 4440, 4441.]

Sec. 18. Limitation of Action.

1 No action shall be brought questioning the legality of any bond or
2 certificate authorized in the preceding section, or any other bond or
3 certificate authorized by this chapter, from and after three (3) months
4 from the time the same are ordered issued by the proper authority.

[C. C. 4442.]

Sec. 19. Smoke Nuisance.

1 The emission of dense smoke within the corporate limits of spe-
2 cial charter cities having a population of sixteen thousand (16,000) or
3 over is hereby declared a nuisance.

[C. C. 4353.]

Sec. 20. Streets and Public Grounds.

1 Chapter twenty-two (22) of this title, except sections three thou-
2 sand eight hundred twenty-four (3824) and three thousand eight hun-
3 dred twenty-five (3825) are applicable to special charter cities.

[C. C. 4358, 4378, 4413, 4414, modified.]

Sec. 21. Application of Certain Terms.

1 Whenever the words "boards of supervisors", "county auditor or
2 recorder of deeds", and "county treasurer" are used in any section
3 made applicable by this chapter to special charter cities, the words

4 “city council”, “city clerk” or “city recorder”, and “city collector or
5 treasurer” shall be respectively substituted.

[C. C. 4358.]

Sec. 22. Permanent Sidewalks.

1 Special charter cities having a population of twenty-five thousand
2 (25,000) or over may confer upon the park commission by ordinance
3 the right to determine the location of permanent sidewalks outside lot
4 or property lines, and upon the public streets.

[C. C. 4412.]

Sec. 23. Regulations of Electric Wires.

1 Special charter cities shall have power to regulate telegraph, dis-
2 trict telegraph, telephone, street car, electric light and power poles, sub-
3 ways and wires, and provide the manner in which and the places where
4 the same shall be placed, including the right to construct subways
5 under and erect poles upon and along the streets, alleys and public
6 places; and to compel companies having wires on the same street or
7 alley to use the same poles or subways upon reasonable terms.

[C. C. 4361.]

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.

1 Chapter thirty (30) of this title is applicable to special charter
2 cities.

[C. C. 4369, modified.]

That sections four thousand three hundred seventy-one (4371), four
thousand three hundred sixty-two (4362), four thousand three hundred
sixty-three (4363), four thousand three hundred sixty-six (4366), and four

thousand three hundred sixty-seven (4367) of the compiled code of Iowa are amended, revised and codified to read as follows:

Sec. 25. Protection of Property From Floods.

1 Chapter twenty-five (25) of this title is applicable to special
2 charter cities.

[C. C. 4362, 4363, 4366, 4367, 4371, modified.]

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 are amended, revised and codified to read as follows:

Sec. 26. Street Improvements and Sewers.

1 Special charter cities may construct such street improvements
2 and sewers as are designated in chapter twenty-three (23) of this
3 title, and pay for the same and assess the cost thereof as therein pro-
4 vided, except as in this chapter otherwise specifically provided.

[C. C. 4364, 4365, 4380, 4381, 4382, 4394, 4395, 4400, 4401,
4402, modified.]

Sec. 27. Plat and Estimate.

1 Before the council orders any street improved or sewer con-
2 structed, it shall direct the engineer to prepare a plat, showing the
3 location and general nature of the improvement, the extent thereof,
4 the kinds of material, or, in case of sewers, the size and kinds of mate-
5 rial to be used, and an estimate of the cost thereof, and the amount

6 assessable upon any railway or street railway and upon each lot or
7 parcel of land adjacent to such improvement or sewer per square foot
8 in area, and file such plat and estimate in the office of the clerk or
9 recorder.

[C. C. 4379, modified.]

Sec. 28. Publication of Notice.

1 Notice of its intention to make such improvement or sewer shall
2 be published by the city clerk or recorder in three (3) consecutive
3 issues of a newspaper of such city, stating that such plat is on file,
4 and, generally, the nature of the improvement, its location, the kinds
5 of material to be used, and the estimate of its cost, and fixing the time
6 before which objections thereto can be filed, which time shall be not
7 less than five (5) days after the last publication of such notice.

[C. C. 4379.]

Sec. 29. Passage of Resolution.

1 The council, after considering such objections, shall determine
2 what changes, if any, shall be made in the plan shown by such plat.
3 and may, by resolution, order such improvement or sewer, prescribing
4 generally the extent of the work, the kinds of material, and in case of
5 sewers, the size and kinds of material to be used, when the work shall
6 be completed, the terms of payment, and provide for the publication
7 of notice asking proposals for doing such work, and the time the same
8 will be acted upon.

[C. C. 4379.]

Sec. 30. Street Improvement Fund.

1 When the whole or any part of the cost of the making or recon-
2 struction of any street improvement shall be ordered paid from the

3 city improvement or grading fund, it shall have power, after the com-
4 pletion of the work, by resolution, to levy at one time the whole or any
5 part of the cost of such improvement upon all the taxable property
6 within such city, and determine the whole percentage of taxes neces-
7 sary to pay the same, and the percentage to be paid each year, not
8 exceeding the maximum annual limit of said taxes, and the number
9 of years, not exceeding ten (10), given for the maturity of each install-
10 ment thereof; but no part of such cost shall be levied against any
11 property owned by the city, county, or state.

[C. C. 4392.]

Sec. 31. Sewer Fund.

1 When the whole or any part of the cost of the making or recon-
2 struction of any sewer shall be ordered paid from the district or city
3 sewer fund, the council may, after the completion, by resolution levy
4 at one time the whole or any part of the cost of such sewer upon all
5 taxable real property within such sewer district or within the city,
6 and determine the whole percentage of taxes necessary to pay the
7 same, and the percentage to be paid each year, not exceeding the maxi-
8 mum annual limit of said taxes, and the number of years, not exceed-
9 ing ten (10) given for the maturity of each installment; but no part of
10 such cost shall be levied against the property owned by the city,
11 county, or state.

[C. C. 4393.]

Sec. 32. Certificates of Levies.

1 Certificates of levies provided for in the two (2) preceding sec-
2 tions shall be filed with the collector or treasurer, setting forth the
3 amount or percentage and maturity of said taxes and each installment

4 thereof, with a sufficient description of the boundaries of the particu-
5 lar sewer district, and of the real property of the sewer district or city
7 upon which taxes are levied, duly certified as correct by the clerk or
8 recorder, and thereupon said taxes shall be placed on the tax books of
9 the city and collected as provided for the collection of other special
10 taxes.

[C. C. 4392, 4393.]

Sec. 33. Sewer Outlets and Purifying Plants.

1 Special charter cities may construct and maintain sewer outlets
2 and purifying plants as authorized in cities organized under the gen-
3 eral law.

[C. C. 4383.]

That sections four thousand four hundred three (4403), 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.

1 Chapter twenty-six (26) of this title is applicable to special
2 charter cities.

[C. C. 4403, 4404, 4406, 4407.]

That sections four thousand four hundred eight (4408) to four thou-
sand four hundred ten (4410), inclusive, of the compiled code of Iowa are
amended, revised and codified to read as follows:

Sec. 35. Park Commissioners.

1 Chapter nine (9) of this title is applicable to special charter cities.

[C. C. 4408, 4409, 4410, modified.]

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.

1 They shall have power to purchase and provide for the condemna-
2 tion of, and pay for out of the general or grading fund, or assess and
3 levy the whole or any part of the cost thereof upon the property bene-
4 fited thereby, and enter upon and take any lands within or without the
5 territorial limits of such city, for the following purposes:

6 1. For parks, commons, cemeteries, crematories, hospital grounds,
7 natatoriums, or public baths.

8 2. For establishing, laying out, widening, straightening, narrow-
9 ing, extending and lighting streets, avenues, highways, alleys, landing
10 places, public squares, public grounds, public markets, or market
11 places, and public slaughterhouses.

12 3. For obtaining gravel, stone, or other suitable material with
13 which to improve their streets and alleys, including a suitable road-
14 way thereto by the most reasonable route.

15 4. For any other purpose, where such purchase or condemnation
16 is herein, or in the charters of such cities, or may hereafter be,
17 authorized.

[C. C. 4417, 4969.]

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.

1 Chapter thirty-five (35) of this title is applicable to special charter
2 cities.

[C. C. 4443, 4444.]

That sections four thousand four hundred sixty-seven (4467) and four thousand four hundred sixty-eight (4468) of the compiled code of Iowa are amended, revised and codified to read as follows:

Sec. 38. Pensions for Disabled and Retired Firemen and Policemen.

1 The law relative to pensions for disabled and retired firemen and
2 policemen in cities organized under the general law is applicable to
3 special charter cities. |

[C. C. 4467, 4468.] |

Subject: TAXATION

Senate File No. Referred to Committee on
House File No.
By Date.

A BILL FOR

An act to amend, revise and codify sections four thousand four hundred eighty-two (4482) to four thousand four hundred eighty-seven (4487), inclusive, four thousand four hundred ninety-three (4493), four thousand four hundred ninety-nine (4499), four thousand five hundred (4500), four thousand 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 ninety-five (4595), four thousand six hundred nine (4609), four thousand six hundred nineteen (4619), four thousand six hundred twenty (4620) and four thousand six hundred ninety-three (4693) of the compiled code of Iowa, relating to taxation.

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

That sections four thousand four hundred eighty-two (4482) to four thousand four hundred eighty-seven (4487), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Exemptions.

- 1 The following classes of property shall not be taxed:
- 2 1. *Public property.*
- 3 a The property of the United States and this state, including
- 4 university, agricultural college, and school lands.
- 5 b The property of a county, township, city, town, school district,

6 or military company, when devoted entirely to public use and not
7 rented, leased, or otherwise held for pecuniary profit.

8 *c* Public grounds, including all places for the burial of the dead,
9 crematoriums, and the land on which they are built and appurtenant
10 thereto, not exceeding one (1) acre, so long as no dividends or profits
11 are derived therefrom.

12 *d* Fire engines and all implements for extinguishing fires, with
13 the grounds and buildings used exclusively for such purposes and
14 meetings of fire companies.

[C. C. 4482.]

15 *c* The property of the American Legion, when devoted entirely
16 to the use of the Legion, and not rented, leased, or otherwise held for
17 pecuniary profit.

[New.]

18 2. *Certain bonds.* County, municipal, school, and drainage bonds
19 or certificates issued by any municipality, school district, drainage
20 district, or county within the state of Iowa; waterworks bonds and
21 certificates issued under chapter twenty-nine (29) of title thirteen
22 (13). No deduction from the assessment of the stock of any bank
23 or trust company shall be permitted because such bank or trust com-
24 pany holds such bonds as are exempted above.

[C. C. 4482, 4487.]

25 3. *Benevolent associations.* All grounds and buildings used:

26 *a* For public libraries, including libraries owned and kept by
27 private individuals, associations, or corporations, for public use, and
28 not for private profit.

29 *b* For cemetery associations and societies.

30 *c* For literary, scientific, charitable, benevolent, agricultural, and
31 religious institutions and societies solely devoted to the appropriate ob-
32 jects of these institutions, not exceeding one hundred sixty (160) acres
33 in extent, and not leased or otherwise used with a view to pecuniary
34 profit. All deeds or leases by which such property is held shall be filed
35 for record before the property herein described shall be omitted from
36 the assessment.

[C. C. 4482.]

37 4. *Certain moneys and credits.* Moneys and credits belonging ex-
38 clusively to the institutions named in subsection three (3) and devoted
39 solely to sustaining them; but not exceeding in amount or income the
40 amount prescribed by their charters or articles of incorporation; and
41 the books, papers, and apparatus belonging to such institutions, used
42 solely for the purposes contemplated in said subsection, and the like
43 property of students in such institutions used for their education.

[C. C. 4482.]

44 5. *Educational institutions—real estate.* Real estate to the extent
45 of not to exceed one hundred sixty (160) acres in any civil township,
46 owned by any educational institution of this state as a part of its en-
47 dowment fund.

[C. C. 4482.]

48 6. *Agricultural products.* The agricultural produce of the person
49 assessed, harvested by or for him, and all wool shorn from his sheep
50 within one (1) year previous to the listing; all poultry, ten (10) stands
51 of bees, all swine, and sheep, under six (6) months of age, and all
52 other domestic animals under one (1) year of age.

[C. C. 4482.]

53 7. *Rent*. Obligations for rent not yet due and owned by the orig-
54 inal payee.

[C. C. 4482.]

55 8. *Libraries — furniture — apparel*. Private or professional li-
56 braries to the actual value of three hundred dollars (\$300.00) ; family
57 pictures; household furniture to the actual value of three hundred
58 dollars (\$300.00), and kitchen furniture; beds and bedding requisite
59 for each family; all wearing apparel in actual use; all food provided
60 for the family. The exemptions allowed in this and the two (2) pre-
61 ceding subsections shall not be held to apply to hotels and boarding
62 houses, except so far as the exempted classes of property shall be for
63 the actual use of the family managing the same.

[C. C. 4482.]

64 9. *Farmers—haulers*. The farming utensils of any person who
65 makes his livelihood by farming; the team, wagon, and harness of the
66 teamster or drayman who makes his living by their use in hauling
67 for others, and the tools of any mechanic, not in any case to exceed
68 three hundred dollars (\$300.00) in actual value.

[C. C. 4482.]

69 10. *Government or state lands*. Government lands entered and
70 located, or lands purchased from this state, for the year in which the
71 entry, location or purchase is made.

[C. C. 4482.]

72 11. *Infirm persons*. The polls or estates, or both, of persons who
73 by reason of age or infirmity may in the opinion of the assessor be
74 unable to contribute to the public revenue, such opinion and the fact
75 on which it is based being in all cases entered on the assessment roll.

76 and subject to reversal by the board of review.

[C. C. 4482.]

77 12. *Fraternal beneficiary societies.* The accumulations and funds
78 held or possessed by fraternal beneficiary associations for the pur-
79 poses of paying the benefits contemplated by section five thousand
80 five hundred fifty-two (5552), or for the payment of the expenses of
81 such association.

[C. C. 4482.]

82 13. *Capital stock certain corporations.* The shares of capital
83 stock of telegraph and telephone companies, freight line and equip-
84 ment companies, transmission line companies as defined in section
85 four thousand five hundred seventy-seven (4577), express companies,
86 corporations engaged in merchandizing, as defined in section four
87 thousand four hundred ninety-nine (4499), domestic corporations en-
88 gaged in manufacturing as defined in section four thousand five hun-
89 dred (4500), and corporations not organized for pecuniary profit.

[C. C. 4482, modified, 4484, 4485, 4486, 4499, 4500, 4508,
4513, 4567.]

90 14. *Loan corporations.* Shares of stock of loan corporations as
91 defined in section four thousand five hundred six (4506), if said cor-
92 porations have been granted the certificate provided for in section
93 four thousand five hundred eight (4508).

[C. C. 4508.]

Sec. 2. **Soldiers, Sailors, Wives, and Widows.**

1 The following exemptions from taxation shall be allowed:

2 1. The poll tax of any soldier, sailor, or marine mentioned in this
3 section.

4 2. The property, not to exceed seven hundred dollars (\$700.00)
5 in taxable value of any honorably discharged Union soldier, sailor,
6 or marine of the Mexican War or the War of the Rebellion.

7 3. The property, not to exceed three hundred dollars (\$300.00)
8 in taxable value of any honorably discharged soldier, sailor, or marine
9 of the War with Spain, Chinese Relief Expedition, the Philippine In-
10 surrection, or the War with Germany.

11 4. The property, to the same extent, of the wife of any such sol-
12 dier, sailor, or marine, where they are living together, and he has not
13 otherwise received the benefits above provided.

14 5. The property, to the same extent, of the widow remaining un-
15 married and the minor child of any such soldier, sailor, or marine.

[C. C. 4482, modified.]

Sec. 3. Reduction—Limitation.

1 All persons named in the preceding section shall receive a reduc-
2 tion equal to their exemption, to be made from the homestead, if any;
3 otherwise from other property owned by said persons. Such exemp-
4 tion shall only extend to the period during which such persons remain
5 the owners of such property.

[C. C. 4482.]

Sec. 4. Listing by Assessors.

1 The beneficiary of exemptions allowed by the two (2) preceding
2 sections shall file with the assessor a statement under oath that he is
3 the owner of the property on which the exemption is claimed, and
4 every assessor shall annually make a list of persons entitled to such
5 exemptions and return such list to the county auditor upon forms to
6 be furnished by the auditor for that purpose.

[C. C. 4482, 4483.]

Sec. 5. Allowance Exemption by Board of Supervisors.

1 If no such statement is filed, no exemption shall be allowed by
2 the assessor, but may be allowed by the board of supervisors if such
3 statement is filed before September first of the year for which the
4 same is claimed.

[C. C. 4483.]

That section four thousand four hundred ninety-three (4493) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 6. Personal Property—Real Estate—Buildings.

1 Property shall be taxed each year, and personal property shall be
2 listed and assessed each year in the name of the owner thereof on the
3 first day of January. Real estate shall be listed and valued in each
4 even-numbered year, beginning with the year nineteen hundred twen-
5 ty-two (1922) and in each year in which real estate is not regularly
6 assessed, the assessor shall list and assess any real property not in-
7 cluded in the previous assessment, and also any buildings erected
8 since the previous assessment, with a minute of the tract or lot of
9 land whereon the same are situated, and the auditor shall thereupon
10 enter the taxable value of such buildings on the tax list as a part of
11 the real estate to be taxed; but if such buildings are erected by another
12 than the owner of the real estate, they shall be listed and assessed to
13 the owner as personal property.

[C. C. 4493, modified.]

That sections four thousand four hundred ninety-nine (4499) and four thousand five hundred (4500) of the compiled code of Iowa are amended, revised and codified to read as follows:

Sec. 7. Merchants.

1 Any person, firm, or corporation owning or having in his posses-
2 sion or under his control within the state, with authority to sell the
3 same, any personal property purchased with a view of its being sold,
4 or which has been consigned to him from any place out of this state
5 to be sold within the same, or to be delivered or shipped by him within
6 or without this state, shall be held to be a merchant for the purposes
7 of this title.

[C. C. 4499.]

Sec. 8. **Assessment Stocks of Merchandise.**

1 In assessing such stocks of merchandise, the assessor shall require
2 the production of the last inventory taken, and in the assessment roll
3 shall state the date thereof, and if in the judgment of the assessor
4 such is not correct, or if such time has elapsed since the inventory was
5 taken that it shall have ceased to be reliable as to the value thereof,
6 he shall appraise the same by personal examination. The assessment
7 shall be made at the average value of the stock during the year next
8 preceding the time of assessment, and, if the merchant has not been
9 engaged in business so long, then the average value during such time
10 as he shall have been so engaged, and, if commencing, then the value
11 at the time for assessment.

[C. C. 4499, modified.]

Sec. 9. **Manufacturers.**

1 Any person, firm, or corporation who purchases, receives or holds
2 personal property of any description for the purpose of adding to the
3 value thereof by any process of manufacturing, packing of meats, re-
4 fining, purifying, or by the combination of different materials, with
5 a view to making gain or profit by so doing, and selling the same, shall

6 be held a manufacturer for the purposes of this title, and he shall list
7 for taxation such property in his hands; but the average value thereof
8 to be ascertained as in the preceding section, whether manufactured
9 or unmanufactured, shall be estimated upon those materials only
10 which enter into its combination or manufacture. Machinery used in
11 manufacturing establishments shall, for the purpose of taxation, be
12 regarded as real estate. Corporations organized under the laws of
13 this state for pecuniary profit and engaged in manufacturing as de-
14 fined by this section, and which have their capital represented by
15 shares of stock, shall, through their principal accounting officers, list
16 their real estate, personal property and moneys and credits in the same
17 manner as is required of individuals.

[C. C. 4500, modified.]

That sections four thousand five hundred eight (4508) and four thou-
sand nine (4509) of the compiled code of Iowa are amended, revised and
codified to read as follows:

Sec. 10. Report—Certificate—Taxation.

1 If the auditor of state finds from such report or said examination,
2 or both, that such corporation has honestly and in good faith so con-
3 ducted its business as to aid deserving persons in the manner pro-
4 vided in the second preceding section, and that the corporation has
5 not collected a usurious rate of interest from borrowers on loans, he
6 shall issue to said corporation a certificate to that effect which shall
7 entitle the corporation to be assessed on the net actual value of its
8 moneys and credits at the rate of five (5) mills on the dollar, which
9 taxation shall be in lieu of all other taxes on its moneys and credits.

[C. C. 4508, modified.]

Sec. 11. **Private Banks.**

1 Private banks or bankers, or any persons other than corporations
2 hereinafter specified, a part of whose business is the receiving of de-
3 posits subject to check, on certificates, receipts, or otherwise, or the
4 selling of exchange, shall prepare and furnish to the assessor a sworn
5 statement, showing the assets, aside from real estate, and liabilities
6 of such bank or banker on January first of the current year, as follows:

7 1. The amount of moneys, specifying separately the amount of
8 moneys on hand or in transit, the funds in the hands of other banks,
9 bankers, brokers or other persons or corporations, and the amount of
10 checks or other cash items not included in either of the preceding
11 items.

12 2. The actual value of credits, consisting of bills receivable owned
13 by them, and other credits due or to become due.

14 3. The amount of all deposits made with them by others, and also
15 the amount of bills payable.

16 4. The actual value of bonds and stocks of every kind and shares
17 of capital stock or joint stock of other corporations or companies held
18 as an investment, or in any way representing assets, and the specific
19 kinds and description thereof exempt from taxation.

20 5. All other property pertaining to said business, including real
21 estate, which shall be specially listed and valued by the usual descrip-
22 tion thereof.

23 The aggregate actual value of moneys and credits, after deduct-
24 ing therefrom the amount of deposits, and the aggregate actual value
25 of bonds and stocks, after deducting the portion thereof otherwise
26 taxed in this state, and also the other property pertaining to the busi-

27 ness, shall be assessed and taxed as moneyed capital in competition
28 with banks as provided in section four thousand five hundred eleven
29 (4511), not including real estate which shall be listed and assessed or
30 other real estate.

[C. C. 4509, modified.]

That section four thousand five hundred ten (4510) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 12. National, State and Savings Bank Stock.

1 Shares of stock of national banks and state and savings banks
2 and loan and trust companies, located in this state, shall be assessed
3 to the individual stockholders at the place where the bank or loan and
4 trust company is located. At the time the assessment is made the
5 officers of national banks and state and savings banks and loan and
6 trust companies shall furnish the assessor with lists of all the stock-
7 holders and the number of shares owned by each, and the assessor
8 shall list to each stockholder under the head of corporation stock the
9 total value of such shares. To aid the assessor in fixing the value of
10 such shares, the said corporation shall furnish him a verified state-
11 ment of all the matter provided in the preceding section, which shall
12 also show separately the amount of the capital stock and the surplus
13 and undivided earnings, and the assessor from such statement shall
14 fix the value of such stock based upon the capital, surplus, and undi-
15 vided earnings.

[C. C. 4510.]

Sec. 13. Penalty for Refusal to Furnish Information.

1 A refusal to furnish the assessor with the list of stockholders and
2 the information required by the preceding section shall be deemed a

3 misdemeanor and any bank or officer thereof so refusing shall be
4 punished by a fine not exceeding five hundred dollars (\$500.00)

[C. C. 4510.]

Sec. 14. Capital Invested in Real Estate—Deductions.

1 Real estate owned by such corporations, including leasehold in-
2 terests, shall be assessed and taxed as other real estate. If any of
3 their capital is actually invested in any of such real estate or in the
4 shares of stock of corporations owning only real estate, inclusive of
5 leasehold interests, the assessed value of such real estate shall be de-
6 ducted from the real value of such shares. The property of such cor-
7 poration shall not be otherwise assessed.

[C. C. 4510.]

**Sec. 15. Deduction of Amount of Government Obligations Held by Banks
and Trust Companies.**

1 In determining the assessed value of the stock of national banks,
2 and state and savings banks, and loan and trust companies, the amount
3 of obligations issued by the United States government since the declar-
4 ation of war against Germany, actually owned by a bank or trust
5 company, shall be deducted if such bank or trust company shall have
6 been the owner thereof, in good faith and not for the purpose of se-
7 curing such deduction, for a period of more than sixty (60) days
8 prior to December thirty-first of the year preceding that for which
9 the assessment is made.

[C. C. 4482.]

That section four thousand five hundred eleven (4511) of the com-
piled code of Iowa is amended, revised and codified to read as follows :

Sec. 16. Bank Stocks—Moneyed Capital—Taxation.

1 For the purpose of placing the taxation of bank and loan and
2 trust company stock and moneyed capital in competition with banks
3 as nearly as possible upon a taxable value relatively equal to the tax-
4 able value at which other property is now actually assessed through-
5 out the state as compared with the actual value thereof, it is hereby
6 provided that state, savings and national bank stock and loan and
7 trust company stock and moneyed capital in competition with banks
8 shall be assessed and taxed upon the taxable value of twenty per cent
9 (20%) of the actual value thereof, determined as herein provided,
10 which twenty per cent (20%) of the actual value shall be taken and
11 considered as the taxable value and shall be taxed as other property
12 in such taxing district.

[C. C. 4511, modified.]

That section four thousand five hundred thirteen (4513) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 17. Shares of Corporation Stock.

1 The shares of stock of any corporation organized under the laws
2 of this state, and except corporations otherwise provided for in chap-
3 ters two (2) to twelve (12), inclusive, of this title, shall be assessed
4 to the owners thereof, at the place where its principal business is
5 transacted. The assessment shall be on the value of such shares on
6 the first day of January in each year; but in arriving at the total value
7 of the shares of stock of such corporations, the amount of their capital
8 actually invested in real estate owned by them, either in this state or
9 elsewhere, shall be deducted from the real value of such shares, and
10 such real estate shall be assessed as other real estate, and the property

11 of such corporation, except real estate situated within the state, shall
12 not be otherwise assessed.

[C. C. 4513, modified.]

Sec. 18. **Statement to Assessor.**

1 Every such corporation annually, on or before the twenty-fifth
2 day of January, shall furnish to the assessor of the assessment dis-
3 trict in which its principal place of business is located a verified state-
4 ment, showing specifically, with reference to the year next preceding
5 the first day of January then last past:

- 6 1. Total authorized capital stock and number of shares thereof.
- 7 2. Number of shares of stock issued and par value of each.
- 8 3. Amount paid into the treasury on each share and the total
9 capital paid in.
- 10 4. Description and value of each tract of real estate owned by
11 said corporation.
- 12 5. Date, rate per cent and amount of each dividend declared, and
13 the amount of capital on which each such dividend was declared.
- 14 6. Gross and net earnings, respectively, during the year, and
15 amount of surplus.
- 16 7. Amount of profit added to sinking fund.
- 17 8. Highest price of sales of stock between the first and tenth days
18 of January of the current year.
- 19 9. Highest price of sales of stock during the preceding year, and
20 average price of such sales.

[C. C. 4513.]

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. 19. Entry of Certificate.

1 At the first meeting of the board of supervisors held after such
2 certificate is received by the county auditor, it shall cause the same
3 to be entered in its minute book and make and enter therein an order
4 stating the length of the routes and the assessed value of each in each
5 city, town, township, or other taxing district in its county, through
6 or into which said routes extend, which shall constitute the taxable
7 value of said property for taxing purposes, and the taxes on said
8 property, when collected by the county treasurer, shall be disposed of
9 as other taxes.

[C. C. 4567.]

Sec. 20. Levy of Tax—Rates.

1 The county auditor shall immediately thereafter transmit a copy
2 of said order to the councils of cities, or towns, and to the trustees
3 of each township in the county, and shall also add to the value so ap-
4 portioned the assessed value of the real estate, buildings, machinery,
5 fixtures, appliances, and personal property not used exclusively in the
6 conduct of the business situated in any township or taxing district as
7 returned by the assessor thereof, and extend the taxes thereon upon
8 the tax list as in other cases. All such property shall be taxable upon
9 said assessment at the same rates, by the same officers, and for the
10 same purposes as the property of individuals within such counties,
11 townships, or taxing districts. The property so included in said as-
12 sessment shall not be otherwise taxed.

[C. C. 4567, modified.]

That section four thousand five hundred ninety-five (4595) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 21. Assessors' Books Returned.

1 Such rolls shall be laid before the local board of review on or
2 before the first Monday of April in each year for correction, and when
3 such correction has been completed, the assessor shall transmit to the
4 county auditor said assessment rolls together with the plat book, a
5 list of all persons subject to poll tax, and all statements which have
6 been furnished to him in connection with the assessment, and said
7 county auditor shall then proceed to make up the assessor's books.

[C. C. 4595, modified.]

That section four thousand six hundred nine (4609) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 22. Tax List.

1 All taxes, except road taxes, which are uniform throughout any
2 township or school district shall be formed into a single tax and en-
3 tered upon the tax list in a single column, to be known as a consoli-
4 dated tax, and each receipt shall show the percentage levied for each
5 separate fund. Before the first day of January in each year, the
6 county auditor shall transcribe alphabetically the assessments of the
7 several townships, towns, or cities into a book, to be known as the tax
8 list, properly ruled and headed, with separate columns, in which shall
9 be entered the names of taxpayers, descriptions of lands, number of
10 acres and value, numbers of town lots and value, value of personal
11 property and each description of tax, with a column for polls and one
12 for payments, and shall complete the same by carrying out the totals
13 and footings of columns.

[C. C. 4609, modified.]

Sec. 23. Duty of Auditor.

1 At the time of transcribing said assessments into the tax list, the
2 county auditor shall correct all transfers up to date and place the
3 legal descriptions of all real estate in the name of the owner at said
4 date as shown by the records of his office. At the end of the list for
5 each township, town, or city he shall make an abstract thereof, and
6 apportion the consolidated tax among the respective funds to which
7 it belongs according to the number of mills levied for each.

[C. C. 4609, modified.]

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. 24. Amounts Certified in Dollars.

1 When any authorized tax rate within any taxing district, includ-
2 ing townships, school districts, cities, towns, and counties, shall have
3 been thus determined as provided by law, the officer or officers charged
4 with the duty of certifying said authorized rate to the county auditor
5 or board of supervisors shall, before certifying the same, compute
6 upon the adjusted taxable valuation of such taxing district for the
7 preceding calendar year (not including moneys and credits), the
8 amount of tax said rate will raise, stated in dollars, and shall certify
9 said computed amount in dollars and not by rate, to the county auditor
10 and board of supervisors.

[C. C. 4619, modified.]

Sec. 25. Computation of Rate.

1 When the valuations for the several taxing districts shall have
2 been adjusted by the several boards, as provided by law, for the cur-

3 rent year, the county auditor shall thereupon compute and spread
4 upon the records such a rate, not exceeding the rate authorized by
5 law, on said adjusted taxable valuations for the current year (not
6 including moneys and credits), as shall raise the amount required
7 for each taxing district within the county, as theretofore determined
8 according to law, and no larger amount. In fixing such rate the au-
9 ditor, with the approval of the board of supervisors, may provide for
10 an excess in the amount to be raised not exceeding five per cent (5%)
11 on the amount of the tax, for the purpose of meeting possible shrink-
12 age due to exemptions or other cause. If in adjusting the rate to be
13 levied in any taxing district to conform to law, such rate shall make
14 necessary the levying of a fraction of a mill in excess of one-half ($\frac{1}{2}$)
15 of one-tenth ($\frac{1}{10}$) of a mill, said fractional excess may be computed
16 as one-tenth ($\frac{1}{10}$) of a mill, which latter shall be the smallest required
17 to be spread upon the tax lists for any purpose except rates applicable
18 to a state purpose. Nothing herein shall be construed as interfering
19 with the right of any taxing district to receive its due proportion of
20 the taxes on moneys and credits.

[C. C. 4620, modified.]

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. 26. Notice of Expiration of Right of Redemption.

1 After two (2) years and nine (9) months from the date of sale,
2 the holder of the certificate of purchase may cause to be served upon
3 the person in possession of such real estate, and also upon the person
4 in whose name the same is taxed, if such person resides in the county
5 where the land is situated, in the manner provided for the service of

6 original notices, a notice signed by him, his agent or attorney, stating
7 the date of sale, the description of the property sold, the name of the
8 purchaser, and that the right of redemption will expire and a deed for
9 the land be made unless redemption is made within ninety (90) days
10 from the completed service thereof.

[C. C. 4693.]

Sec. 27. Service of Notice.

1 Service may be made upon nonresidents of the county by publish-
2 ing the same once each week, for three (3) consecutive weeks in some
3 newspaper of said county, or by personal service thereof elsewhere in
4 the same manner as original notices may be served; but any such non-
5 resident may in writing appoint a resident of the county in which
6 such land is situated as agent, and file said appointment with the
7 treasurer of said county, who shall forthwith record the same in a
8 record kept in his office therefor, and index the same, after which
9 personal service of said notice shall be made upon said agent.

[C. C. 4693.]

Sec. 28. Notice to Lien Holders.

1 He shall also cause such notice to be served upon all record hold-
2 ers of recorded liens against said real estate, such service to be made
3 in the manner provided for the service of original notices or by mail-
4 ing by registered mail to the holder of record of such lien at his last
5 known postoffice address a copy of such notice.

[New.]

Sec. 29. Completion of Service.

1 Service shall be complete only after an affidavit has been filed
2 with the treasurer, showing the making of the service, the manner

3 thereof, the time when and place where made, and under whose direc-
4 tion the same was made; such affidavit to be made by the holder of
5 the certificate or by his agent or attorney, and in either of the latter
6 cases stating that such affiant is the agent or attorney, as the case
7 may be, of the holder of such certificate; which affidavit shall be filed
8 by the treasurer and entered upon the sale book opposite the entry of
9 the sale, and said record or affidavit shall be presumptive evidence of
10 the completed service of said notice, and the right of redemption shall
11 not expire until ninety (90) days after service is complete.

[C. C. 4693.]

Sec. 30. **Cost—Fee—Report.**

1 The cost of serving the notice and affidavit of publication, and
2 the actual cost, not exceeding ten dollars (\$10.00) paid for a search
3 of the records to ascertain the liens, if any, and the names of the
4 owners thereof, shall be added to the amount necessary to redeem.
5 The fee for serving the notice shall be the same as for service of an
6 original notice, including copy fee and mileage. The treasurer shall,
7 upon the filing of proof of service and statement of costs, forthwith
8 report the same in writing to the auditor, who shall enter it on the
9 sale book against the proper tract of real estate. The holder of the
10 certificate of sale or his agent may report in writing to the county au-
11 ditor the amount of costs incurred in giving such notice, and the
12 auditor shall enter the same in the sale book as aforesaid, and no
13 redemption shall be complete until such costs are paid.

[C. C. 4693, modified.]

Code Commissioners' Bill No. 184

Subject: TAXATION—COLLATERAL INHERITANCE TAX

Senate File No. Referred to Committee on
 House File No.
 By Date

A BILL FOR

An act to amend, revise and codify sections four thousand seven hundred eight (4708) to four thousand seven hundred ten (4710), inclusive, four thousand seven hundred thirteen (4713), four thousand seven hundred seventeen (4717), four thousand seven hundred twenty-one (4721) to four thousand seven hundred twenty-three (4723), inclusive, four thousand seven hundred thirty-one (4731) to four thousand seven hundred thirty-four (4734), inclusive, four thousand seven hundred thirty-seven (4737), four thousand seven hundred thirty-nine (4739), four thousand seven hundred forty-one (4741), four thousand seven hundred forty-nine (4749), and four thousand seven hundred fifty (4750), of the compiled code of Iowa, relating to taxation.

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

That sections four thousand seven hundred eight (4708) to four thousand seven hundred ten (4710), inclusive, four thousand seven hundred thirteen (4713), and four thousand seven hundred seventeen (4717) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Objections.

1 The treasurer of state or any person interested in the estate or
 2 property appraised may, within thirty (30) days from the filing of
 3 the appraisement with the clerk, file objections thereto, and give notice
 4 thereof as for the beginning of civil actions. If no objections are so
 5 filed, the appraisement shall stand approved.

[C. C. 4717, modified.]

Sec. 2. Hearing on Objections—Orders.

1 The hearing on objections shall be conducted as an action in
2 equity, and either party may produce evidence competent or material
3 to the matters therein involved. If upon the hearing the court finds:

4 1. That the amount at which the property is appraised is its value
5 in the market in the ordinary course of trade, it shall approve the
6 appraisement.

7 2. That the appraisement was made at a greater or less sum than
8 the value of the property in the ordinary course of trade, it shall set
9 aside the appraisement, appoint new appraisers, and so proceed until
10 a fair and good appraisement of the property is made at its value in
11 the market in the ordinary course of trade.

12 3. That the property is not subject to the tax, the court shall
13 enter an order setting aside the appraisal, and, at the expiration of
14 the time for appeal, if no appeal has been taken, the clerk shall enter
15 upon the lien book a cancellation of any claim or lien for taxes.

[C. C. 4717, modified.]

Sec. 3. Appeal.

1 The treasurer of state or any one interested in the property ap-
2 praised may appeal to the supreme court from any order of the court
3 made under the preceding section, to which exceptions have been filed.
4 Notice of the appeal shall be served within sixty (60) days from the
5 date of the filing of the order of the court, and the appeal shall be
6 perfected in the time allowed for appeals to the supreme court. The
7 appellant, if he is not the treasurer of state, shall give bond, with
8 sureties and in an amount to be approved by the clerk of the court,
9 which bond shall provide that the appellant will pay the tax for which

10 the property may be liable and the costs of the appeal.

[C. C. 4717, modified.]

That sections four thousand seven hundred twenty-one (4721) to four thousand seven hundred twenty-three (4723), inclusive, four thousand seven hundred thirty-one (4731) to four thousand seven hundred thirty-four (4734), inclusive, four thousand seven hundred thirty-seven (4737), four thousand seven hundred thirty-nine (4739), and four thousand seven hundred forty-one (4741) of the compiled code of Iowa are amended, revised and codified to read as follows:

Sec. 4. Appraisal Term Estates.

1 Whenever an estate or interest for life in any real property shall
2 be subject to such tax, the clerk shall cause such estate or interest to
3 be appraised at the actual market value thereof as in ordinary cases,
4 and the party entitled to the estate or interest shall, within eighteen
5 (18) months of the death of the owner, pay such tax, and in default
6 thereof the court shall order his interest in said estate, or so much
7 thereof as may be necessary to pay the tax and interest, to be sold.

[C. C. 4722, modified.]

Sec. 5. Appraisal of Remainder.

1 Upon the determination of any prior estate or interest, when
2 the remainder or deferred estate or interest or any part thereof is
3 subject to such tax, the person or persons entitled to such remainder
4 or deferred interest shall immediately report to the clerk of the proper
5 court the fact of the determination of the prior estate, and upon re-
6 ceipt of such report or upon information from any source of the de-
7 termination of such prior estate, the clerk shall forthwith issue a
8 commission to the appraisers who shall immediately proceed to ap-

9 praise the property as provided in section four thousand seven hun-
10 dred twenty (4720), and the tax upon such interest shall be paid by
11 the remainderman within eighteen (18) months. If not paid within
12 said time, the clerk shall order said property, or so much thereof as
13 may be necessary to pay the tax and interest, to be sold.

[C. C. 4722, modified.]

That sections four thousand seven hundred forty-nine (4749) and four thousand seven hundred fifty (4750) of the compiled code of Iowa are amended, revised and codified to read as follows:

Sec. 6. Examination of Estates Subject to Tax.

1 It shall be the duty of each clerk of the district court to make
2 examination from time to time:

3 1. Of all reports filed with him by administrators, executors, and
4 trustees pursuant to law.

5 2. Of all foreign wills offered for probate or recorded within his
6 court.

7 3. Of the record of deeds and conveyances in the recorder's office
8 of said county.

[C. C. 4749, modified.]

Sec. 7. Report Estates Subject to Tax.

1 If from such examination or from information or knowledge com-
2 ing from any other source, he finds or believes that any property
3 within his county or within the jurisdiction of the district court of
4 said county, has since July fourth, eighteen hundred ninety-six (1896)
5 passed by will or by the intestate laws of this or any other state or
6 by deed or any other method of conveyance made in anticipation of
7 or intended to take effect, in possession or in enjoyment, after the

8 death of the testator, donor, or grantor, to any person other than to
9 or for the use of persons, societies, or organizations exempt from the
10 tax herein imposed, he shall make report thereof in writing to the
11 treasurer of state, embodying in such report such information as he
12 may be able to obtain as to the name and residence of decedent, date
13 of death, name and address of administrator, executor, or trustee, the
14 description of any property liable to said tax, the county in which it
15 is located, and the name and relationship of beneficiaries or heirs.

[C. C. 4749, modified.]

Sec. 8. Compensation of Clerk.

1 For reporting such estates or property, the clerk shall receive a
2 compensation of one dollar (\$1.00) for each one hundred dollars
3 (\$100.00) or fraction thereof of tax paid, but not to exceed the sum
4 of five dollars (\$5.00) in any one estate, the same to be in addition
5 to the compensation now allowed him by law. The clerk shall in ad-
6 dition to the above fees receive fifty cents (50c) additional for each
7 page of legal documents transcribed and certified by him on order of
8 the treasurer of state. Except when this information has first been
9 received by the treasurer of state from another source, the treasurer
10 of state, when he has issued his receipt for the tax in such estate,
11 shall certify to the auditor of state the amount due the clerk for such
12 service and the auditor of state shall issue his warrant on the treas-
13 urer of state in favor of said clerk for the sum due as herein provided.

[C. C. 4749, modified.]

Sec. 9. Duties of County Attorney.

1 The county attorney of each county shall, when directed by the
2 treasurer of state, perform such legal services as may be necessary

3 in the enforcement of said tax. Such attorney shall have no author-
4 ity to receipt for or receive any of such tax. He shall advise and as-
5 sist the clerk and appraisers in the discharge of their duties, and see
6 that the notices required by law are properly made and returned. If
7 the county attorney is attorney for the executor, administrator, or
8 other person interested in the estate, the treasurer of state may em-
9 ploy another attorney to represent the state, who shall be entitled to
10 the same fee for his services as the county attorney would have re-
11 ceived.

[C. C. 4750, modified.]

Sec. 10. County Attorney Fees.

1 In each estate where the county attorney has performed such
2 legal services, he shall receive the following compensation: On the
3 first one hundred dollars (\$100.00) or fraction thereof of tax paid,
4 ten per cent (10%); on the excess of one hundred dollars (\$100.00)
5 to five hundred dollars (\$500.00), five per cent (5%); on the excess
6 of five hundred dollars (\$500.00) to one thousand dollars (\$1,000.00),
7 three per cent (3%); on all sums in excess of one thousand dollars
8 (\$1,000.00), one per cent (1%), but not to exceed one hundred fifty
9 dollars (\$150.00) from any one estate. Except in cases of litigation
10 requiring the filing of a petition or answer in court, the fee in any
11 case shall not exceed the sum of fifty dollars (\$50.00).

[C. C. 4750.]

Sec. 11. When and How Paid.

1 When the treasurer of state has issued his receipt for the tax
2 in any estate, in which the county attorney has been directed to render
3 legal services, and has performed such services, the treasurer of state

4 shall certify the amount due for such services, to the auditor of state,
5 who shall issue his warrant on the treasurer of state in favor of said
6 county attorney for the sum due. When the tax is collected, in cases
7 of litigation ordered by the treasurer of state requiring the filing of
8 a petition or answer in court, the county attorney shall receive such
9 fee for his services as may be considered just and reasonable by the
10 executive council.

[C. C. 4750, modified]

Code Commissioners' Bill No. 185.

Subject: DRAINAGE

Senate File No. Referred to Committee on
House File No.
By Date

A BILL FOR

An act to amend, revise and codify chapters one (1) and two (2) of title fifteen (15) of the compiled code of Iowa, relating to levees, ditches, drains and watercourses.

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

That chapters one (1) and two (2) of title fifteen (15) 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. Authority of Board of Supervisors to Establish.

1 The board of supervisors of any county shall have jurisdiction and
2 authority at any regular, special or adjourned session to establish, in
3 the manner hereinafter provided, levee and drainage districts and
4 locate, establish and cause to be constructed levees, ditches, drains and
5 watercourses and to straighten, widen, deepen or change any water-
6 course in such county for drainage purposes, when the same will be of
7 public utility or conducive to the public health, convenience or welfare.

[C. C. 4777, 4836.]

Sec. 2. Presumption as to Drainage of Agricultural Lands.

1 The drainage of surface waters from agricultural lands shall be

2 presumed to be a public benefit and conducive to the public health,
3 utility, convenience and welfare.

[C. C. 4836.]

Sec. 3. General Rule for Location.

1 Levees, ditches and drains shall, so far as practicable, be located
2 to conform to the natural drainage of the lands of the district, but
3 such location may be varied from, if, in any case, it appears to be more
4 economical so to do and the variation will be without impairment of
5 the utility of the improvement. Subject to this requirement, so far as
6 practicable, location shall be on division lines between owners, or about
7 parallel to the lines of government subdivision, and so as to be as
8 easily accessible as practicable for drainage purposes to each sep-
9 arately owned tract of land.

[C. C. 4837, modified.]

Sec. 4. Ditch or Drain Across Railroad Right of Way.

1 If across any right of way of any railroad company there has been
2 provided another place for the flow of water than the course of natural
3 drainage, the ditch or drain may be located therein, and such company
4 shall be estopped from afterwards objecting to such location on the
5 ground that it is not at the place of the natural waterway or course of
6 drainage.

[C. C. 4837.]

Sec. 5. Requisites of Petition.

1 Any person whose lands will be assessed for the expense of the
2 improvement may file in the office of the county auditor a petition for
3 the establishment of a levee or drainage district. The petition shall
4 set forth:

5 1. An intelligible description of the lands sought to be reclaimed,
6 by congressional divisions or otherwise.

7 2. That said lands are subject to overflow or are too wet for cul-
8 tivation.

9 3. That the public benefit, utility, health, convenience, or welfare
10 will be promoted by leveeing, ditching, tiling or draining said lands, or
11 by changing the watercourses thereon.

12 4. The starting point, route, termini, and lateral branches of the
13 proposed improvement.

[C. C. 4837.]

Sec. 6. Petition for Straightening Creek or River.

1 When the proposed drainage district involves only the straight-
2 ening of a creek or river, the board of supervisors shall refuse to con-
3 sider the petition unless the same is signed by owners of at least ten
4 per cent (10%) of the acreage affected by or assessed for the expense
5 of the proposed improvement. This section shall not affect drainage
6 projects involving the drainage of swamps or sloughs not in the con-
7 gressional forty (40) acre tracts abutting upon such creek or river.

[C. C. 4837.]

Sec. 7. Bond to Be Filed With Petition.

1 There shall be filed with the petition a bond in an amount fixed
2 and with sureties approved by the auditor, conditioned for the payment
3 of all costs and expenses incurred in the proceedings in case the district
4 is not finally established.

[C. C. 4837.]

Sec. 8. Appointment of Engineer—Bond.

1 The board shall, at a regular, special or adjourned session, within

2 thirty (30) days after the filing of the petition, employ a disinterested
3 and competent civil engineer, who shall be qualified and registered as
4 required by chapter twenty (20) of title five (5) of the code, and who
5 shall give bond to the county for the use of the proposed levee or
6 drainage district, if it be established, and if not established, for the
7 use of the petitioners, in amount and with sureties to be approved by
8 the auditor, and conditioned for the faithful and competent perform-
9 ance of his duties.

[C. C. 4837.]

Sec. 9. Compensation of Engineers and Commissioners.

1 The compensation of all engineers employed by the board for any
2 and all service, including that of commissioner to classify land or
3 assess damages, shall be either upon a per diem or monthly basis, or
4 a stipulated sum for the entire performance of specific work. The con-
5 tract therefor shall be in writing, setting forth particularly the work
6 to be done and the compensation in full to be paid for all services.

[C. C. 4890, modified.]

Sec. 10. Discharge of Engineer.

1 The board may at any time terminate the contract with and dis-
2 charge the engineer for misfeasance, malfeasance or incompetency.

[C. C. 4837, modified.]

Sec. 11. Assistants to Engineer—Employment.

1 Assistants may be employed by the engineer only with the ap-
2 proval of the board, which shall fix their compensation. The engineer
3 shall keep an accurate record of the kind of work done by himself and
4 each assistant, the place where done, and the time engaged therein, and
5 shall file an itemized statement thereof with the auditor. No expenses

6 shall be incurred by the engineer except upon authority of the board,
7 and vouchers shall be filed with the claims therefor.

[C. C. 4891, modified.]

Sec. 12. **Survey by Engineer.**

1 The engineer shall make a general topographical survey of the pro-
2 posed district and such additional lands as he deems advisable to
3 include therein, sufficient for making the report provided for in the
4 next section, and a location survey of the levees, ditches and drains.

5 He shall:

6 1. Establish a datum plane and set permanent bench marks, with
7 appropriate witnesses, throughout the district, not more than one-half
8 ($1\frac{1}{2}$) mile apart, and plainly and permanently mark thereon the eleva-
9 tions thereof above the datum plane.

10 2. Establish the grade and gradient of all levees, ditches and
11 drains.

12 3. Divide the levees, ditches and drains into one hundred (100)
13 foot stations, numbered consecutively from the outlets thereof to the
14 beginning.

15 4. Set location stakes at the center line with the station number
16 thereon.

17 5. Determine the approximate aggregate yardage of fill and of
18 excavation separately, computing the same for each station.

19 6. Ascertain and record in his field notes the kinds and nature of
20 the material to be moved, so far as practicable.

21 7. Keep full, complete, and accurate field notes of all surveys made
22 by him, so as to be intelligible to an engineer.

[C. C. 4837, modified.]

Sec. 13. **Report by Engineer.**

1 The engineer shall promptly make a report to the board of such
2 surveys, setting forth the following particulars:

3 1. The field notes of all the surveys, together with a plat of the
4 proposed district and a profile of all levees, ditches, laterals and drains
5 specified in the petition, and designating in different color, or by other
6 adequate means, such additional ditches, laterals or drains as he deems
7 necessary for efficient drainage, and showing the starting point and
8 termini of all levees, ditches and drains and the courses and length
9 thereof.

10 2. The datum plane and assumed elevation thereof showing the
11 relation of the grade line and gradient and of the surface of the ground
12 thereto.

13 3. The width of right of way required through each individually
14 owned tract, together with the acreage to be appropriated from each.

15 4. The length, width, and height of all levees; the length, width
16 and depth of all ditches; and the length, depth and size of all drains.

17 5. The courses and elevations of the beds of all natural water-
18 courses, ponds, sloughs, lakes and deep depressions in the district, sur-
19 veyed with reference to the center line of the main ditches or water-
20 courses.

21 6. The cubic yards of the different kinds of material necessary to
22 excavate and remove in the construction of the entire improvement, so
23 far as practicable.

24 7. A description of each tract of land in the district by congres-
25 sional divisions, or other intelligible means, with the names of the
26 owners thereof as shown by the transfer books in the auditor's office.

- 27 8. An estimate of the probable cost of such improvement, show-
28 ing separately the cost:
- 29 a. Of levees, if any.
 - 30 b. Of main ditches.
 - 31 c. Of laterals or drains.
 - 32 d. Of pumping plants, if any.
 - 33 e. Of engineering, inspection and supervision of construction, and
34 administrative expenses.

[C. C. 4837, modified.]

Sec. 14. Procedure on Report of Engineer.

1 Upon the filing of the report of the engineer recommending the
2 establishment of the levee or drainage district, the board shall at its
3 first regular, adjourned or special meeting examine and consider the
4 same, and, if the plan is not approved, the board may employ said
5 engineer or another engineer to report another plan or make additional
6 examination and surveys and file an additional report covering such
7 matters as the board may direct. Additional surveys and reports must
8 be made in accordance with the provisions of sections twelve (12) and
9 thirteen (13) hereof. At any time prior to the final adoption of the
10 plans they may be amended, and as finally adopted by the board shall
11 be conclusive unless the action of the board in finally adopting them
12 shall be appealed from as hereinafter provided.

[C. C. 4838.]

Sec. 15. Notice of Hearing.

1 When any plan and report of the engineer has been approved by
2 the board such approval shall be entered of record in its proceedings
3 as a tentative plan only for the establishment of said improvement.

4 Thereupon it shall enter an order fixing a date for the hearing upon
5 the petition not less than forty (40) days from the date of the order
6 of approval and directing the auditor immediately to cause notice to
7 be given to the owner of each tract of land or lot within the proposed
8 levee or drainage district as shown by the transfer books of the
9 auditor's office, including railway companies having right of way in
10 the proposed district and to each lienholder or encumbrancer of any
11 land within the proposed district as shown by the county records and
12 also to all other persons whom it may concern including actual occu-
13 pants of the land in the proposed district, without naming individuals,
14 of the pendency and prayer of the said petition, the favorable report
15 thereon by the engineer, and that such report may be amended before
16 final action, the approval thereof by the board as a tentative plan and
17 the day and the hour set for hearing on said petition and report and
18 that all claims for damages except claims for land required for right of
19 way; and all objections to the establishment of said district for any
20 reason must be made in writing and filed in the office of the auditor not
21 less than five (5) days before the time set for such hearing.

[C. C. 4838.]

Sec. 16. Service by Publication.

1 The notice provided in the preceding section shall be served, except
2 as otherwise hereinafter provided, by publication thereof once each
3 week for two (2) consecutive weeks in some newspaper of general cir-
4 culation published in the county, the last of which publications shall
5 be not less than twenty (20) days prior to the day set for hearing of
6 the said petition. Proof of such service shall be made by affidavit of
7 the publisher, and be on file with the auditor at the time the hearing

8 begins. In addition to the foregoing, three (3) of said notices shall
9 be posted in public places for a period of not less than twenty (20)
10 days prior to said hearing, two (2) of which shall be posted within
11 the proposed district and one (1) at some public place in the court-
12 house of the county in which such district is located, proof of which
13 shall be, by affidavit of the person or persons who posted them, filed
14 in the office of the auditor.

[C. C. 4838, modified.]

Sec. 17. Service of Notice on Agent.

1 If any person, corporation or company owning or having interest
2 in any land affected by the proposed improvement shall file with the
3 auditor an instrument in writing designating the name and postoffice
4 address of his or its agent upon whom service of notice of said pro-
5 ceeding shall be made, the auditor shall, not less than twenty (20)
6 days prior to the date set for hearing upon said petition, send a copy of
7 said notice by registered mail addressed to the agent so designated.
8 Proof of such service shall be made by affidavit of the auditor filed by
9 him in said proceeding at or before the date of the hearing upon the
10 petition, and such service shall be in lieu of all other service of notice
11 to such persons, corporations or companies.

[C. C. 4838.]

Sec. 18. Personal Service of Notice.

1 In lieu of publication, personal service of said notice may be made
2 upon any owner of land in the proposed district, or upon any lien-
3 holder or other person interested in the proposed improvement, in the
4 manner and for the time required for service of original notices in the
5 district court. Proof of such service shall be on file with the auditor on

6 the date of said hearing.

[C. C. 4838, modified.]

Sec. 19. Waiver of Notice—Appearance.

1 No service of notice shall be required upon any person who shall
2 file with the auditor a statement in writing, signed by him, waiving
3 notice, or who enters an appearance in the proceedings. The filing of
4 a claim for damages or objections to the establishment of said district
5 or other pleading shall be deemed an appearance.

[C. C. 4838, modified.]

Sec. 20. Failure to File Claim or Objections—Waiver.

1 Any person, company or corporation failing to file any claim for
2 damages or objections to the establishment of the district at least five
3 (5) days before the time fixed for said hearing, except claims for land
4 required for right of way, shall be held to have waived all objections
5 and claims for damages. The board may extend the time, not later
6 than the date fixed for the hearing, for filing such claim upon proper
7 showing that the person making the same was prevented by casualty,
8 misfortune or unavoidable circumstances from filing the same within
9 such time.

[C. C. 4839, modified.]

Sec. 21. Adjournment for Service on Omitted Parties.

1 If at the date set for hearing, it shall appear that any person
2 entitled to notice has not been properly served with notice, the board
3 may postpone said hearing and set another time for the same not less
4 than thirty (30) days from said date, and notice of such hearing shall
5 be served on such omitted parties. By fixing such new date for hear-
6 ing and the adjournment of said proceeding to said date, the board

7 shall not lose jurisdiction of the subject matter of said proceeding nor
8 of any parties already served with notice.

[C. C. 4838.]

Sec. 22. Hearing of Petition—Dismissal—When.

1 At the time set for hearing on said petition the board shall pro-
2 ceed to hear and determine the sufficiency of the petition in form and
3 substance, which petition may be amended at any time before final
4 action thereon, and all objections filed against the establishment of
5 such district, and the board may view the premises included in the
6 said district. If it shall find that such levee or drainage district would
7 not be for the public benefit or utility nor conducive to the public
8 health, convenience or welfare, it shall dismiss the proceedings.

[C. C. 4840.]

Sec. 23. May Establish or Not—When.

1 If the board shall find that said petition complies with the require-
2 ments of law in form and substance and that such improvement will
3 be conducive to the public health, convenience, welfare, benefit or
4 utility, and no claim shall have been filed for damages, it may locate
5 and establish the said district in accordance with the recommendations
6 of the engineer and the report and plans on file, and appoint three (3)
7 commissioners as provided in the next section to assess the value of
8 all right of way required for open ditches, or it may refuse to estab-
9 lish the proposed district if it deem best, or it may direct the engineer
10 or another one employed for that purpose to make further examination,
11 surveys, plats, profiles and reports for the modification of the said
12 plans or for new plans in accordance with sections twelve (12) and
13 thirteen (13) of this act, and continue further hearing to a fixed date

14 of which all parties of which the board then has jurisdiction have
15 notice, but any new parties rendered necessary by any modification or
16 change of plans shall be served with notice as for the original estab-
17 lishment of a district.

[C. C. 4840, modified.]

Sec. 24. **Commissioners to Assess Damages.**

1 If the board shall find that such improvement will be conducive
2 to the public health, convenience, welfare, benefit or utility, and that
3 the law has been substantially complied with as to form and substance
4 of the petition, the service of notice and the survey and report of the
5 engineer, and that said improvement should be made, then if any
6 claims for damages shall have been filed, further proceedings shall be
7 continued to an adjourned, regular or special session, the date of which
8 shall be fixed at the time of adjournment and of which all interested
9 parties shall take notice, and the auditor shall appoint three (3) com-
10 missioners to assess damages, one (1) of whom shall be an engineer,
11 and two (2) freeholders of the county who shall not be interested in
12 nor related to any person interested in the proposed improvement, and
13 the said commissioners shall take and subscribe an oath to examine
14 the said premises, ascertain and impartially assess all damages and
15 value of right of way for open ditches according to their best judg-
16 ment, skill and ability.

[C. C. 4840.]

Sec. 25. **Assessment of Damages—Report.**

1 Such commissioners shall examine the claim for damages of each
2 claimant and shall view the premises and ascertain the amount to
3 which each claimant is entitled, and the value of any right of way re-

4 quired for open ditches, and shall file a written report in the office of the
5 auditor not less than five (5) days before the date fixed by the board
6 to hear and determine the same, which report shall show the following
7 particulars:

8 1. The acreage taken for right of way in each separately owned
9 tract, as shown by the plat of the engineer, the valuation thereof, the
10 name of the owner, and the aggregate amount awarded for right of
11 way.

12 2. The amount of damages allowed any claimant on account of
13 the taking of right of way in addition to the value of the land so taken
14 from such owner, and the aggregate amount of all such damages.

15 3. The amount of damages awarded each other claimant, none of
16 whose land is taken for right of way, and the aggregate amount of
17 all such damages.

18 Should the report not be filed in the time required, the board may
19 extend the time for filing said report and postpone the time for final
20 hearing, of which all parties in interest shall take notice. If for any
21 reason any commissioner shall not act, the auditor may appoint
22 another, but one (1) of such commissioners shall be a registered civil
23 engineer.

[C. C. 4841, modified.]

Sec. 26. Award of Damages by Board—Dismissal or Final Establishment.

1 At the time fixed for hearing and after the filing of the report of
2 the commissioners, the board shall proceed to examine said report and
3 determine the amount of damages and compensation due each claim-
4 ant, and may hear evidence thereon, both for and against each claim
5 for damages and compensation, and all parties in interest shall be

6 entitled to be represented by counsel if they desire, or, may represent
7 themselves, and after the introduction of all evidence and arguments
8 by counsel or claimants the board shall determine the amount of dam-
9 ages and compensation due each claimant, and may affirm, increase or
10 diminish the amount awarded by the commissioners. The board shall
11 at said meeting, or at an adjourned session thereof, consider the costs
12 of construction of said improvement as shown by the reports of the
13 engineer and the amount of damages and compensation awarded to all
14 claimants, and, if in its opinion, such costs of construction and amount
15 of damages awarded create a greater burden than should justly be
16 borne by the lands benefited by the improvement, it shall then dis-
17 miss the petition and assess the costs and expenses to the petitioners
18 and their bondsmen, but if it finds that such cost and expense is not a
19 greater burden than should be justly borne by the land benefited by
20 the improvement, it shall finally and permanently locate and establish
21 said district and improvement.

[C. C. 4841.]

Sec. 27. Damages and Compensation—By Whom Paid.

1 The amount of damages or compensation finally determined in
2 favor of any claimant shall be paid in the first instance by the parties
3 benefited by the said improvement or secured by bond in double the
4 amount of such damages or compensation with sureties approved by
5 the auditor.

[C. C. 4842, modified.]

Sec. 28. Division Into Sections.

1 After the damages as finally fixed shall have been paid or se-
2 cured, the board shall divide said improvement into suitable sections,

3 having regard to the kind of work to be done, numbering the same
4 consecutively from outlets to the beginning, and prescribing the time
5 within which the improvement shall be completed.

[C. C. 4842.]

Sec. 29. Supervising Engineer—Bond.

1 Upon the payment or securing of damages the board shall ap-
2 point a competent registered civil engineer to have charge and super-
3 vision of the construction work, who shall give bond in the sum of five
4 thousand dollars (\$5,000.00) if the estimated cost of said improvement
5 does not exceed one hundred thousand dollars (\$100,000.00), and if it
6 exceeds one hundred thousand dollars (\$100,000.00), then such bond
7 shall be for ten thousand dollars (\$10,000.00), conditioned for the
8 faithful and competent discharge of his duties as such supervising
9 engineer, which bond shall run to the county for the benefit of said
10 district and all parties interested therein, and said district or any
11 parties interested in said improvement may recover on said bond such
12 damages as they may sustain growing out of any malfeasance in office,
13 incompetency or neglect of such supervising engineer.

[C. C. 4842, modified.]

Sec. 30. Additional Surveys—Contour Map and Plat.

1 Before letting the contract for the work, an engineer employed
2 by the board shall:

3 1. From the field notes, maps, plats, profiles and reports of the
4 engineer on file with the auditor, and from such additional surveys as
5 shall be necessary, make in accordance with the provisions of sections
6 twelve (12) and thirteen (13) hereof, a suitable contour map and plat
7 of the district, showing the levels and elevations above the datum plane

8 of each forty (40) acre tract, with reference to the main ditches and
9 laterals. Said contour map and profile shall show the matters required
10 by section thirteen (13) hereof, and any changes made by the board.

11 2. Make a cross section and construction survey and plat and pro-
12 file of the levees and ditches by stations of not greater length than one
13 hundred (100) feet each, located and numbered as required by section
14 thirteen (13) hereof, and at each station set stakes marking the cen-
15 ter lines and edges of levees and ditches, and in the case of drains set
16 such station stakes, marking the center line thereof. There shall be
17 marked on said stakes, in plain figures, the height of fill or depth of
18 cut, as the case may be, for levees and ditches, and distance from the
19 center to the edge, and in case of drains, the depth at which they are
20 to be laid.

[C. C. 4841, modified.]

Sec. 31. Reports and All Other Documents Belong to District.

1 All reports, maps, plats, profiles, contour maps, field notes and
2 other documents pertaining to said matters, including all schedules,
3 and memoranda relating to assessment of damages and benefits, shall
3 belong to the district to which they relate, remain on file in the office
4 of the county auditor, and be matters of permanent record of drainage
5 proceedings.

[C. C. 4837, modified.]

Sec. 32. Advertisement for Bids.

1 The board shall cause notice to be given by publication once each
2 week for two (2) consecutive weeks in some newspaper published in
3 the county wherein such improvement is located, and such additional
4 advertisement and publication elsewhere as it may direct, of the time

5 and place of letting the work of construction of said improvement, spe-
6 cifying the approximate amount of work to be done in each numbered
7 section of the district, the time fixed for the commencement and com-
8 pletion thereof, that bids will be received on the entire work and in
9 sections or divisions thereof, and that each bidder will be required to
10 deposit with his bid a certified check payable to the auditor or his
11 order in an amount equal to ten per cent (10%) of his bid. When the
12 estimated cost of the improvement exceeds fifteen thousand dollars
13 (\$15,000.00), the board shall make additional publication of such no-
14 tice for two (2) consecutive weeks in some contractors' journal of gen-
15 eral circulation. All notices shall fix the date to which bids will be
16 received and upon which said work will be let.

[C. C. 4843, modified.]

Sec. 33. Bids—Letting of Work.

1 Bids shall be received as to the numbered sections of main ditches
2 and each of the laterals. The board shall exercise its discretion as to
3 letting such work for the construction of main ditches and the laterals
4 as a whole or separately by sections or any combination of sections or
5 any combination of laterals with any sections or combination of sec-
6 tions, but shall award the contract or contracts to the lowest respon-
7 sible bidder or bidders. When the contract or contracts are so let as
8 to secure the performance of the whole work at the least cost to the
9 district, the same shall be deemed to be let to the lowest bidder or
10 bidders. If it appears to the board that the bids are unreasonable and
11 that said work could be done at a substantially less amount than the
12 bids received, it may reject all such bids and readvertise as before.

[C. C. 4843.]

Sec. 34. Manner of Making Bids—Deposit.

1 Each bid shall be in writing specifying the portion of the work
2 upon which the bid is made, and filed with the auditor, accompanied
3 with a deposit of a certified check in a sum equal to ten per cent (10%)
4 of the amount of the bid, but in any event not to exceed ten thousand
5 dollars (\$10,000.00). The checks of unsuccessful bidders shall be re-
6 turned to them, but the checks of successful bidders shall be held as a
7 guarantee that they will enter into contract in accordance with their
8 bids.

[C. C. 4843, modified.]

Sec. 35. Bond of Successful Bidder—Return of Check.

1 Each successful bidder shall be required to execute a bond with
2 sureties approved by the auditor in favor of the county for the use
3 and benefit of the levee or drainage district and all persons entitled
4 to liens for labor or material in an amount not less than twenty-five
5 per cent (25%) of the contract price of the work to be done, condi-
6 tioned for the timely, efficient and complete performance of his con-
7 tract, and the payment, as they become due, of all just claims for
8 labor performed and material used in carrying out said contract.
9 When such contract is executed and bond approved by the board, the
10 certified check deposited with the bid shall be returned to the bidder.

[C. C. 4843, modified.]

Sec. 36. Contracts for Work and Materials.

1 All agreements and contracts for work or materials in construct-
2 ing the improvements of such district shall be in writing, signed by
3 the chairman of the board of supervisors for and on behalf of the
4 district and the parties who are to perform the work or furnish the

5 materials specified in such contract. Such contract shall specify the
6 particular work to be done or materials to be furnished, the time when
7 it shall begin and when it shall be completed, the amount to be paid
8 and the times of payment, with such other terms and conditions as
9 to details necessary to a clear understanding of the terms thereof.

[New.]

Sec. 37. Commissioners to Classify and Assess.

1 When a levee or drainage district shall have been located and
2 finally established and the contracts for construction let, or when the
3 required proceedings have been taken to enlarge, deepen, widen,
4 change or extend any of the ditches, laterals or drains of such dis-
5 trict, or the required proceedings have been had to annex additional
6 lands to such district, the board shall appoint three (3) commissioners
7 to assess benefits and classify the lands affected by such improvement.
8 One (1) of such commissioners shall be a competent, registered civil
9 engineer and two (2) of them shall be resident freeholders of the
10 county in which the district is located, but not living within, nor in-
11 terested in any lands included in, said district, nor related to any
12 party whose land is affected thereby. The commissioners shall take
13 and subscribe to an oath of their qualifications and to perform the
14 duties of classification of said lands, fix the percentages of benefits
15 and apportion and assess the costs and expenses of constructing the
16 said improvement according to law and their best judgment, skill and
17 ability. If said commissioners or any of them fail or neglect to act
18 or perform the duties in the time and as required of them by law, the
19 board shall appoint others with like qualifications to take their places
20 and perform said duties.

[C. C. 4851.]

Sec. 38. Duties of Commissioners—Time for Performance.

1 At the time of appointing said commissioners, the board shall
2 fix the time within which said assessment, classification and appor-
3 tionment shall be made, which may be extended for good cause shown.
4 Within twenty (20) days after their appointment, they shall begin
5 to inspect and classify all the lands within said district or any change.
6 extension, enlargement or relocation thereof in tracts of forty (40)
7 acres, or less if separately owned, in a graduated scale of benefits to
8 be numbered according to the benefit to be received by each of such
9 tracts from such improvement, and pursue said work continuously
10 until completed and, when completed, shall make a full, accurate and
11 detailed report thereof and file the same with the auditor. The lands
12 receiving the greatest benefit shall be marked on a scale of one hun-
13 dred (100) and those benefited in a less degree with such percentage
14 of one hundred (100) as the benefits received bear in proportion there-
15 to. They shall also make an equitable apportionment of the costs,
16 expenses, fees and damages computed on the basis of the percentages
17 fixed.

[C. C. 4851, modified.]

Sec. 39. General Rules for Classification.

1 In making the classification, apportionment of costs and expenses,
2 and assessment of benefits, the commissioners shall observe the fol-
3 lowing general rules:

4 1. No tract of land shall be assessed for benefits which will not
5 be benefited by the improvement.

6 2. No tract or body of land shall be assessed a greater amount
7 than the benefit such land shall receive from the improvement.

8 3. The assessment of each tract or body of land shall be in a just
9 proportion to the benefits to be received by it from the improvement.

10 4. When any individually owned tract is separated from the main
11 ditch or a lateral by the land of another, in assessing benefits to such
12 separately owned tract, they shall take into consideration the prob-
13 able expense of procuring right of way and constructing a ditch or
14 drain to the main ditch or lateral in order to secure drainage for such
15 separated tract.

16 5. In the assessment of benefits no consideration shall be given
17 to any benefits by virtue of any public improvements then existing
18 or which may thereafter be made in addition to those about to be con-
19 structed.

20 6. They shall take into consideration the elevation of each forty
21 (40) acre tract or separately owned tract of less acreage above the
22 main ditches and the laterals, the proximity or remoteness of each
23 tract from the main ditch or any lateral, and whether or not any
24 particular tract or portion thereof has drainage, either partial or com-
25 plete, without such improvement, and the probable expense each owner
26 will be compelled to incur in order to secure drainage after the im-
27 provement is constructed.

[C. C. 4851, modified.]

Sec. 40. Basis of Assessment for Lateral Ditches and Drains.

1 In fixing the percentages and assessment of benefits and appor-
2 tionment of costs of construction on lands benefited by lateral ditches
3 and drains as a part of the entire improvement to be made in a drain-
4 age district, the commissioners shall ascertain and fix the percentage
5 of benefits and apportionment of costs to the lands benefited by such

6 lateral ditches on the same basis and in the same manner as if said
7 lateral was, with its sublaterals, being constructed as a subdistrict as
8 provided in this chapter, reporting separately:

9 1. The percentage of benefits and amount each forty (40) acre
10 tract, or less if separately owned, benefited by such lateral improve-
11 ment shall be assessed for the construction of the main ditch, drain
12 or watercourse, including pumping plant, if any.

13 2. The percentage of benefits and amount each tract benefited
14 by such lateral improvement shall be assessed for the cost of such
15 lateral improvement, and the lands which alone are benefited by such
16 lateral improvement shall bear all the costs thereof in proportion to
17 the benefits derived therefrom.

18 In fixing such percentage of benefit and apportionment of costs,
19 the lateral with its sublaterals shall be considered and treated as a
20 whole, but the commissioners so far as practicable shall assess the
21 cost of all lateral and sublateral improvements to the lands alone bene-
22 fited by such lateral and sublateral improvement.

[C. C. 4851, 4871, modified.]

Sec. 41. Assessment of Railroad Property—Collection.

1 The commissioners to assess benefits and make apportionment
2 of costs and expenses shall determine and assess the benefits to the
3 property of any railroad company extending into or through the levee
4 or drainage district as other property and make return thereof show-
5 ing the percentage of benefit and the apportionment of costs and ex-
6 penses of construction. Such assessment when finally fixed by the
7 board shall constitute a debt due from the railroad company to the
8 district, and unless paid it may be collected by ordinary proceedings

9 for the district in the name of the county in any court having juris-
10 diction. All other proceedings in relation to assessments and bene-
11 fits shall be the same as provided for individual property owners
12 within the levee or drainage district.

[C. C. 4858.]

Sec. 42. Public Highway—Assessment of Benefits.

1 When any public highway extending into or through a levee or
2 drainage district will be benefited by the construction and improve-
3 ment thereof, the commissioners appointed to classify and assess bene-
4 fits shall ascertain and return in their report the percentage of benefit
5 and apportionment of costs and expenses to any such highway.

[C. C. 4859.]

Sec. 43. Report of Commissioners to Classify.

1 The commissioners, within the time fixed or as extended, shall
2 make and file in the auditor's office a written verified report in tabu-
3 lated form as to each forty (40) acre tract, and each separately owned
4 tract of less than forty (40) acres, setting forth:

5 1. The names of the owners thereof as shown by the transfer
6 books of the auditor's office or the reports of the engineer on file,
7 showing said entire classification of lands in said district.

8 2. Specifying the percentage of benefits to each of said tracts
9 and the apportionment and amount of assessment of cost and expense
10 against each:

11 a. For main ditches.

12 b. For laterals.

13 3. The aggregate amount of all assessments.

[C. C. 4851, modified.]

Sec. 44. Notice—Hearing as to Assessment.

1 The board shall fix a time for a hearing upon the report of the
2 commissioners, and the auditor shall cause notice to be served upon
3 each person whose name appears as owner, and also upon the person
4 or persons in actual occupancy of any tract of land, of the day and
5 hour of such hearing, which notice shall be for the same time and
6 served in the same manner as is provided for the establishment of a
7 levee or drainage district, and shall state the percentage of benefits
8 and the amount of assessment of costs and expenses of construction
9 apportioned to each owner upon each separately owned tract, and
10 that all objections thereto must be in writing and filed with the au-
11 ditor at or before the time set for such hearing. At the time fixed for
12 hearing, the board shall hear and determine all objections filed to
13 said report and shall fully consider the said report, and may affirm,
14 increase or diminish the percentage of benefits or the apportionment
15 of costs and expenses made in said report against any body or tract
16 of land in said district as may appear to the board to be just and
17 equitable.

[C. C. 4851.]

Sec. 45. Evidence—Argument—Levy.

1 At such hearing, the board may hear evidence both for and
2 against the approval of said report or any portion thereof, but it shall
3 not be competent to show that any of the lands in said district as-
4 sessed for benefits or against which an apportionment of costs and
5 expenses has been made will not be benefited by such improvement
6 in some degree. Any interested party may be heard in argument by
7 himself or counsel. The board shall cause notice to be served upon

8 the owner of any tract of land against which it is proposed to increase
9 the assessment, requiring him to appear at a fixed date, not less than
10 ten (10) nor more than twenty (20) days from the date of service,
11 and show cause why such assessment should not be so increased, which
12 notice shall be served in the same manner as an original notice upon
13 residents of the county or counties in which the district is located, and
14 upon nonresidents of the county or counties by service on any tenant
15 or occupant of the land affected, and upon any agent of any railroad
16 company affected. When the board has finally determined the mat-
17 ter of assessments of benefits and apportionment, it shall levy such
18 assessments as fixed by it upon the lands within such district, and
19 all assessments shall be levied at that time as a tax and shall bear in-
20 terest at six per cent (6%) per annum from that date, payable an-
21 nually, except as hereinafter provided as to cash payments thereof
22 within a specified time.

[C. C. 4851, modified.]

Sec. 46. Record of Drainage Taxes—Separate Fund.

1 All drainage tax assessments shall be entered in the drainage
2 record of the district to which they apply and also upon the tax rec-
3 ords of each county, and when they are paid entry of such payment
4 shall be made both upon such drainage record and the tax record of
5 the county.

6 All drainage tax assessments shall become due and payable at
7 the same time as other taxes and shall be collected in the same manner
8 with the same penalties for delinquency and the same manner of en-
9 forcing collection by tax sales.

10 Such taxes when collected shall be kept in a separate fund known

11 as the drainage fund of the district to which they belong, and shall
12 be paid out only for purposes properly connected with and growing
13 out of the drainage improvement of such district and on order of the
14 board.

[C. C. 4874, modified.]

Sec. 47. Payment of Assessments Before Bond or Certificate Issue.

1 All assessments for benefits, as corrected and approved by the
2 board, shall be levied at one time against the property benefited, and
3 when levied and certified by the board, shall be payable at the office
4 of the county treasurer. Each person or corporation shall have the
5 right, within twenty (20) days after the levy of assessments, to pay
6 his or its assessment in full without interest, and before any improve-
7 ment certificate or drainage bond is issued therefor.

[C. C. 4874.]

Sec. 48. Installment Payments—Waiver.

1 If the owner of any premises against which a levy has been made
2 and certified shall, within thirty (30) days from the date of such levy,
3 agree in writing indorsed upon such certificate or in a separate agree-
4 ment, that in consideration of having a right to pay his assessment
5 in installments, he will not make any objection as to the legality of
6 his assessment for benefit, or the levy of the taxes against his prop-
7 erty, but will pay such assessment and taxes, then such owner shall
8 have the following options as to such payments:

9 1. One-third ($\frac{1}{3}$) of the amount of such assessment at the time
10 of filing such agreement; one-third ($\frac{1}{3}$) within ten (10) days after
11 the engineer in charge shall certify to the auditor that the improve-
12 ment is one-half ($\frac{1}{2}$) completed; and the remaining one-third ($\frac{1}{3}$)

13 within ten (10) days after the improvement has been completed and
14 accepted by the board. All such installments shall be without interest
15 if paid at said times, otherwise said assessments shall bear interest
16 from the date of the levy at the rate of six per cent (6%) per annum,
17 payable annually, and be collected as other taxes on real estate, with
18 like penalty for delinquency.

19 2. When such assessment exceeds twenty dollars (\$20.00) in the
20 aggregate, it may be paid in not less than ten (10) nor more than
21 twenty (20) equal installments, the first of which shall mature and
22 be payable on the date of the levy, and the others at the same time as
23 the March semiannual payment of ordinary taxes; and all such de-
24 ferred installments shall bear interest at such rate as the board may
25 fix not to exceed six per cent (6%) per annum.

[C. C. 4851, 4874.]

Sec. 49. Deferred Installments—When Lien Attaches.

1 No deferred installment of the amount assessed as between vendor
2 and vendee, mortgagor and mortgagee shall become a lien upon the
3 property against which it is assessed and levied until the thirty-first
4 day of December of the year next preceding that in which it is due
5 and payable.

[C. C. 4851.]

Sec. 50. Subdrainage District—How Established.

1 After the establishment of a drainage district, any person own-
2 ing land within such district which has been assessed for benefits,
3 but which is separated from the main ditch, drain or watercourse for
4 which it has been so assessed, by the land of others, who desires a
5 ditch or drain constructed from his land across the land of such others

6 in order to connect with the main ditch, drain or watercourse, and
7 shall be unable to agree with such intervening owners on the terms
8 and conditions on which he may enter upon their lands and cause to
9 be constructed such connecting drain or ditch, may proceed in the
10 manner provided in the next section. Such connecting ditch or drain
11 which he shall cause to be constructed shall be presumed conducive
12 to the public health, welfare, convenience and utility the same as if
13 it had been so constructed as a part of the original improvement of
14 said district.

[C. C. 4871.]

Sec. 51. Proceedings for Establishing a Subdrainage District.

1 Any person owning land situated as described in the preceding
2 section may file a petition with the auditor asking the board to estab-
3 lish a subdrainage district within the limits of the original district
4 for the purpose of securing more complete drainage. Such petition
5 shall describe the lands affected thereby by congressional divisions,
6 metes and bounds, or other intelligible description, giving the names
7 of the owners of such lands, and describe the starting point and ter-
8 minus of such ditch or drain which he desires constructed and the
9 course it will take through the lands of such intervening owners. He
10 shall also file a bond with said petition conditioned and with sureties
11 as provided in this chapter for the original establishment of a district,
12 and thereafter all other proceedings as to hearings, assessment of
13 damages, assessment of benefits and apportionment of costs to lands
14 within such subdrainage district shall be in all respects as in this
15 chapter provided for the establishment, formation and construction
16 of original districts and the improvements thereof. When such sub-

17 district has been established and constructed it shall become and be
18 a part of the improvement of such drainage district as a whole and
19 be under the control and supervision of the board to the same extent
20 and in every way as if it had been a part of the original improvement
21 of such district.

[C. C. 4871.]

Sec. 52. Reclassification Generally.

1 After a drainage district has been established and the improve-
2 ments thereof constructed and put in operation, if the board or boards
3 shall find that the original assessments are not equitable as a basis
4 for drainage taxes either for the original construction or for the ex-
5 penses of any enlargement, extension or repair thereof which may
6 have become necessary, they shall order a new classification of all the
7 lands in said district by resolution, and appoint three (3) commis-
8 sioners, one (1) of whom shall be a civil engineer with qualifications
9 as provided in this chapter and two (2) of whom shall be resident
10 freeholders of the county not living within any township into which
11 the improvement extends, and not interested therein nor related to
12 any party whose land is affected thereby, who shall be duly sworn
13 as hereinbefore provided for such commissioners.

[C. C. 4863, 4864.]

Sec. 53. Rules Governing Reclassification.

1 The proceedings for such reclassification shall in all particulars
2 be governed by the same rules as for original classification. The
3 commissioners shall fix the percentage of actual benefits and make
4 an equitable apportionment of the costs and expenses of construction,
5 enlargement, extension or repair, as the case may be, without regard

6 to any former classification, and file a report thereof with the auditor
7 in the same form and manner as for original classification. There-
8 after all the proceedings in relation thereto as to notice, hearing and
9 fixing of percentage of benefits and amount of assessments shall be
10 as in this chapter provided in relation to original classification and
11 assessments, and at such hearing the board may affirm, increase or
12 diminish the percentage and assessment of benefits and apportion-
13 ment of costs and expenses so as to make them just and equitable, and
14 cause the record of the original classification, percentage of benefits
15 and assessments to be modified accordingly.

[C. C. 4863, 4864.]

Sec. 54. Drainage Warrants Received for Taxes.

1 Warrants drawn upon the funds of any district shall be accepted
2 by the treasurer in payment of assessments levied upon any lands in
3 that district owned by the person to whom the said warrants were
4 issued, and when the amount of the warrant exceeds the amount of
5 the assessment, the treasurer shall cancel the said warrant, and give
6 the holder thereof a certificate for the amount of such excess, which
7 certificate shall be filed with the auditor, who shall issue a warrant
8 for the amount of such excess, and charge the treasurer therewith.
9 Such certificate is transferable by indorsement, and will entitle the
10 holder to the new warrant, made payable to his order, and bearing
11 the original number, preceded by the words, "Issued as unpaid bal-
12 ance due on warrant number".

[C. C. 4853.]

Sec. 55. Warrants Unpaid—Calls—Payment.

1 All warrants drawn upon the funds of any drainage district,

2 which can not be paid for want of funds, shall bear interest at the
3 rate of six per cent (6%) per annum, payable annually, from and
4 after the date of presentation thereof to the treasurer. The treasurer
5 shall indorse such warrants "Not paid for want of funds", keep a
6 record of the same, together with the name and postoffice address of
7 the holder, issue calls for outstanding warrants at such times as he
8 may have funds to pay the same, and pay such warrants under the
9 same procedure as is provided by law in relation to county warrants
10 generally. No additional presentation of warrants shall be required
11 to entitle the holder to interest on overdue annual interest.

[C. C. 4845.]

Sec. 56. Assignee to Notify Treasurer—Name and Address.

1 When such drainage warrant shall be assigned and transferred
2 after having been so indorsed by the treasurer, the assignee thereof
3 shall notify the treasurer of such assignment, giving the treasurer his
4 name and postoffice address; and upon receipt of such notice by the
5 treasurer he shall make a memorandum in the record kept of such
6 warrant, showing the name and address of each successive assignee
7 or holder.

[C. C. 4846.]

Sec. 57. Call Mailed to Owner—Interest to Cease.

1 When the treasurer shall have funds on hands to pay any such
2 warrant or warrants, he shall, in addition to the call provided by law
3 for calling for payment of county warrants generally, mail a written
4 notice of such call to the then holder thereof as shown by his said
5 record, and shall make a record of the date of mailing such notice, and
6 at the expiration of thirty (30) days thereafter if such warrants are

7 not presented for payment interest thereon shall cease.

[C. C. 4847.]

Sec. 58. Improvement Certificates.

1 The board may provide by resolution for the issuance of improve-
2 ment certificates payable to bearer or to the contractors, naming them,
3 who have constructed the said improvement or completed any part
4 thereof in payment or part payment of such work.

[C. C. 4874.]

Sec. 59. Certificates Negotiable—What to Contain.

1 Each of such certificates shall state the amount of one (1) or
2 more drainage assessments or part thereof made against the property
3 designating it and the owner thereof liable for the payment of such
4 assessments. Said certificates shall be negotiable and transfer to the
5 bearer all right and interest in and to the tax in every such assess-
6 ment or part thereof described in such certificates, and shall author-
7 ize such bearer to collect and receive every assessment embraced in
8 said certificate by or through any of the methods provided by law
9 for their collection as the same mature.

[C. C. 4874.]

Sec. 60. Interest on Certificates.

1 Such certificates shall bear interest not to exceed six per cent
2 (6%) per annum, payable annually, and shall be paid by the taxpayer
3 to the county treasurer, who shall receipt for the same and cause the
4 amount to be credited on the certificates issued therefor.

[C. C. 4874.]

Sec. 61. Certificate Negotiable at Par—Payable at Any Date.

1 Any person shall have the right to pay the amount of his assess-

2 ment represented by any outstanding improvement certificate together
3 with the interest thereon, to the date of such payment, at any time.
4 No improvement certificate shall be issued or negotiated for the use
5 of the drainage district for less than par value with accrued interest
6 up to the delivery or transfer thereof. Every such certificate, when
7 paid, shall be delivered to the treasurer and by him surrendered to
8 the party to whose assessment it relates.

[C. C. 4874.]

Sec. 62. Drainage Bonds—When Issued.

1 When the cost and expenses of establishing and improving any
2 levee or drainage district will create assessments against the land in-
3 cluded therein greater than should be levied in a single year upon
4 the lands benefited by such improvement, then, instead of issuing
5 improvement certificates, as provided in this chapter, the board may
6 fix the amount that shall be levied and collected each year until such
7 cost and expenses are paid, and may issue drainage bonds of the county
8 covering all assessments exclusive of assessments of twenty dollars
9 (\$20.00) and less.

[C. C. 4875.]

Sec. 63. Amount—Maturity—Rate of Interest.

1 Such bonds shall not be issued for a greater amount than the
2 aggregate amount of assessments for the payment of which they are
3 issued, nor for a longer period of maturity than fifteen (15) years,
4 and bear a rate of interest not to exceed six per cent (6%) per annum,
5 payable semiannually, on June first and November first of each year.

[C. C. 4875.]

Sec. 64. Sale or Application Not Less Than Par—Premium.

1 Such bonds may be applied at par with accrued interest to the
2 payment of work as it progresses upon the improvements of the dis-
3 trict, or, the board may sell, through the county treasurer, said bonds
4 at not less than par with accrued interest and devote the proceeds to
5 such payment. Any premium derived from the sale of said bonds
6 shall be credited to the drainage fund of the district.

[C. C. 4875.]

Sec. 65. Right to Pay in Cash—Time Fixed—Minimum.

1 All assessments of twenty dollars (\$20.00) and less shall be paid
2 in cash. The board at the time of making the levy, shall fix a time
3 within which all assessments in excess of twenty dollars (\$20.00)
4 may be paid in cash, and before any bonds are issued, publish notice
5 in an official newspaper in the county where the district is located,
6 of such time. After the expiration of such time, no assessments may
7 be paid except in the manner and at the times fixed by the board in
8 the resolution authorizing the issue of the bonds.

[C. C. 4875, modified.]

Sec. 66. Drainage Bond—What to Contain.

1 Each bond issued shall show expressly upon its face that it is a
2 “Drainage Bond”, the county and district for which it is issued, and
3 that it is to be paid only by taxes for levee or drainage improvement
4 purposes, levied and collected on the lands assessed for benefits within
5 the district for which such bond is issued.

[C. C. 4875.]

Sec. 67. Payable Only Out of Taxes Assessed for Benefits.

1 No taxes shall be levied or collected for the payment of said bonds

2 or the interest thereon on any property outside the said district or on
3 any property not assessed for benefits within such district or out of
4 any other funds or taxes except those arising from the assessment
5 and levy of drainage taxes.

[C. C. 4875.]

Sec. 68. Amount—Maturity—Interest—Highway Benefits.

1 The board shall fix the amount, maturity and interest of all bonds
2 to be issued. It shall determine the amount of assessments to high-
3 ways for benefits within the district to be covered by each bond issue.
4 The taxes levied for benefits to highways within any drainage or
5 levee district shall be in addition to all other taxes authorized by law,
6 and shall be paid by the county in case of primary and county high-
7 ways, and by the township in case of township highways, at the same
8 times and in the same proportion as assessments against the lands
9 of private owners.

[C. C. 4875, modified.]

Sec. 69. Appeals From Final Actions of the Board.

1 Any person aggrieved may appeal from any final action of the
2 board in relation to any matter involving his rights, to the district
3 court of the county in which the proceeding is had resulting in such
4 final order.

[C. C. 4841, 4850, 4854, 4861, 4871, 4883.]

Sec. 70. Appeals in Inter-county Districts.

1 In districts extending into two (2) or more counties appeals from
2 final orders resulting from the joint action of the several boards or
3 the board of trustees of such district may be taken to the district
4 court of any county into which the district extends.

[C. C. 4883, modified.]

Sec. 71. Time and Manner of Taking Appeals.

1 All appeals shall be taken within twenty (20) days after the date
2 of final action or order of the board from which such appeal is taken
3 by filing with the auditor a notice of appeal and designating the court
4 to which the appeal is taken, the order or action appealed from accom-
5 panied by an appeal bond with sureties to be approved by the auditor
6 conditioned to prosecute such appeal to final judgment or decree, to
7 pay all costs adjudged against the appellant and to abide the orders
8 of the court, and stating that the appeal will come on for hearing at
9 the next succeeding term of the court and designating such term.

[C. C. 4841, 4854, 4883.]

Sec. 72. Duty of Auditor—When Appeal Taken.

1 When notice of any appeal with the bond as required by the pre-
2 ceding section shall be filed with the auditor, he shall forthwith make
3 and certify a transcript of the notice of appeal and appeal bond and
4 of the final action or order of the board appealed from, and file the
5 same with the clerk. Such transcript may be amended at any time
6 before trial of the appeal on the request of either party thereto or on
7 order of the court.

[C. C. 4854.]

Sec. 73. Petition on Appeal—Docket Fee—Waiver—Dismissal.

1 Not less than five (5) days before the convening of the next suc-
2 ceeding term of court, the appellant shall file a petition setting forth
3 the order or final action of the board appealed from and the grounds
4 of his objections and his complaint, with a copy of his claim for dam-
5 ages or objections filed by him with the auditor. He shall pay to the
6 clerk the filing and docket fee as provided by law in other cases. A
7 failure to pay the filing and docket fee or to file such petition shall

8 be deemed a waiver of the appeal and in such case the court shall dis-
9 miss the same. It shall not be necessary for the appellees to file an
10 answer to the petition unless some affirmative defense is made there-
11 to, but they may do so.

[C. C. 4841, 4854, 4883.]

Sec. 74. Actions and Appeals—Proper Parties.

1 In all actions or appeals affecting the district, the board of super-
2 visors shall be a proper party for the purpose of representing the dis-
3 trict and all interested parties therein, other than the adversary
4 parties, and the employment of counsel by the board shall be for the
5 purpose of protecting the rights of the district and interested parties
6 therein other than the adversary parties. In all appeals or actions
7 adversary to the district, the appellant or complaining party shall
8 be entitled the plaintiff, and the board of supervisors and drainage
9 district it represents, the defendants, and in all appeals or actions
10 for or in behalf of the district, the board and the drainage district it
11 represents may sue as the plaintiffs.

[C. C. 4854.]

Sec. 75. When Appeals Triable at Law—When in Equity.

1 Appeals from orders or actions of the board fixing the amount
2 of compensation for lands taken for right of way or the amount of
3 damages to which any claimant is entitled shall be tried as ordinary
4 proceedings.

5 Appeals from the final order or action of the board in establish-
6 ing or refusing to establish a drainage district, or enlarging, widen-
7 ing, extending or deepening the levees, ditches or drains of any dis-
8 trict or from the final order fixing the percentage of benefits and mak-

9 ing assessments for benefits and apportionment of costs and expenses
10 in the classification of lands within a drainage district shall be tried
11 as a proceeding in equity.

[C. C. 4841, 4854, 4883.]

Sec. 76. Questions Not Reviewable on Appeal.

1 The action of the board in dismissing a petition for a drainage
2 or levee district and refusing to locate and establish the same on the
3 ground that such improvement would not be conducive to the public
4 benefit, health, convenience, welfare or utility, or on the ground that
5 the cost casts a greater burden on the lands than should in equity be
6 borne by them, shall not be reviewable by the court on appeal.

[C. C. 4841, 4854, 4883.]

Sec. 77. Evidence Not Competent on Appeal.

1 On the trial of an appeal from the action of the board in fixing
2 the percentage of benefits or in assessing the amount of benefits to
3 any land within the district as established, it shall not be competent
4 to show that any lands assessed for benefits within said district as
5 established are not benefited in some degree by the construction of
6 the said improvement.

[C. C. 4841, 4854, 4883.]

Sec. 78. Order of Court as to Damages Found—Duty of Clerk—Cost.

1 If the appeal is from the action of the board as to the amount
2 of damages or compensation awarded, the amount found by the court
3 shall be entered of record, but no judgment shall be rendered therefor.
4 The amount thus ascertained shall be certified by the clerk
5 of said court to the board of supervisors who shall thereafter proceed
6 as if such amount had been by it allowed to the claimant. Unless the

7 result on the appeal is more favorable to the appellant than the action
8 of the board, all costs of the appeal shall be taxed to the appellant,
9 but if more favorable, the cost shall be taxed to the appellees.

[C. C. 4841, 4854.]

Sec. 79. Order of Court on Appeal From Assessment.

1 On appeal from the final action of the board in fixing the per-
2 centages of benefits and assessing the amount of benefits and appor-
3 tioning the costs and expenses, the court may affirm or diminish the
4 percentage and assessment of benefits and the apportionment of costs
5 and expenses of any appellant and make such order as will carry the
6 same into effect and cause any necessary changes in the record there-
7 tofore made.

[C. C. 4841.]

Sec. 80. Decree on Appeal as to Establishing District—Transcript—Costs.

1 On appeal from the action of the board in establishing or refus-
2 ing to establish said district, the court may affirm, modify or revise
3 the action of the board and enter such decree as may be equitable and
4 just in the premises, and the clerk of said court shall certify the
5 decree or order to the board of supervisors which shall proceed there-
6 after in said matter as if such order had been made by the board. The
7 taxation of costs among the litigants shall be in the discretion of the
8 court.

[C. C. 4841.]

Sec. 81. Exclusive Remedy.

1 Upon appeal the decision of the court shall in no manner affect
2 the rights or liabilities of any person who did not appeal. The remedy
3 by appeal provided for in this chapter shall be exclusive of all other

4 remedies.

[C. C. 4894.]

Sec. 82. Reversal by Court—Rescission by Board.

1 In any case where the decree has been entered setting aside the
2 establishment of a drainage district for errors in the proceedings and
3 such decree becomes final, the board shall rescind its order establish-
4 ing the drainage district, assessing benefits, and levying the tax based
5 thereon, and shall also cancel any contract made for construction work
6 or material, and shall refund any and all assessments paid.

[C. C. 4854.]

Sec. 83. Proceedings After Setting Aside for Errors.

1 After the court on appeal has entered a decree revising or modi-
2 fying the action of the board, the board shall fix a new date for hear-
3 ing, and proceed in all particulars in the manner provided for the
4 original establishment of the district, avoiding the errors and irregu-
5 larities for which the original establishment was set aside, and after
6 a valid establishment thereof, proceed in all particulars as provided
7 by law in relation to the original establishment of such districts.

[C. C. 4854.]

Sec. 84. Monthly Estimate—Payment.

1 The supervising engineer shall, on or before the tenth day of each
2 calendar month, furnish the contractor and file with the auditor esti-
3 mates for work done during the preceding calendar month under the
4 contract on each section, and the auditor shall at once draw warrants
5 in favor of such contractor on the drainage funds of the district or
6 deliver to him or them improvement certificates, as the case may be,
7 for eighty per cent (80%) of the estimate on work done. Such month-

8 ly estimates shall remain on file in the office of the auditor as a part
9 of the permanent records of the district to which they relate.

[C. C. 4844.]

Sec. 85. Completion of Work—Report—Notice—Hearing.

1 When the work to be done under any contract is completed to
2 the satisfaction of the engineer in charge of construction, he shall so
3 report and certify to the board, which shall fix a day to consider
4 said report and shall give notice of the time and purpose of such meet-
5 ing by one (1) publication in a newspaper of general circulation pub-
6 lished in the county seat in said county and the date fixed for consid-
7 ering said report shall be not less than five (5) days after the date
8 of such publication.

[C. C. 4782, 4844, modified.]

Sec. 86. Settlement When Work Complete.

1 If it finds the work under any contract has been completed, the
2 board shall compute the balance due, and if there are no liens on file
3 against such balance, it shall enter of record an order directing the
4 auditor to draw a warrant in favor of said contractor upon the levee
5 or drainage fund of said district or deliver to him improvement cer-
6 tificates or bonds, as the case may be, for such balance found to be
7 due, but such warrants, improvement certificates or bonds shall not
8 be delivered to the contractor until the expiration of thirty (30) days
9 after the completion of the work.

[C. C. 4784, 4844, modified.]

Sec. 87. Objections to Report of Completion.

1 Any party interested in the said district or the improvement
2 thereof may file objections to said report and submit any evidence

3 tending to show said report should not be approved.

[C. C. 4784, modified.]

Sec. 88. Abandonment of Work Before Completion—Demand.

1 In case any contractor abandons or fails to proceed diligently and
2 properly with the work before completion, or in case he fails to com-
3 plete the same in the time and according to the terms of the contract,
4 the board shall make written demand on him and his surety to pro-
5 ceed with the work within ten (10) days. Service of said demand
6 may be personal, or by registered mail addressed to the contractor
7 and the surety, respectively, at his place of residence or business, as
8 shown by the records in the auditor's office.

[C. C. 4782, modified.]

Sec. 89. New Contract—Suit on Bond.

1 Unless the contractor or the surety on his bond shall appear and
2 in good faith proceed to comply with the demand, and resume work
3 under the contract within the time fixed, the board shall proceed to
4 let contracts for the unfinished work in the same manner as original
5 contracts, and apply all funds not paid to the original contractor
6 toward the completion of the work, and if not sufficient for such pur-
7 pose, may cause suit to be brought upon the bond of the defaulting
8 contractor for the benefit of the district, and the amount of recovery
9 thereon shall be credited to the district.

[C. C. 4782, modified.]

Sec. 90. Additional Assessment When Funds Insufficient.

1 When it becomes necessary under the two (2) preceding sections
2 to let new contracts for unfinished or abandoned work, and there is
3 not sufficient unexpended funds, with any amount which can be re-

4 covered on the defaulting contractor's bond to complete said work,
5 the board shall make a new levy based upon the classification of the
6 lands assessed in the district sufficient to produce the requisite funds
7 to complete said work.

[New.]

Sec. 91. Liens of Subcontractors.

1 Every subcontractor who shall perform labor upon or furnish
2 material for the construction of any drainage improvement, shall have
3 a lien upon the funds provided for the payment for said improvements
4 for the value of such services and material not in excess of the amount
5 of the contract price for which no warrants or improvement certifi-
6 cates or bonds shall have been issued at the time of filing said claim.
7 The county auditor shall not issue warrants or improvement certifi-
8 cates in excess of eighty per cent (80%) of the contract price until
9 thirty (30) days after the completion of the contract.

[C. C. 4915.]

Sec. 92. Statement for Lien—Limitation—Foreclosure.

1 Such lien shall be perfected by filing with the auditor an itemized
2 sworn statement of the demand within thirty (30) days from the
3 date of the completion of the contract. Such claims shall have prior-
4 ity in the order in which they are filed. The district shall not be
5 liable for any amount in excess of the contract price, nor for payment
6 prior to the time provided therein.

[C. C. 4915.]

Sec. 93. Amount of Lien Withheld—Limitation of Action.

1 After the filing of such statement by any party, the auditor shall
2 withhold from said contractor any amount due or to become due on

3 the contract price of the work of such contractor in an amount suffi-
 4 cient to pay such claim and the costs of enforcing the same, unless
 5 said claim shall be paid or released by filing a bond as hereinafter
 6 provided. Action to foreclose such lien shall not be brought after six
 7 (6) months from the date of the acceptance by the board of the com-
 8 pleted work under the contract.

[C. C. 4915.]

Sec. 94. Release of Claim—Contractor May File Bond For.

1 The contractor may at any time release such lien by filing with
 2 the auditor of the county in which the improvement is located, a bond
 3 for the benefit of such claimant in double the amount of such claim,
 4 with sureties to be approved by said auditor, conditioned for the pay-
 5 ment of any sum which may be found due such claimant.

[C. C. 4917.]

Sec. 95. Bond to Prevent Filing of Liens.

1 Such contractor may prevent the filing of such lien by filing with
 2 the auditor a bond for the amount of the unpaid contract price con-
 3 ditioned for the payment of persons who may be entitled to file such
 4 liens. Any action may be brought on any such bond by any claimant
 5 within one (1) year after his cause of action accrues but not after-
 6 wards.

[C. C. 4917.]

Sec. 96. Construction on or Along Highway.

1 When a levee or drainage district shall have been established by
 2 the board and it shall become necessary or desirable that the levee,
 3 ditch, drain or improvement shall be located and constructed within
 4 the limits of any public highway, it shall be so built as not materially

5 to interfere with the public travel thereon; and the board shall have
6 power to establish public highways along and upon any levee or em-
7 bankment along any such ditch or drain, but when so established the
8 same shall be worked and maintained as other highways and so as not
9 to obstruct or impair the levee, ditch or drain.

[C. C. 4860.]

Sec. 97. Construction Across Highway.

1 When such levee, ditch, drain or change of any natural water-
2 course crosses a public highway, necessitating moving or building
3 or rebuilding any county or township bridge, the board of super-
4 visors shall move, build or rebuild the same, paying the costs and
5 expenses thereof from the county bridge fund.

[C. C. 4859.]

Sec. 98. Construction Across Railroad—Notice.

1 When the board has established a levee or drainage district or
2 change of natural watercourse and the levee, ditch, drain or water-
3 course, as surveyed and located, crosses the right of way of any rail-
4 road company, the auditor shall cause to be served upon such railroad
5 company, in the manner provided for the service of original notices, a
6 notice in writing stating the nature of the improvement to be con-
7 structed, the place where it will cross the right of way of such com-
8 pany and the full requirement of such construction across its right
9 of way as shown by the plan, specifications, plat and profile of the
10 engineer on file in the auditor's office and directing such company to
11 construct within ninety (90) days from service of such notice such
12 improvement according to said plans and specifications at the place
13 designated including the building of the necessary bridge or culvert

14 where any ditch, drain or watercourse crosses the right of way so
15 as not to obstruct, impede or interfere with the free flow of the water
16 therein.

[C. C. 4858.]

Sec. 99. Duty of Railroad Company—Expense.

1 Upon receiving the notice as provided in the preceding section,
2 such railroad company shall construct the improvement across its
3 right of way according to the plans and specifications as prepared by
4 the engineer for said district, and build the necessary culvert or bridge
5 and complete the same within the time specified. The cost of any
6 culvert or bridge when such improvement is located at the place of
7 the natural waterway or place provided by the railroad company for
8 the flow of the water shall be borne by such railroad company without
9 reimbursement therefor.

[C. C. 4858.]

Sec. 100. Construction When Company Refuses.

1 If the railroad company shall fail, neglect or refuse to comply
2 with said notice, the board shall cause the same to be done under the
3 supervision of the engineer in charge of the improvement, and such
4 railroad company shall be liable for the cost thereof to be collected
5 by the county for said district in any court having jurisdiction. The
6 cost of constructing the improvement across the right of way of such
7 company, not including the cost of building and constructing any
8 necessary culvert or bridge, when such improvement is located at the
9 place of the natural waterway or place provided by the railroad com-
10 pany for the flow of the water, shall be considered as an element of
11 such company's damages by the commission to appraise damages.

[C. C. 4858.]

Sec. 101. Annexation of Additional Lands.

1 After the establishment of a levee or drainage district, if the
2 board becomes convinced that additional lands are benefited by the im-
3 provement and should have been included in the district as originally
4 established, it may adopt a tentative resolution of necessity for annex-
5 ation of such additional land and appoint an engineer with the quali-
6 fications provided in this chapter to examine such additional lands,
7 make a survey and plat thereof showing their relation, elevation and
8 conditions of drainage with reference to such established district, and
9 make and file with the auditor a report as in this chapter provided
10 for the original establishment of such district.

[C. C. 4913.]

Sec. 102. Proceedings on Report for Annexation.

1 If said report recommends the annexation of such lands or any
2 portion thereof, the board shall consider such report, plats and pro-
3 files and if satisfied that such annexation is feasible, expedient and for
4 the public good, it shall proceed in all respects as to notice, hearing,
5 appointment of commissioners to appraise damages and hearing there-
6 on, and if such annexation is finally made, the proceedings for classi-
7 fication and assessment of benefits with all the rights of hearing and
8 appeal to any aggrieved party by any action of the board, to the same
9 extent and in the same manner as provided in the establishment of
10 an original district.

[C. C. 4913.]

Sec. 103. Proceedings to Annex Begun by Petition.

1 In any case where the board does not act of its own volition in
2 the matter of annexation of additional lands, a petition for that pur-

3 pose may be filed by one (1) or more of the owners of land sought to
4 be annexed or owners of land already in the district, which petition
5 shall conform to the requirements for a petition for the original es-
6 tablishment of a district, including the filing of a bond, and the pro-
7 cedure in such cases shall be in all particulars the same as provided
8 for the establishment of a drainage district, including notices, sur-
9 veys, reports, hearings and appeals.

[C. C. 4913.]

Sec. 104. Subsequent Proceedings—Use of Former Surveys.

1 In any proceedings for the establishment of a levee, ditch, drain
2 or the changing of a natural watercourse, or of a levee or drainage
3 district where an engineer has been appointed and has made a sur-
4 vey, return and plat thereof, and for any reason the improvement has
5 been abandoned and the proceedings dismissed, and afterwards pro-
6 ceedings are instituted for the establishment of a levee or drainage
7 district, or the changing of a natural watercourse, for the benefit or
8 reclamation of any territory surveyed in said former proceedings, the
9 engineer shall use the return, levels, surveys, plat and profile made in
10 said former proceedings, or so much thereof as may be applicable,
11 specifying particularly in his reports and upon any plats or profiles
12 the parts thereof so used, and in case the cost of said returns, levels,
13 surveys, plat and profile made in said former proceedings have been
14 paid for by the former petitioners or their bondsmen, then a reason-
15 able amount shall be allowed said petitioners or bondsmen for the use
16 of the same.

[C. C. 4856.]

Sec. 105. Proceedings to Enlarge, Deepen, Widen or Extend.

1 If after the establishment of a district and before the comple-
2 tion of the improvements therein it shall appear that a levee, ditch
3 or drain should be enlarged, deepened, widened or the location changed
4 in order to secure proper drainage of the entire district, the board
5 may by resolution authorize such changes as the engineer shall recom-
6 mend by report made in detail as to such changes and the reasons
7 therefor placed on file with the auditor, and approved by the board.
8 Before any such changes requiring additional right of way or expendi-
9 ture of a sum in excess of ten per cent (10%) of the original assess-
10 ments, all persons whose land shall be taken and those whose assess-
11 ments shall be thus affected thereby shall be given the same notice
12 and have the same right to file objections, claims for damage, and
13 have the same right of appeal as in the original establishment of the
14 district.

15 In case the board shall finally determine that any such changes
16 shall be made involving an expenditure of five thousand dollars
17 (\$5,000.00) or more, said work shall be let by bids in the same manner
18 as is provided for the original construction of such improvements.

[C. C. 4850, modified.]

Sec. 106. Reestablishment Where Former Proceedings Failed.

1 When proceedings have been instituted for the establishment of
2 a drainage district or for any change or repair thereof, or the change
3 of a natural watercourse, and the establishment thereof has failed
4 for any reason either before or after the improvement is completed,
5 the board shall have power to reestablish such district or improve-
6 ment and any new improvement in connection therewith as recom-

7 mended by the report of the engineer. As to all lands benefited by
8 such reestablishment, repair or improvement, the board shall proceed
9 in the same manner as in the establishment of an original district,
10 using as a basis for assessment the entire cost of the proceedings, im-
11 provement and maintenance from the beginning; but in awarding
12 damages and in the assessment of benefits account shall be taken of
13 the amount of damages and taxes, if any, theretofore paid by those
14 benefited, and credit therefor given accordingly. All other proceed-
15 ings shall be the same as for the original establishment of the district,
16 making of improvements and assessment of benefits.

[C. C. 4857.]

Sec. 107. New District Including Old District or Improvements.

1 If any levee or drainage district or improvement established
2 either by legal proceedings or by private parties shall be insufficient
3 to properly drain all of the lands necessarily tributary thereto, the
4 board upon petition as for the establishment of an original levee or
5 drainage district, shall have power to establish a new district cover-
6 ing and including such old district or improvement together with any
7 additional lands deemed necessary.

[C. C. 4873.]

Sec. 108. Credit Allowed for Old Improvement.

1 When such district as contemplated in the preceding section and
2 the new improvement therein shall include the whole or any part of
3 the former improvement, the commissioners, for classification of lands
4 for assessment of benefits and apportionment of costs and expenses of
5 such new improvement, shall take into consideration the value of such
6 old improvement in the construction of the new one and allow proper

7 credit therefor to the parties owning the old improvement as their
8 interests may appear. In all other respects the same proceedings shall
9 obtain as to the petition, surveys, reports, notices, hearings and ap-
10 peals as are provided for the original establishment of levee and
11 drainage districts.

[C. C. 4873.]

Sec. 109. Consolidation of Contiguous Districts.

1 When two (2) or more contiguous drainage districts have been
2 established and the improvements therein constructed and lying con-
3 secutively from the source of a general drainage area toward the ter-
4 minus or outlet thereof, a petition may be filed with the auditor signed
5 by the owners of twenty-five per cent (25%) of the acreage of land
6 embraced within any two (2) or more of such districts, praying that
7 such districts be consolidated into a single district. Such petition shall
8 describe the boundaries of the districts which it is proposed to con-
9 solidate and show their relation to each other, and the course and rela-
10 tion of the drainage improvements of each in the direction of a gen-
11 eral outlet for all of the districts which it is proposed to consolidate.

[New.]

Sec. 110. Proceedings on Petition to Consolidate.

1 On the filing of a petition to consolidate as provided in the preced-
2 ing section, the same proceedings shall be followed and had in all re-
3 spects as in the establishment of an original district, but the former
4 surveys, plats and reports on file shall be used as far as practicable in
5 making plats, profiles and contour maps of the proposed consolidated
6 district.

[New.]

Sec. 111. **Reclassification for Purpose of Consolidation.**

1 In case two (2) or more districts shall be consolidated as provided
 2 in the two (2) preceding sections, if it shall be found that the classifi-
 3 cation of lands, assessment of benefits and apportionment of costs in
 4 the original districts are not just and equitable for the consolidated
 5 district, then the board may cause a reclassification and assessment of
 6 benefits for the entire consolidated district in the manner provided in
 7 this chapter for reclassification. But in such reclassification and
 8 assessment of benefits each owner in the entire consolidated district
 9 shall be given credit for the assessments already paid by him for the
 10 improvements in the original district in which his land is located.

[New.]

Sec. 112. **Apportionment of Costs of Repairs.**

1 When repairs or improvements are to be made to the main ditch,
 2 drain or watercourse, the lands benefited by lateral improvements shall
 3 be assessed for such repairs or improvements on the basis as provided
 4 in subdivision one (1) of section thirty-eight (38). When repairs or
 5 improvements are made to lateral ditches or drains, then the lands
 6 alone benefited by such lateral ditches or drains or the improvements
 7 thereof shall be assessed therefor on the basis as provided in sub-
 8 division two (2) of said section.

[New.]

Sec. 113. **Assessment for Improvements and Repairs—Reclassification.**

1 When the board has determined that any extensive repairs,
 2 changes or improvements should be made in drainage districts there-
 3 tofore established it shall, before making the same, ascertain whether
 4 the percentage of benefits and apportionment of costs on the basis of

5 the original classification in said district would be equitable and just
6 for such repairs, changes or improvements and according to the bene-
7 fits accruing to the lands within said district by making such assess-
8 ments on the original classification. If the board finds that such orig-
9 inal classification and apportionment would not be a just and equitable
10 basis for such assessment, they shall proceed to cause a reclassification
11 of all the lands in said district basing it on the provisions laid down for
12 original classification. The basis for such reclassification shall be as
13 provided in section thirty-nine (39) hereof.

[New.]

Sec. 114. Control—Repair—Notice and Hearing.

1 When any levee or drainage district shall have been established
2 and the improvement constructed the same shall at all times be under
3 the supervision of the board of supervisors except as otherwise pro-
4 vided for control and management by a board of trustees or commis-
5 sioners, and it shall be the duty of the board to keep the same in
6 repair and for that purpose it may cause the ditches, drains and water-
7 courses thereof to be enlarged, reopened, deepened, widened, straight-
8 ened or lengthened or the location changed for better service or may
9 cause any part thereof to be converted into a closed drain when con-
10 sidered for the best interest of the public. But when any such changes
11 or repairs are to be made requiring additional land or costing a sum in
12 excess of ten per cent (10%) of the original assessment, a time shall
13 be fixed for final hearing thereon and notice shall be given to all parties
14 from whom any land shall be taken for right of way or whose assess-
15 ments for the cost and expense of such changes, repairs and improve-
16 ments will be increased in excess of ten per cent (10%) of the orig-

17 inal assessment and thereafter the same proceedings shall be had as
18 in the original establishment of the district, assessment of damages
19 and benefits and apportionment of costs.

[C. C. 4850, 4861.]

Sec. 115. Removal of Obstructions.

1 The board shall cause to be removed from the ditches, drains and
2 laterals of any district any obstructions which interfere with the flow
3 of the water, including the growth of trees, hedges or shrubbery and
4 the roots thereof, and may cause any tile drain so obstructed to be re-
5 laid in concrete or any other adequate protection, such work to be paid
6 for from the drainage funds of the district.

[C. C. 4861.]

Sec. 116. Liability for Negligence—Assessments.

1 When any obstruction is caused or repair made necessary by the
2 negligence of the owner of any land through which such improvement
3 is constructed or by the act or negligence of any agent or employee
4 of such owner or if such obstruction is caused by any live stock of
5 such owner, then the entire cost of such removal and repair shall be
6 assessed and levied against the lands of such owner and collected as
7 other drainage assessments.

[C. C. 4861.]

Sec. 117. Trees and Hedges Outside Right of Way.

1 When it becomes necessary to destroy any trees or hedges out-
2 side the right of way of any ditch, lateral or drain in order to prevent
3 obstruction by the roots thereof, if the board and the owners of such
4 trees or hedges can not agree upon the damage for the destruction
5 thereof, the board may proceed to acquire the right to destroy and

6 remove such trees or hedges by the exercise of the right of eminent
7 domain as provided for taking private property for public use.

[C. C. 4861.]

Sec. 118. Outlet for Lateral Drains—Specifications.

1 The owner of any premises assessed for the payment of the costs
2 of location and construction of any ditch, drain or watercourse as in
3 this chapter provided shall have the right to use the same as an outlet
4 for lateral drains from his premises. The board of supervisors shall
5 make specifications covering the manner in which such lateral drains
6 shall be connected with the main ditches or other laterals and be main-
7 tained, and the owner shall follow such specifications in making and
8 maintaining any such connection.

[C. C. 4870.]

Sec. 119. Two or More Districts Discharging Into Same Stream.

1 When two (2) or more districts shall have their outlet into the
2 same natural watercourse or stream, and it shall become necessary to
3 deepen or enlarge said watercourse or stream, each district shall be
4 assessed for the cost of such work in substantially the same ratio to
5 the total cost as the discharge of waters of such district bears to the
6 combined discharge of the several districts emptying into said water-
7 course or stream; the ratio of discharge of waters from the several dis-
8 tricts shall be estimated by a competent engineer, employed by the
9 board of supervisors, and his decision shall be final. No district shall
10 be liable to contribute for costs or expenses in improving such water-
11 course or stream above the point of discharge of the waters of such dis-
12 trict into the same.

[C. C. 4872, modified.]

Sec. 120. Subdistricts in Inter-county Districts—Repair—Assessments.

1 The board of supervisors of any county shall have jurisdiction to
2 establish subdrainage districts of lands included within a district
3 extending into two (2) or more counties when the lands to compose
4 such subdistricts lie wholly within such county, and to make improve-
5 ments therein, repair and maintain the same, fix and levy assessments
6 for the payment thereof, and the provisions of this section shall apply
7 to all such drainage subdistricts, the lands of which lie wholly within
8 one (1) county. The proceedings for all such purposes shall be the
9 same as for the establishment, construction and maintenance of an
10 original levee or drainage district the lands of which lie wholly within
11 one (1) county so far as applicable.

[C. C. 4885.]

Sec. 121. Drainage District by Mutual Agreement—Presumption.

1 The owners of lands may provide by mutual agreement in writing
2 duly signed, acknowledged and filed with the auditor for combined
3 drainage of their lands by the location and establishment of a drainage
4 district for such purposes and the construction of drains, ditches and
5 watercourses upon and through their said lands. Such drainage dis-
6 trict shall be presumed to be conducive to the public welfare, health,
7 convenience or utility.

[C. C. 4876.]

Sec. 122. What the Agreement Shall Contain.

1 Such agreement shall contain the following:

2 1. A description of the lands by congressional divisions, metes
3 and bounds, or other intelligible manner together with the names of
4 the owners of all said lands.

5 2. The location of the drains and ditches to be constructed, de-
6 scribing their sources and outlets and the courses thereof.

7 3. The character and extent of drainage improvement to be con-
8 structed.

9 4. The assessment of damages if any.

10 5. The classification of the lands included in such district and the
11 amount of drainage taxes or special assessments to be levied upon and
12 against the several tracts, when the same shall be levied and paid.

13 6. Such other provisions as may be mutually agreed upon relating
14 to establishment and maintenance of such joint and mutual drainage
15 district.

[C. C. 4876.]

Sec. 123. **Board to Establish.**

1 When such agreement is filed with the auditor he shall record it
2 in the drainage record. The board shall at a regular, special or ad-
3 journed session thereafter locate and establish a drainage district and
4 locate the ditches, drains and watercourses thereof as provided in said
5 agreement, and enter of record an order accordingly. The board there-
6 after shall carry out the object, purpose and intent of such agreement
7 and cause to be completed and constructed the said improvement and
8 shall retain jurisdiction of the same as fully as in districts established
9 in any other manner. It shall cause to be levied upon and against the
10 lands of such district, the drainage taxes and assessments according to
11 said agreement and when collected said taxes and assessments shall
12 constitute the drainage funds of said district to be applied upon order
13 of the board as in said agreement provided.

[C. C. 4876.]

Sec. 124. Option of Owners to Construct—Cash Payment.

1 If the owners agree to pay in cash for such improvements, then
2 when such mutual drainage district has been established the owners
3 of the land included therein may elect to construct the ditches and
4 drains thereof themselves or cause the same to be done, which election
5 shall be made in writing signed by all the owners who executed the
6 agreement to form the district and filed with the auditor within ten
7 (10) days after the order establishing the district. Such construc-
8 tion shall be under the supervision of an engineer appointed by the
9 board and in accordance with plans and specifications prepared by such
10 engineer.

[C. C. 4876, modified.]

Sec. 125. In Absence of Election Board to Proceed.

1 When the owners have not elected to pay cash for such improve-
2 ment and to construct or cause the improvement to be constructed as
3 provided in the preceding section, the board shall proceed to carry out
4 the provisions of the agreement, advertising for and receiving bids,
5 letting the work, making contracts, levying assessments, paying on
6 estimates, issuing warrants, improvement certificates or drainage
7 bonds as the case may be in the same manner as in districts established
8 on petition, except as in said mutual agreement otherwise provided.

[C. C. 4876, modified.]

Sec. 126. Outlet in Adjoining County.

1 When a drainage district is established in any county in the state
2 and no practicable outlet can be obtained except through lands in an
3 adjoining county, the board of the county in which the district is
4 located shall have power to purchase a right of way for such outlet

5 in such adjoining county and pay for the same out of the funds of such
6 district. In case the board and the owners of the land required for
7 such outlet cannot agree upon the price to be paid as compensation for
8 the land taken, and damages therefor with the parties owning the
9 same, such board is hereby empowered to exercise the right of eminent
10 domain as provided in chapter five (5) of title fifteen (15) of the com-
11 piled code in order to procure such necessary right of way.

[C. C. 4914.]

Sec. 127. Outlet in Another State—Right of Way.

1 When a district is established in any county in this state and no
2 practicable outlet can be obtained except through lands in an adjoining
3 state, the board of supervisors of such county shall have power to pur-
4 chase a right of way for such outlet in such adjoining state and pay for
5 the same out of the funds of such district.

[C. C. 4888.]

Sec. 128. Injuring or Obstructing Drainage Improvements—Damages.

1 Any person who shall break down or through or injure any levee or
2 who shall dam up, divert, obstruct or injure any ditch, drain or other
3 drainage improvement authorized by law shall be liable to the person
4 or persons owning or possessing the lands for which such improve-
5 ments were constructed in double the amount of damages sustained by
6 such owner or person in possession; and in case of a subsequent offense
7 by the same person shall be liable in treble the amount of such damages.

[C. C. 4803.]

Sec. 129. Obstructing or Damaging—Penalty.

1 Any person or persons diverting, obstructing, impeding or filling
2 up, without legal authority, any ditch, drain or watercourse or break-

3 ing down or injuring any levee established, constructed and maintained
4 under any provision of law shall be deemed guilty of a misdemeanor
5 and punished accordingly.

[C. C. 4803, modified.]

Sec. 130. Obstruction—Nuisance—Abatement.

1 Any ditch, drain or watercourse which is now or hereafter may be
2 constructed so as to prevent the surface and overflow water from the
3 adjacent lands from entering and draining into and through the same
4 is hereby declared a nuisance and may be abated as such.

[C. C. 4855.]

Sec. 131. Drainage Record.

1 The board shall provide a drainage record book, which shall be in
2 the custody of the auditor, who shall keep a full and complete record
3 therein of all proceedings relating to drainage districts, so arranged
4 and indexed as to enable any proceedings relative to any particular
5 district to be examined readily.

[C. C. 4891.]

Sec. 132. Preliminary Expenses—How Paid.

1 If the proposed district is all in one (1) county, the board of super-
2 visors is authorized to pay all necessary expenses in connection there-
3 with from the general fund of the county. If it extends into other
4 counties, the boards of the respective counties are authorized to pay
5 from the general fund thereof, such proportion of said expenses as the
6 work done or expenses created in each county bears to the whole
7 amount of work done or expenses created. Said amounts shall be
8 ascertained and reported by the engineer in charge of the work and
9 be approved by the respective boards which shall, as soon as paid,

10 charge the amount to said district in favor of the general fund of the
11 counties, as their interests may appear, as soon as the said district is
12 established. If said district shall not be established, the said amounts
13 shall be collected upon the bond of the petitioners by the board of the
14 county in which the larger acreage of the proposed district is situated,
15 for the use and benefit of the counties paying the same.

[C. C. 4896.]

Sec. 133. Additional Help in Offices of Auditor.

1 If the work in the office of the auditor by reason of the existence
2 of drainage districts is so increased that the regular officer is unable
3 by diligence to do the same, the board of supervisors may employ such
4 additional help as may be necessary to keep the records and transact
5 the business of the drainage districts. The expense of such help shall
6 be paid by the districts in proportion to the amount of work done
7 therefor.

[C. C. 4891, modified.]

Sec. 134. Employment of Counsel.

1 The board is authorized to employ counsel to advise and represent
2 it and drainage districts in any matter in which they are interested.
3 Attorneys' fees and expenses shall be paid out of the drainage fund of
4 the district for which the services are rendered, or may be apportioned
5 equitably among two (2) or more districts. Such attorneys shall be
6 allowed reasonable compensation for their services, also necessary trav-
7 eling expenses while engaged in such business. Attorneys rendering
8 such services shall file with the auditor an itemized, verified account
9 of all claims therefor, and statement of expenses, and the same shall
10 be audited and allowed by the board in the amount found to be due.

[C. C. 4854, modified.]

Sec. 135. Fees of Witnesses and Officers.

1 Fees and mileage of witnesses upon any hearing before the board
2 relating to levee and drainage districts shall be the same as in the dis-
3 trict court.

4 The fees of officers for serving writs and process of any kind shall
5 be the same as is provided elsewhere as to like officers for like services.

[C. C. 4783, 4890, modified.]

Sec. 136. Compensation of Commissioners to Assess.

1 Commissioners appointed to appraise and award damages and
2 make classification of lands and assess benefits, other than the engi-
3 neer, shall receive such compensation as the board may fix, not to ex-
4 ceed, however, five dollars (\$5.00) per day each, and in addition
5 thereto, the necessary expense of transportation of said commissioners
6 while engaged upon their work. They shall file with the auditor an
7 itemized, verified account of the amount of time employed upon said
8 work and their expenses.

[C. C. 4890.]

Sec. 137. Fees for Publication of Notice.

1 Fees for publication of all notices required to be published by the
2 provisions of this chapter shall be fixed by the board not exceeding
3 thirty-three and one-third cents ($33\frac{1}{3}$ c) for each ten (10) lines of bre-
4 vier type or its equivalent for each insertion. The person entitled
5 thereto shall file an itemized, verified statement of his claim with the
6 auditor.

[C. C. 4890.]

Sec. 138. Payment of Compensation—Fees—Expenses.

1 All compensation for services rendered, fees, costs and expenses

2 when properly shown by itemized and verified statement shall be filed
3 with the auditor and allowed by the board in such amounts as shall be
4 just and true, and when so allowed shall be paid on order of the board
5 from the levee or drainage funds of the district for which such services
6 were rendered or expenses incurred, by warrants drawn on the treas-
7 urer by the auditor.

[C. C. 4890.]

Sec. 139. False Statement of Account—Penalty.

1 Any false statement wilfully made in any itemized account re-
2 quired to be filed under this chapter shall render the person making the
3 same guilty of perjury.

[New.]

Sec. 140. Inspection of Drainage and Levee Improvements.

1 The board of any county into which a levee or drainage improve-
2 ment extends shall cause a competent engineer to inspect such levee
3 or drainage improvement as often as it deems necessary for the proper
4 maintenance and efficient service thereof. The engineer shall make
5 report to the board of the condition of the improvement together with
6 such recommendations as he deems necessary. For any claim for serv-
7 ices and expenses of inspection, the engineer shall file with the auditor
8 an itemized and verified account of such service and expense to be
9 allowed by the board in such amount as it shall find due and paid out
10 of the drainage funds of the district. If the district extends into two
11 (2) or more counties, such action shall be had jointly by the several
12 boards, and the expenses equitably apportioned among the lands in
13 the different counties.

[C. C. 4889.]

Sec. 141. Watchmen.

1 When a levee has been established and constructed in any county,
2 the board shall be empowered to employ one (1) or more watchmen,
3 and fix their compensation, whose duty it shall be to watch such levee
4 and make repairs thereon in case of emergency. Such employee shall
5 file with the auditor an itemized, verified account for services rendered,
6 and cost and expense incurred in watching or repairing such levee, and
7 the same shall be audited and allowed by the board as other claims
8 and paid by the county from funds belonging to such district.

[C. C. 4889.]

Sec. 142. Liberal Construction of Drainage Laws.

1 The provisions of this chapter and all other laws for the drainage
2 of agricultural or overflow lands shall be liberally construed to pro-
3 mote leveeing, ditching, draining and reclamation of wet, swampy and
4 overflow lands. The collection of drainage taxes and assessments shall
5 not be defeated where the board has acquired jurisdiction of the inter-
6 ested parties and the subject matter, on account of technical defects
7 and irregularities in the proceedings occurring prior to the order of the
8 board locating and establishing the district and the improvements
9 therein. The final order establishing such district when not appealed
10 from, shall be conclusive that all prior proceedings were regular and
11 according to law.

[C. C. 4894.]

Sec. 143. Engineer Defined.

1 Wherever in this act the word "engineer" is used, it shall refer to
2 and mean a professional civil engineer registered as provided by law.

[New.]

CHAPTER 2.

INTER-COUNTY LEVEE OR DRAINAGE DISTRICTS.

Sec. 144. **Establishment Through Two or More Counties.**

1 When the levee or drainage district embraces land in two (2) or
2 more counties, a duplicate of the petition of any owner of land to be
3 affected or benefited by such improvement shall be filed with the county
4 auditor of each county into which said levee or drainage district will
5 extend, accompanied by a duplicate bond to be filed with the auditor of
6 each of the said counties as provided when the district is wholly within
7 one (1) county, in an amount and with sureties approved by the auditor
8 of the county in which the largest acreage of the district is situated,
9 which bond shall run in favor of the several counties in which it is filed.

[C. C. 4877.]

Sec. 145. **Commissioners to Investigate and Report.**

1 Upon the filing of such petition in each county and the approval of
2 such duplicate bond by the proper auditor, the board of each of such
3 counties shall appoint a commissioner and the commissioners of the
4 several counties so appointed shall meet within thirty (30) days there-
5 after and appoint a competent, registered engineer who shall also act
6 as a commissioner. The commissioners thus appointed shall examine
7 the application and make an inspection of all the lands embraced in the
8 proposed district and shall determine what improvements in the way
9 of levees, ditches, drains or change of natural watercourse are neces-
10 sary for the drainage of the lands described in the petition. Such com-
11 missioners including the engineer shall file a detailed report of their
12 examination and their findings and file a duplicate thereof in the office
13 of the auditor of each of said counties.

[C. C. 4877.]

Sec. 146. Duty of Engineer.

1 In addition to the report of the commissioners as a whole, the
2 engineer, who is one (1) of said commissioners, shall perform the same
3 duties and in the same manner required of the engineer by chapter
4 one (1) of this title when the proposed district is located wholly within
5 one (1) county, and his surveys, plats, profiles, field notes and reports
6 of his surveys shall be made and filed in duplicate in each county.

[C. C. 4877.]

Sec. 147. Notice of Hearing.

1 Immediately upon the filing of the report of the commissioners
2 and the engineer, if the same recommends the establishment of such
3 district, notice shall be given to the owners of all the land embraced
4 within such district, as shown by the transfer books in the office of the
5 auditors of said counties and also the persons in actual occupancy of
6 any lands in said district and also each lienholder or encumbrancer of
7 any such lands as shown by the county records of the respective coun-
8 ties, of the time and place when and where the boards of the several
9 counties will meet in joint session for the consideration of said petition
10 and report of the commissioners and engineer thereon. Such notice
11 shall be the same and served in the same time and manner as provided
12 in chapter one (1) of this title when the district is wholly within one
13 (1) county, except that the auditor of each county shall give such
14 notice only to the owners, occupants, encumbrancers and lienholders
15 of the lands embraced within the proposed district in his own county.

[C. C. 4877.]

Sec. 148. Claims for Damages and Compensation—Where Filed.

1 Any person filing objections or claiming damages or compensa-

2 tion on account of the construction of such improvement shall file the
3 same in writing in the office of the auditor of the county in which his
4 land is situated, at least five (5) days prior to the time at which the
5 petition has been set for hearing, and on failure to file such claim at the
6 time specified shall be held to have waived his right thereto, but claims
7 for land taken for right of way need not be filed.

[C. C. 4878.]

Sec. 149. **Hearing—Commissioners to Appraise Damages.**

1 At the time set for hearing such petition, the boards of the several
2 counties shall meet at the place designated in said notice. They shall
3 organize by electing a chairman and a secretary, and when deemed ad-
4 visable may adjourn to meet at the call of such chairman at such time
5 and place as he may designate, or may adjourn to a time and place
6 fixed by said joint boards. They shall sit jointly in considering the
7 petition, the report and the recommendations of the engineer, in the
8 same manner as if the district were wholly within one (1) county.
9 The said boards by their joint action may dismiss the petition and re-
10 fuse to establish such district, or they may approve the plans and
11 recommendations of the engineer and tentatively establish the said
12 district. If the said boards shall adopt a tentative plan for the district,
13 the board of each county shall select a commissioner and the several
14 boards by joint action shall employ an engineer, and the said commis-
15 sioners and engineer shall constitute the commissioners to appraise
16 the damages and value of all right of way required for open ditches.
17 The commissioners shall proceed in the same manner and make return
18 of their findings and appraisement the same as when the district is
19 wholly within one (1) county, except that a duplicate thereof shall be

20 filed in the auditor's office of each of the several counties. After the
21 filing of the report of the commissioners, all further proceedings of the
22 boards acting jointly shall be the same as where the district is wholly
23 within one (1) county, except as otherwise provided.

[C. C. 4879, 4885.]

Sec. 150. Times and Places for Meetings of Joint Boards.

1 The board of supervisors of any county in which a petition for the
2 establishment of a levee or drainage district to extend into or through
3 two (2) or more counties is on file, may at any meeting adjourn to
4 meet with the board or boards or any other county or counties in which
5 such petition is on file, for the purpose of acting jointly with such
6 other board or boards in reference to said petition or any business
7 relating to such district. Any such joint meetings held in either of
8 the counties in which such petition is on file shall constitute a valid and
9 legal meeting of said joint boards for the transaction of any business
10 pertaining to said petition or to the business of such district.

[New.]

Sec. 151. Equalizing Voting Power of Boards.

1 When the boards are of unequal membership and for the purpose
2 of equalizing their voting power, each member of the smallest board
3 shall cast a full vote and each member of a larger board shall cast such
4 fractional part of a vote as results from dividing the smallest number
5 by such larger number.

[C. C. 4877.]

Sec. 152. Commissioners to Classify and Assess.

1 If the boards of the several counties acting jointly shall establish
2 the district, they shall appoint a commission consisting of one (1)

3 from each county, and in addition thereto a competent registered engi-
4 neer who shall within twenty (20) days begin to view the premises
5 and classify the lands in said district fixing the percentages and assess-
6 ments of benefits and the apportionment of costs and expenses and
7 shall complete said work within the time fixed by the boards. The
8 qualifications of said commissioners, their classification of lands, fixing
9 percentages and assessments of benefits and apportionment of costs
10 and the report thereof in all details shall be governed in all respects by
11 the provisions of chapter one (1) of this title for districts wholly
12 within one (1) county.

[C. C. 4880.]

Sec. 153. Joint Hearing of Boards—Notices.

1 Upon the filing of the report of the commissioners to classify
2 lands, fix and assess benefits and apportion costs and expenses, the
3 auditors of the several counties, acting jointly, shall cause notice to be
4 served upon all interested parties of the time when and the place
5 where the boards will meet and consider such report and make a final
6 assessment of benefits and apportionment of costs, which notice shall
7 be the same and served for the time and in the manner and all pro-
8 ceedings thereon shall be the same as provided in chapter one (1) of
9 this title in districts wholly within one (1) county, except that the
10 objections not filed prior to the date of the hearing shall be filed with
11 the boards at the time and place of such hearing.

[C. C. 4880.]

**Sec. 154. Board to Levy in Respective Counties—Improvement Certifi-
cates.**

1 After the amount to be assessed and levied against the several
2 tracts of land shall have been finally determined, the several boards,

3 acting separately, and within their own counties shall levy and collect
4 the taxes apportioned and levied in their respective counties. They
5 may issue warrants, improvement certificates or bonds for the pay-
6 ment of such assessments within their respective counties, with the
7 same right of land owners to pay without interest or in installments
8 all as provided where the district is wholly within one (1) county.

[C. C. 4880.]

Sec. 155. Supervising Engineer.

1 At the time of finally establishing the district, the boards of the
2 several counties acting jointly shall employ a competent registered
3 engineer to have charge and supervision of the construction of the
4 improvement and they shall fix his compensation and he shall, before
5 entering upon said work, give a bond running to the several counties
6 for the use and benefit of the district and all parties who shall become
7 entitled to liens for labor or material done and furnished for the im-
8 provement in the same amounts and of like tenor and effect as is pro-
9 vided in districts wholly within one (1) county. A duplicate of such
10 bond shall be filed with the auditor of each of said counties.

[C. C. 4882.]

Sec. 156. Duty of Engineer.

1 The duties of the supervising engineer shall be the same in all
2 respects as is provided by chapter one (1) of this title for districts
3 wholly within one (1) county.

[C. C. 4882.]

Sec. 157. Letting Work.

1 If the boards, acting jointly, shall establish such district, the
2 auditors of the several counties shall immediately thereafter, acting

3 jointly, cause notice to be given of the time and place of the meeting
4 of the boards for letting contracts for the construction of the improve-
5 ment. The notices, bids, bonds and all other proceedings in relation to
6 letting contracts shall be the same as provided where the district is
7 wholly within one (1) county, but duplicates of contractors' bonds
8 shall be filed with the auditor of each county.

[C. C. 4881.]

Sec. 158. Contracts.

1 All contracts made for engineering work and the work of con-
2 structing improvements of an inter-county district shall be made by
3 written contract executed by the contractor and such person as may be
4 authorized by the boards of the several counties and by joint resolu-
5 tion and shall specify the work to be done, the amount of compensation
6 therefor and the times and manner of payment, all as provided in rela-
7 tion to districts wholly within one (1) county.

[C. C. 4881.]

Sec. 159. Monthly Estimate—Payment—Final Settlement.

1 The engineer in charge of the work shall furnish the contractor
2 monthly estimates of the amount of work done on each section and the
3 amount thereof done in each county, a duplicate of which shall be filed
4 with the auditor of each of the several counties. Upon the filing of
5 such statement and approval of the board of each county, each auditor
6 shall draw a warrant or deliver to him improvement certificates, as
7 the case may be, in favor of the contractor for eighty per cent (80%)
8 of the amount due from his county.

[C. C. 4882.]

Sec. 160. Completion of Work—Final Settlement.

1 When the work to be done on any contract is completed to the
2 satisfaction of the supervising engineer he shall so report and certify
3 to the boards of the several counties, which by joint action shall fix a
4 day to consider said report, and all the provisions shall apply in rela-
5 tion to objections to said report and the approval of the same and the
6 completion of any unfinished or abandoned work as is provided in chap-
7 ter one (1) of this title relating to completion of work and final settle-
8 ment in districts wholly within one (1) county.

[C. C. 4882.]

Sec. 161. District Court to Establish—When.

1 When the establishment of a district, extending into two (2) or
2 more counties, is petitioned for as hereinbefore provided and one (1)
3 or more of such boards fails to take action thereon, the petitioners may
4 cause notice in writing to be served upon the chairman of each board
5 demanding that action be taken upon the petition within twenty (20)
6 days from and after the service of such notice.

[C. C. 4884.]

Sec. 162. Transfer to District Court—Notice.

1 If such boards shall fail to take action thereon within the time
2 named, or fail to agree, the petitioners may cause such proceedings
3 to be transferred to the district court of any of the counties into which
4 such proposed district extends by serving notice upon the auditors of
5 the several counties within ten (10) days after the expiration of said
6 twenty (20) days' notice, or after the failure of such boards to agree.

[C. C. 4884.]

Sec. 163. Transfer to District Court—Transcript—How Tried.

1 Upon the giving of such notice the auditors shall, acting jointly,
 2 prepare and certify to the clerk of the district court a full and com-
 3 plete transcript of all proceedings had in such case, on or before the
 4 first day of the next succeeding term of said court. The clerk of the
 5 district court shall thereupon docket the case and the same shall be
 6 tried as in equity and the appearance term shall be the trial term.
 7 The court shall enter judgment and decree dismissing the case or
 8 establishing such district and may by proper orders and writs enforce
 9 the same.

[C. C. 4884.]

Sec. 164. Law Applicable.

1 In all proceedings relating to the formation and establishment of
 2 a levee or drainage district extending into two (2) or more counties,
 3 in the matter of filing petition, serving notices, appointment of com-
 4 missioners to appraise damages and to classify lands, assess benefits
 5 and apportion costs and in the matter of hearings and appeals, reclassi-
 6 fication, repairs, improvements, extensions, annexing additional lands,
 7 and in all other respects the provisions of chapter one (1), title fifteen
 8 (15) shall govern except as in this chapter otherwise provided.

[C. C. 4885.]

CHAPTER 3.**DRAINAGE DISTRICTS EMBRACING PART OR WHOLE OF CITY OR TOWN.****Sec. 165. Cities and Towns Included—Notice.**

1 The board of any county shall have the same power to establish a
 2 drainage district that includes the whole or any part of any incorpo-
 3 rated town or city, including cities under special charter, as they have

4 to establish districts wholly outside of such cities and towns, includ-
5 ing assessment of damages and benefits within such cities and towns.
6 Notice of the filing of the petition for such district and the time of
7 hearing thereon, shall set forth the boundaries of the territory included
8 within such city or town and directed to the town or city clerk and the
9 owners and lienholders of the property within such boundaries without
10 naming individuals, to be served in the same manner as notices where
11 the district is wholly outside of such city or town.

[C. C. 4886.]

Sec. 166. Assessments in Cities and Towns.

1 When the streets, alleys, public ways or parks of any incorporated
2 town or city, or city under special charter, so included within a levee
3 or drainage district, will be beneficially affected by the construction
4 of any improvement in such district, it shall be the duty of the com-
5 missioners appointed to classify and assess benefits to estimate and
6 return in their report the percentage and amount of benefits to such
7 streets, alleys, public ways and parks, and notice thereof shall be
8 served upon the clerk of such incorporated town or city.

[C. C. 4886.]

Sec. 167. Objections to Assessments in Cities and Towns.

1 The council or clerk of such town or city or individual owners may
2 file objections to such percentage and assessment of benefits in the
3 time and manner provided in case of landowners, outside such city or
4 town, and they shall have the same right to appeal from the finding of
5 the board with reference to such assessment. Such assessment as
6 finally made shall draw interest at the same rate and from the same
7 time as assessment against lands, and the board of supervisors and

8 the town or city council shall have the same power in reference to
9 issuing improvement certificates or drainage bonds and executing
10 waivers on account of such assessment for benefits to streets, alleys,
11 public ways and parks as is herein conferred upon the board of super-
12 visors and the township trustees in reference to assessment for bene-
13 fits to highways, and such cities or towns may issue their funding
14 bonds for the purpose of securing money to pay any assessment
15 against it.

[C. C. 4886.]

Sec. 168. Covered Drain Within City or Town.

1 In any drainage district which embraces the whole or any part of
2 a city or town, the board shall have power to order a construction of
3 covered drains in that portion of the district which lies within the
4 corporate limits of such city or town, including cities under special
5 charter. Such order shall be made only upon the adoption of a resolu-
6 tion by majority vote of such city or town council requesting such
7 action on the part of the board, and a copy of such resolution shall be
8 served on the chairman of the board. When it has been ordered by
9 the board that a covered drain or drains be constructed within the
10 corporate limits of a city or town as a part of the improvement of a
11 drainage district as in this section provided, then the cost of such
12 construction shall be assessed to such city or town and to private
13 property in proportion to benefits to the public grounds, streets and
14 alleys of such city or town and private property within said district,
15 benefited by such covered drain. Such assessment of benefits and ap-
16 portionment of costs of construction shall be made in the manner pro-

17 vided in this chapter as to assessment of benefits and apportionment of
18 costs in other cases.

[New.]

**Sec. 169. Board of Supervisors May Relinquish to City or Town—Condi-
tions.**

1 When the board of any county has established any drainage dis-
2 trict which is located wholly within the corporate limits of any city or
3 town, and the drains thereof have been wholly or partially constructed
4 of sewer tile, or when the ground that is used for said drains is needed
5 by the city or town for sewer or other purposes, said board shall relin-
6 quish all authority or control of all of said drain that is included within
7 such corporate limits, to the city or town upon request of the city or
8 town council as provided in the next section.

[C. C. 4865.]

Sec. 170. Duty of Council.

1 It is hereby made the duty of any city or town council, if it deems
2 the same for the best interest of the said city or town, to pass, by a
3 majority vote, a resolution requesting the board of supervisors to per-
4 mit the city or town to take over and control the drains within its cor-
5 porate limits which resolution shall be certified to the board of super-
6 visors of the county and filed by the auditor, who shall spread the
7 same upon the records of the drainage district.

[C. C. 4867.]

Sec. 171. Duty of Supervisors.

1 Upon the request of the city or town council, as provided in the
2 preceding section, it shall be the duty of the board to pass a resolution
3 and have the same made a part of its proceedings, relinquishing all

4 authority and control of the drainage district which is within the
5 corporate limits, to the said city or town.

[C. C. 4866.]

Sec. 172. Jurisdiction of Municipality.

1 After the drainage district has been taken over by the city or town,
2 it shall have complete control thereof, and may use the same for any
3 purpose that said city or town through its city or town council deems
4 proper and necessary for the advancement of the city or town or its
5 health or welfare, and the city or town shall be responsible for the
6 maintenance and upkeep of said drainage district only from and after
7 its relinquishment by the board of supervisors to the city or town.

[C. C. 4868.]

CHAPTER 4.

DRAINAGE AND LEVEE DISTRICTS WITH PUMPING STATIONS.

Sec. 173. Pumping Stations.

1 The board of supervisors of any county or counties in which a
2 drainage or levee district has been organized as by law provided, may
3 establish and maintain a pumping station or stations, when and where
4 the same may be necessary to secure a proper outlet for the drainage
5 of the land comprising the district or any portion thereof, and the cost
6 of construction and maintenance of said pumping station or stations
7 shall be levied upon and collected from the lands in the district bene-
8 fited by such pumping station or stations, in the same manner as pro-
9 vided for in the construction and maintenance of said districts, and
10 the assessments for such improvement shall not be in excess of the
11 benefits derived therefrom.

[C. C. 4897.]

Sec. 174. **Pumping Stations—Petition—Procedure.**

1 Such pumping station shall not be established or maintained unless
2 a petition therefor shall be presented to the board signed by not less
3 than one-third ($\frac{1}{3}$) of the owners of lands benefited thereby. The
4 lands benefited by such pumping station shall be determined by the
5 board on said petition and report of the engineer, and such other evi-
6 dence as it may hear. No additional land shall be taken into any such
7 drainage district after the improvements therein have been substan-
8 tially completed, unless one-third ($\frac{1}{3}$) of the owners of the land pro-
9 posed to be annexed have petitioned therefor or consented in writing
10 thereto.

[C. C. 4897.]

Sec. 175. **Additional Pumping Station—Transfer of Pumps—Cost.**

1 After the establishment of a drainage district, including a pump-
2 ing plant, and before the completion of the improvement therein, the
3 board or boards may, if deemed necessary to fully accomplish the pur-
4 poses of said improvement, by resolution authorize the establishment
5 and maintenance of such additional pumping station or stations as the
6 engineer may recommend, and if a petition is filed by one-third ($\frac{1}{3}$)
7 of the owners of land within such district asking the establishment of
8 such additional pumping plant or plants, the board or boards must
9 direct the engineer to investigate the advisability of the establish-
10 ment thereof and upon the report of said engineers the board or
11 boards shall determine whether such additional pumping plant or
12 plants shall be established. If the board or boards determine that ad-
13 ditional pumping plant or plants shall be established and maintained,
14 a pump or pumps may be removed from any pumping station already

15 established and may be installed in any such additional plant, if such
16 removal can be made without injuring the efficient operation of the
17 plant from which removed. The cost of the establishment of such
18 additional pumping plant or plants shall be paid in the same manner
19 and upon the same basis as is provided for the cost of the original
20 improvement.

[C. C. 4898.]

**Sec. 176. Dividing Districts With Two or More Pumping Plants—Petition
—Notice.**

1 When a drainage district has been created and more than one (1)
2 pumping plant is established therein, the board or boards of super-
3 visors may, and upon petition of one-third ($\frac{1}{3}$) of the owners of land
4 within said district, shall appoint an engineer to investigate the advis-
5 ability of dividing said district into two (2) or more districts so as to
6 include at least one (1) pumping plant in each of such districts. If
7 the engineer recommends such division the board of supervisors shall
8 fix a time for hearing upon the question of such division and shall
9 publish notice directed to all whom it may concern of the time and
10 place of such hearing, for the time and in the manner as is required
11 for the publication of notice of the establishment of said district, ex-
12 cept that said notice need not name the owners and lienholders.

[C. C. 4899.]

Sec. 177. Hearing—Jurisdiction of Divided Districts.

1 At the time fixed, the board shall determine the advisability of
2 such division and shall make such order with reference thereto as
3 shall be deemed proper, having consideration for the interests of all
4 concerned. If such division is made, the board or boards having

5 jurisdiction of the original district shall retain jurisdiction of the
6 new districts created by such division for the purpose of collecting
7 assessments theretofore made and making such additional assessments
8 as are necessary to pay the obligations theretofore contracted. For all
9 other purposes, each division shall be under the jurisdiction of the
10 board or boards of supervisors which would have had jurisdiction
11 thereof if originally established as an independent district.

[C. C. 4899.]

Sec. 178. District Divided by Streams and Subdistricts.

1 After a levee or drainage district operating a pumping plant shall
2 have been established and the improvement constructed and accepted,
3 if it shall become apparent that the lands can be more effectually
4 drained, managed or controlled by a division thereof, then the said
5 board or boards, or trustees may, and if the district is divided by a
6 stream, they shall divide the district.

[C. C. 4900.]

Sec. 179. Assessments Not Affected—Maintenance Tax.

1 Each district after the division shall be conducted as though estab-
2 lished originally as a district. Nothing herein shall affect the legality
3 or collection of any assessments levied before the division; but the
4 maintenance tax, if any, shall be divided in proportion to the amount
5 paid in by each district.

[C. C. 4900.]

Sec. 180. Election and Apportionment of Trustees.

1 If said district, before the division was made, was under the
2 control and management of trustees, then each trustee shall continue
3 to serve in the district in which he is situated, and other trustees shall

4 be elected in each new district. The election for said new trustees
 5 shall be called by the old board of trustees in each district within
 6 ten (10) days after said division is made and shall be conducted as
 7 provided for the election of trustees.

[C. C. 4900.]

Sec. 181. Overflow Lands—Settling Basin—Channel.

1 If, before a district operating a pumping plant is completed and
 2 accepted, it appears that portions of the lands within said district are
 3 wet or nonproductive by reason of the floods or overflow waters from
 4 one (1) or more streams running into, through or along said district
 5 and that said district or some other district of which such district
 6 shall have formed a part, shall have provided a settling basin to care
 7 for the said floods and overflow waters of said stream or watercourse,
 8 but no channel to said settling basin has been provided, said board
 9 or boards are hereby empowered to lease, buy or condemn the neces-
 10 sary lands within or without the district for such channel. Proceed-
 11 ings to condemn shall be as provided for the exercise of the right of
 12 eminent domain.

[C. C. 4901.]

CHAPTER 5.

MANAGEMENT OF DRAINAGE DISTRICTS BY TRUSTEES

Sec. 182. Management of Trustees—Proceedings.

1 In the manner provided in this chapter, any completed drainage
 2 district of either of the following classes may be placed under the
 3 control and management of a board of three (3) trustees to be elected
 4 by the persons owning land in the district that has been assessed for
 5 benefits:

6 1. Districts, irrespective of the cost of construction, maintaining
7 a levee or operating a pumping station or both.

8 2. Districts not containing a pumping station, where the cost of
9 establishment and construction was fifty thousand dollars (\$50,000.00)
10 or more.

[C. C. 4905, 4918.]

Sec. 183. Petition—Election—Judges and Clerks.

1 A petition shall be filed in the office of the auditor signed by a
2 majority of the persons including corporations owning land within
3 the district assessed for benefits, specifying to which of said two (2)
4 classes the district belongs.

5 The board, at the next regular, adjourned or special session shall
6 canvass the petition and if signed by the requisite number of land
7 owners, it shall order an election to be held at some convenient place
8 in the district not less than forty (40) nor more than sixty (60) days
9 from the date of such order, for the election of three (3) trustees of
10 such district. It shall appoint from the resident freeholders of the
11 district three (3) judges and two (2) clerks of election.

[C. C. 4906, 4920.]

Sec. 184. Inter-county District—Petition Where Filed.

1 If the district extends into two (2) or more counties, a duplicate
2 of the petition shall be filed in the office of the auditor of each county.
3 The boards of supervisors shall, within thirty (30) days after the
4 filing of such petition, meet in joint session and canvass the same, and
5 if found to be signed by a majority of the owners of land in the dis-
6 trict assessed for benefits, they shall by joint action order such elec-
7 tion and appoint judges and clerks of election as provided in the pre-

8 ceding section.

[C. C. 4906, 4920.]

Sec. 185. Subdistricts to Secure Proper Distribution of Trustees.

1 When a petition has been filed for the election of trustees to man-
2 age a district, the board, or, if the district extends into more than one
3 (1) county, the boards of such counties by joint action, shall, before the
4 election, divide the district into three (3) election districts for the
5 purpose of securing a proper distribution of trustees in such district,
6 and such division shall be so made that each election district will have
7 substantially equal voting power and acreage, as nearly as may be.
8 After such division is made there shall be elected one (1) trustee for
9 each of said election districts, but at such election all the qualified
10 voters for the entire district shall be entitled to vote for each trustee.
11 The division here provided for shall be for the purposes only of a
12 proper distribution of trustees in the district and shall not otherwise
13 affect said district or its management and control.

[New.]

Sec. 186. Record and Plat of Election Districts.

1 At the time of making a division into election districts, as pro-
2 vided in the preceding section, the board or boards shall designate by
3 congressional divisions, subdivisions, metes and bounds, or other in-
4 telligible description, the lands embraced in each election district, and
5 the auditor or auditors, if more than one (1) county, shall make a
6 plat thereof in the drainage record of the district indicating thereon
7 the boundary lines of each election district, numbering them, one (1),
8 two (2) and three (3), respectively.

[New.]

Sec. 187. Eligibility of Trustees.

1 Each trustee shall be a citizen of the United States not less than
2 twenty-one (21) years of age, a resident of and the owner of land in
3 the election district for which he is elected.

[New.]

Sec. 188. Notice of Election.

1 The board, or, if in more than one (1) county, the boards acting
2 jointly, shall cause notice of said election to be given, setting forth the
3 time and place of holding the same and the hours when the polls will
4 open and close. Such notice shall be published for two (2) consecutive
5 weeks in a newspaper in which the official proceedings of the board
6 are published in the county, or if the district extends into more than
7 one (1) county, then in such newspaper of each county. The last of
8 such publications shall not be less than ten (10) days before the date
9 of said election.

[C. C. 4906, 4920.]

Sec. 189. Assessment to Determine Right to Vote.

1 Before any election is held, the judges of election shall obtain
2 from the county auditor or auditors a certified copy of so much of the
3 record of the establishment of such district as will show the lands
4 embraced therein, the assessment and classification of each tract and
5 the name of the person against whom the same was assessed for bene-
6 fits, and the present record owner, and such certified record shall be
7 kept by the trustees after they are elected for use in subsequent elec-
8 tions. They shall, preceding each subsequent election, procure from
9 the county auditor or auditors additional certificates showing changes
10 of title of land assessed for benefits and the names of the new owners.

[C. C. 4932.]

Sec. 190. **New Owner Entitled to Vote.**

1 Anyone who has acquired ownership of assessed lands since the
2 latest certificate from the auditor shall be entitled to vote at any elec-
3 tion if he presents to the election board for its inspection at the time
4 he demands the right to vote evidence showing that he has title.

[C. C. 4932.]

Sec. 191. **Qualifications of Voters.**

1 Each landowner over twenty-one (21) years of age without re-
2 gard to sex and any railway or other corporation owning land in said
3 district assessed for benefits shall be entitled to one (1) vote only,
4 except as provided in the next section.

[C. C. 4907.]

Sec. 192. **When Number of Votes Determined by Assessment.**

1 When a petition asking for the right to vote in proportion to
2 assessment of benefits at all elections for any purpose thereafter to
3 be held within said district, signed by a majority of the landowners
4 owning land within said district assessed for benefits, is filed with the
5 board of trustees, then, in all elections of trustees thereafter held
6 within said district, any person whose land is assessed for benefits
7 without regard to age, sex or condition shall be entitled to one (1)
8 vote for each ten dollars (\$10.00) or fraction thereof of the original
9 assessment for benefits against the land actually owned by him, in
10 said district at the time of the election, but in order to have such
11 ballot counted for more than one (1) vote the voter shall write his
12 name upon the ballot. The vote of any resident of a county in which
13 the district is located in whole or in part must be cast in person.

[C. C. 4907.]

Sec. 193. Vote by Agent—Power of Attorney.

1 The vote of any nonresident of the county or any corporation
2 owning land or right of way lying wholly or in part within the dis-
3 trict and assessed for benefits may have his or its vote cast by some
4 resident taxpayer of the district or agent of such corporation when
5 authorized by a power of attorney signed and acknowledged by such
6 nonresident landowner or duly authorized officer of such corporation.
7 Such power of attorney shall be filed with the auditor of the county
8 where such election is held at least five (5) days prior to the election
9 at which it is to be effective. Every such power of attorney shall
10 specify the particular election for which it is to be used indicating the
11 day, month and year of such election and shall be void for all elec-
12 tions subsequently held.

[C. C. 4907.]

Sec. 194. Vote of Minor or Insane.

1 The vote of any person who is a minor, insane or under other
2 legal incompetency shall be cast by the parent, guardian or other legal
3 representative of such minor, insane or other incompetent person and
4 in order to be counted it shall be cast in person. The person casting
5 such vote shall deliver to the judges and clerks of election a written
6 sworn statement giving the name, age and place of residence of such
7 minor, insane or other incompetent person, and any false statement
8 knowingly made to secure permission to cast such vote shall render
9 the party so making it guilty of the crime of perjury.

[C. C. 4907, modified.]

Sec. 195. Ballots for Trustees.

1 Each ballot for election of trustees shall have the name of each

2 person voted for printed or legibly written thereon, and the number
3 of the election district for which he is a candidate, and each qualified
4 voter for the whole district shall be entitled to vote for one (1) candi-
5 date for each district for which a trustee is to be elected.

[New.]

Sec. 196. Election—Canvass of Votes—Returns.

1 On the day designated for said election the polls shall open at
2 eight (8) o'clock a. m. and remain open until seven (7) o'clock p. m.
3 The judges of election shall canvass the vote and certify the result,
4 and deposit the ballots cast, together with the poll books showing the
5 names of the voters with the auditor, but if there is more than one
6 (1) county in the district, then with the auditor of the county having
7 the greatest acreage of said district.

[C. C. 4921.]

Sec. 197. Canvass of Returns by Board.

1 The canvass of the returns by the board or boards of supervisors
2 shall be on the next Monday following said election and it or they shall
3 make a return of the results of such canvass to the auditor who shall
4 issue certificates to the trustees elected, and when the district extends
5 into more than one (1) county, then the auditor with whom the elec-
6 tion returns were filed shall issue such certificates.

[C. C. 4921.]

Sec. 198. Tenure of Office.

1 The trustees so elected, shall hold office until the fourth Saturday
2 in January next succeeding their election and until their successors
3 are elected and qualified. On the third Saturday in the January next
4 succeeding their original election, an election shall be held at which

5 three (3) trustees shall be chosen, one (1) for one (1) year, one (1)
6 for two (2) years, and one (1) for three (3) years, and each shall
7 qualify and enter upon the duties of his office on the fourth Saturday
8 of the same January. On the third Saturday in each succeeding Jan-
9 uary, an election shall be held to choose a successor to the trustee
10 whose term is about to expire, and the term of his office shall be for
11 three (3) years and until his successor has qualified.

[C. C. 4908, 4922, 4923, 4924.]

Sec. 199. Division of Districts Under Trustee Management.

1 In all districts already under trustee management, the board of
2 trustees shall prior to the election of trustees in the year nineteen
3 hundred twenty-one (1921) divide the district for which they are
4 trustees, into election districts, and at the election for that and each
5 succeeding year, when a trustee is to be elected, it shall be for a speci-
6 fied election district within such district.

[New.]

Sec. 200. Elections—How Conducted.

1 After the first election of trustees, the trustees shall act as judges
2 of election; the clerk of the board shall act as one (1) of the clerks
3 and some owner of land in the district shall be appointed by the board
4 to act as another clerk. The trustees shall fill all vacancies in the
5 election board. The result of all elections shall be certified to the
6 auditor, or the auditor of the county in which the greatest acreage of
7 the district lies, if the district is located in more than one (1) county.

[C. C. 4926.]

Sec. 201. Change of Time—Annual Election.

1 The date on which said annual election shall be held may be

2 changed by the choice of a majority of electors of such district ex-
3 pressed by ballot at any such annual election, and the return of such
4 vote shall be certified in the same manner as the returns for election
5 of trustees.

[C. C. 4909.]

Sec. 202. Vacancies.

1 If any vacancy occurs in the membership of the board of trustees
2 between the annual elections, the remaining members of the board
3 shall have power to fill such vacancies by appointment of persons hav-
4 ing the same qualifications as themselves. The persons so appointed
5 shall qualify in the same manner and hold office until the next annual
6 election and until their successors are elected and qualified. In the
7 event that all places on the board become vacant, then a new board
8 shall be appointed by the auditor or if more than one (1) county, then
9 of the county in which the greater acreage of the district is located.
10 The persons so appointed shall hold office until the next annual elec-
11 tion and until their successors are elected and qualified.

[C. C. 4925.]

Sec. 203. Trustes—Bonds.

1 The trustees shall qualify by giving a bond in the sum of five
2 thousand dollars (\$5,000.00) each, conditioned for the faithful dis-
3 charge of their duties, said bond to be approved by the auditor of the
4 county, and if more than one (1), then of the county in which the
5 greater acreage of the district is located.

[C. C. 4928.]

Sec. 204. Organization—Selection of Clerk.

1 As soon as the trustees have qualified, they shall organize by

2 electing one (1) of their own number as chairman and may select
3 some other taxpayer of the district as clerk of the board who shall
4 serve during the pleasure of the board of trustees.

[C. C. 4927.]

Sec. 205. Power and Duties of Trustees—Limitations.

1 Trustees shall have control, supervision and management of the
2 district for which they are elected and shall be clothed with all of the
3 powers now conferred on the board or boards of supervisors for the
4 control, management and supervision of drainage and levee districts
5 under the laws of the state, unless otherwise specially provided. But
6 such authority shall extend only to the district for which they are
7 elected and to the improvements therein.

[C. C. 4928.]

Sec. 206. Cost and Expenses—Collection and Disbursement.

1 All costs and expenses necessary to discharge the duties by this
2 chapter conferred upon trustees shall be levied and collected as pro-
3 vided by law and such levy shall be upon certificate by the trustees
4 to the board or boards of supervisors of the amount necessary for
5 such levy. Drainage taxes when so levied and collected shall be kept
6 by the treasurer of the county in a separate fund to the credit of the
7 district for which it is collected, shall be expended only upon the
8 orders of trustees, signed by the president of the board, upon which
9 warrants shall be drawn by the auditor upon the treasurer.

[C. C. 4910, 4928.]

Sec. 207. Improvement Certificates and Bonds.

1 The board of trustees of any district shall have the same power
2 to issue improvement certificates and levee and drainage bonds under

3 the same conditions and with like tenor and effect as is provided by
4 chapter one (1) of this title for such issuance by the board of super-
5 visors, except that in case of the issue of levee or drainage bonds,
6 the same shall be approved by a judge of the district court in and for
7 the county or counties in which such district lies, which approval
8 shall be printed upon such bonds before the same are negotiated.

[C. C. 4910.]

Sec. 208. Reclassification and Other Changes—Election.

1 If a reclassification of lands or a readjustment of the assessments
2 of property or any important change of the district shall be deemed
3 advisable by the said trustees, they shall submit such questions to
4 the vote of the owners of land of said district assessed for benefits, by
5 ballot, at the next regular election of trustees, or they shall have the
6 power to call a special election therefor, with like notice as for regular
7 elections which shall state the proposition to be submitted. Should
8 the proposition receive the sanction of the majority of the voters at
9 said election, then the trustees shall proceed in the same manner in the
10 reclassification and readjustment of the assessments as is now pro-
11 vided for governing the actions of the board or boards of supervisors.

[C. C. 4910.]

Sec. 209. Form of Ballot for Submitting Proposition.

1 For the purpose of any election under the preceding section, the
2 trustees shall prepare the form of ballot to be used for such election
3 and shall distinctly and separately state on each ballot the proposi-
4 tions to be submitted. If it is a question of reclassification and read-
5 justment of assessments of the district, the ballot shall so state, and
6 be arranged so that the voter may vote for or against said proposition.

7 If the question is one of extensive improvements or important changes
8 of the district, the form of ballot shall specify the extent and cost of
9 such improvements or changes, and so arranged that each voter may
10 vote for or against such proposition. Said ballot shall be separate
11 from any ballot for the election of trustees and when voted, such
12 ballot shall be deposited in a separate box and be kept separate; and
13 the returns of election shall be certified by the judges and clerks of
14 election to the auditor, or if more than one (1) county, to each auditor,
15 and the ballots deposited with the auditor of the county having the
16 largest acreage of the district, and a record made thereof in the drain-
17 age record of said district.

[C. C. 4910, modified.]

Sec. 210. Trustees to Report Proceedings to Auditor.

1 Such trustees shall, from time to time, and with reasonable
2 promptness, furnish the auditor of each county in which any part of
3 said district is situated, with a correct report of their acts and pro-
4 ceedings, which report shall be signed by the chairman and the clerk
5 of the board and shall be recorded by the auditor in the drainage
6 record, and shall be published with the proceedings of the board of
7 supervisors.

[C. C. 4911, 4929.]

Sec. 211. Compensation.

1 The compensation of the trustees and the clerk of the board is
2 hereby fixed at three dollars (\$3.00) per day and necessary expenses
3 to be paid out of the funds of the drainage district for each day neces-
4 sarily expended in the transaction of the business of the district, but
5 no one shall draw compensation for services as trustee and as clerk

6 at the same time. They shall file with the auditor or auditors, if
7 more than one (1) county, itemized verified statements of their time
8 devoted to the business of the district and of the expenses incurred.

[C. C. 4931, modified.]

Sec. 212. Change From Trustee to Supervisor Management.

1 Any district which has been placed under the management of
2 trustees may be placed back under the management of the board or
3 boards of supervisors in the manner provided in the next section.

[New.]

Sec. 213. Petition—Requisites—Canvass.

1 For such purposes a petition signed by a majority of persons,
2 including corporations owning land within the district assessed for
3 benefits and who in the aggregate own more than one-half ($\frac{1}{2}$) the
4 acreage of such lands, may be filed in the office of the auditor and if
5 more than one (1) county, then a duplicate shall be filed in the office
6 of the auditor of each county.

7 The trustees shall fix a date not less than ten (10) nor more than
8 thirty (30) days from the date such petition is filed for the canvass
9 of such petition, and the trustees and auditor or auditors shall can-
10 vass said petition and certify and record in the drainage record the
11 result.

[New.]

Sec. 214. No Names to Be Withdrawn or Added.

1 No names shall be withdrawn from said petition and no new
2 names shall be added thereto after it is filed.

[New.]

Sec. 215. When Change Takes Effect.

1 If the result of the canvass shows a majority in favor of such
2 change, then it shall become effectual on the date at which the next
3 annual election of trustees would be held, and on such date the trus-
4 tees shall surrender and turn over to the board or boards of super-
5 visors the full and complete management and control of such district,
6 together with all books, contracts and other documents relating thereto.

[New.]

Sec. 216. Final Report of Trustees.

1 On or before the date such change becomes effective, the said
2 trustees shall make and file with the auditor, or if more than one (1)
3 county, a duplicate with each auditor, a final report setting forth:

4 1. The amount of cash funds on hand or to the credit of the
5 district.

6 2. The amount of outstanding indebtedness of the district, and
7 the form thereof, whether in warrants, improvement certificates or
8 bonds and the amount of each.

9 3. Any outstanding contracts for repairs or other work to be done.

10 4. A statement showing the condition of the improvements of the
11 district, and specifying any portion thereof in need of repair.

[New.]

Sec. 217. Duty of Board of Supervisors.

1 After such change is made it shall be the duty of the board of
2 supervisors to manage and control the affairs of said district as fully
3 and to the same extent as if it had never been under trustee manage-
4 ment. They shall carry out any pending contracts lawfully made by
5 the trustees as fully as if made by the board.

[New.]

CHAPTER 6.

CERTAIN INDIVIDUAL DRAINAGE RIGHTS.

Sec. 218. **Drainage Through Land of Others—Application.**

1 When the owner of any land shall desire to construct any levee,
2 open ditch, tile or other underground drain, for agricultural, sanitary
3 or mining purposes, or for the purpose of securing more complete
4 drainage or a better outlet, across the lands of others, or across or
5 through the right of way and roadbed of a railroad, and shall be un-
6 able to agree with the owner of any such lands, or with any such rail-
7 road company upon the terms upon which such rights may be ob-
8 tained, he may file with the township clerk of the township in which
9 any such land or right of way is situated, an application in writing,
10 setting forth a description of the land or other property through
11 which he is desirous of constructing any such levee, ditch or drain,
12 the starting point, route, terminus, character, size and depth thereof.

[C. C. 4797.]

Sec. 219. **Notice of Hearing—Service.**

1 Upon the filing of any such application, the clerk shall forthwith
2 fix a time and place for hearing thereon before the township trustees
3 of his township, which hearing shall be not more than ninety (90)
4 days nor less than thirty (30) days from the time of the filing of such
5 application and cause notice in writing to be served upon the owner
6 of each tract of land across which any such levee, ditch or drain is
7 proposed to be located, as shown by the transfer books in the office
8 of the county auditor, and also upon the person in actual occupancy
9 of any such lands, of the pendency and prayer of such application,
10 and the time and place set for hearing on the same before the town-

11 ship trustees, which notice as to residents of the county and railroad
12 companies, shall be served not less than ten (10) days before the time
13 set for such hearing, in the manner that original notices are required
14 to be served. Notice to a railroad company may be served upon the
15 nearest station agent.

[C. C. 4797.]

Sec. 220. Service Upon Nonresident.

1 In case any such owner is a nonresident of the county, such notice
2 as to him shall be posted in three (3) public places within the town-
3 ship where his land is situated at least fifteen (15) days before the
4 time set for such hearing, one (1) of which places shall be upon the
5 land of which he is the owner.

[C. C. 4797.]

Sec. 221. Service on Omitted Parties—Adjournment.

1 If at the hearing it should appear that any person entitled to
2 notice, has not been served with notice the trustees may postpone such
3 hearing and fix a new time for the same, and notice of such new day
4 of hearing may be served on such omitted persons in the manner and
5 for the time provided by law and by fixing such new day for hearing
6 and by adjournment to such time, the trustees shall not lose jurisdic-
7 tion of the subject matter of such proceeding nor of any persons pre-
8 viously served with notice.

[C. C. 4797.]

Sec. 222. Claims for Damages or Compensation—Waiver.

1 Any person or corporation claiming damages or compensation for
2 or on account of the construction of any such improvement, shall file
3 a claim in writing therefor with the township clerk at least two (2)

4 days before the day fixed for hearing on the application and a failure
5 to file such claim at the time specified shall be deemed to be a waiver
6 of the right to claim or recover such damage.

[C. C. 4797.]

Sec. 223. Hearing—Sufficiency of Application—Damages.

1 At the time set for hearing on the application, if the trustees shall
2 find that all necessary parties have been served with notice as re-
3 quired, they shall proceed to hear and determine the sufficiency of the
4 application as to form and substance, which application may be
5 amended both as to form and substance before final action thereon.
6 They shall also determine the merits of the application, all objections
7 thereto and all claims filed for damages or compensation, and may
8 view the premises. The trustees may adjourn the proceedings from
9 day to day, but no adjournment shall be for a longer period than ten
10 (10) days.

[C. C. 4798.]

Sec. 224. Shall Locate When—Specifications For.

1 If the trustees find that the levee, ditch or drain petitioned for
2 will be beneficial for sanitary, agricultural or mining purposes, they
3 shall locate the same and fix the points of entrance and exit on such
4 land or property, the course of the same through each tract of land,
5 the size, character and depth thereof, when and in what manner the
6 same shall be constructed, how kept in repair, what connections may
7 be made therewith, what compensation, if any, shall be made to the
8 owners of such land or property or damages by reason of the con-
9 struction of any such improvements, and any other question arising
10 in connection therewith.

[C. C. 4798.]

Sec. 225. Findings in Writing—Record.

1 The trustees shall reduce their findings, decision and determina-
2 tion to writing, which shall be filed with the clerk of such township,
3 who shall record it in the official record of the trustees' proceedings,
4 together with the application and all other papers filed in connection
5 therewith, and he shall cause the findings and decision of the trustees
6 to be recorded in the office of the recorder of the county in which such
7 land is situated and said decision shall be final unless appealed from
8 as provided in the next section.

[C. C. 4798.]

Sec. 226. Appeal—Notice.

1 Either party may appeal to the district court from any such
2 decision by causing to be served, within ten (10) days from the time
3 it was filed with the clerk, a notice in writing upon the opposite party
4 of the taking of such appeal, which notice shall be served in the same
5 manner as is provided for the service of original notices. If the ap-
6 pellant is the party petitioning for the drain, he shall also file a bond,
7 conditioned to pay all costs of appeal that may be assessed against
8 him, which bond, if good and sufficient, shall be approved by the town-
9 ship clerk.

[C. C. 4799.]

Sec. 227. Appeal—How Tried—Costs.

1 The cause shall be tried in the district court by ordinary pro-
2 ceedings, upon such pleading as the court may direct, each party hav-
3 ing the right to offer such testimony as shall be admissible under the
4 rules of law. If the appellant does not recover a more favorable
5 judgment in the district court than he received in the decision of the

6 trustees. he shall pay all the costs of appeal.

[C. C. 4799.]

Sec. 228. Parties—Judgment—Orders.

1 The party claiming damages shall be the plaintiff and the appli-
2 cant shall be the defendant; and the court shall render such judgment
3 as shall be warranted by the verdict, the facts, and the law upon all
4 the matters involved, and make such orders as will cause the same
5 to be carried into effect.

[C. C. 4800.]

Sec. 229. Transcript.

1 In case of appeal, the township clerk shall certify to the district
2 court a transcript of the proceedings before the trustees, which shall
3 be filed in said court with the appeal bond, the party appealing paying
4 for said transcript and the docketing of said appeal, as in other cases.

[C. C. 4800.]

Sec. 230. Costs and Damages—Payment—Construction.

1 The applicant shall pay the costs of the trustees and clerk and
2 for the serving of notices for hearing, the fees of witnesses summoned
3 by the trustees on said hearing, and the recording of the finding of
4 said trustees by the county recorder. Before entering on the con-
5 struction of the drain, the party applying therefor shall pay to the
6 party through whose land said drain is to be constructed the damages
7 awarded to him, or shall pay the same to the trustees for his use.
8 The applicant may proceed to construct said drain in accordance with
9 the decision of the trustees, and the taking of an appeal shall not
10 delay such work.

[C. C. 4801.]

Sec. 231. Construction Through Railroad Property—Election—Deposit—Payment.

1 If any such ditch or drain shall be located through or across the
2 right of way or other land of a railroad company, the trustees shall
3 determine the cost of constructing the same and the railroad company
4 shall have the privilege of constructing such improvement through
5 its property in accordance with the specifications made by the trus-
6 tees and recover the cost thereof as fixed by the trustees. But such
7 railroad company before it may exercise such privilege shall file its
8 election to that effect with the township clerk within five (5) days
9 after the decision of the trustees is filed, and in case such election is
10 filed the applicant shall within ten (10) days thereafter pay to the
11 township clerk, for the use of the railroad company, the cost of con-
12 structing the drainage improvement through its property, in addition
13 to the amount that may be allowed as damages, and when the railroad
14 company shall have completed the improvement through its property
15 in accordance with such specifications it shall be entitled to demand
16 and receive from the township clerk such cost.

[C. C. 4801.]

Sec. 232. Failure of Railroad to Construct.

1 If the railroad company shall fail to so construct the improvement
2 for a period of thirty (30) days after filing its election so to do, the
3 applicant may proceed to do so and may have returned to him the
4 cost thereof deposited with the township clerk.

[C. C. 4801.]

Sec. 233. Repairs—Dispute, How Determined.

1 In case any dispute shall thereafter arise as to the repair of any
2 such drain, the same shall be determined by said trustees upon appli-

3 cation in substantially the same manner as in the original construc-
4 tion thereof.

[C. C. 4802.]

Sec. 234. Penalty for Obstructing.

1 Any person who shall dam up, obstruct or in any way injure any
2 ditch or drain so constructed, shall be liable to pay to the person own-
3 ing or possessing the swamp, marsh or other low lands, for the drain-
4 ing of which such ditch or ditches have been opened, double the dam-
5 ages that shall be sustained by the owner, and, in case of a second or
6 subsequent offense by the same person, treble such damages.

[C. C. 4803.]

Sec. 235. Connecting Drains on Boundary Lines of Abutting Owners.

1 When any watercourse or natural drainage line crosses the bound-
2 ary line between two (2) adjoining landowners and both parties desire
3 to drain their land along such watercourse or natural drainage line, but
4 are unable to agree as to the junction of the lines of drainage at such
5 boundary line, the township trustees of the township in which said
6 land is located shall have full power and authority upon the applica-
7 tion of either party to hear and determine all questions arising between
8 such parties after giving due notice to each of the time and place of
9 such hearing, and may render such decision thereon as to said trus-
10 tees shall seem just and equitable.

[C. C. 4804.]

Sec. 236. Boundary Between Two Townships—Proceedings.

1 If any controversy referred to in the preceding section relates
2 to a boundary line between adjoining owners which is also the bound-
3 ary line between two (2) townships, then such controversy shall be

4 determined by the joint action of the board of trustees in said two
5 (2) adjoining townships, and all the proceedings shall be the same
6 as provided in the preceding section except that it shall be by the
7 joint action of the boards of trustees of said two (2) townships.

[C. C. 4804, modified.]

Sec. 237. Owners May Drain in Course of Natural Drainage.

1 Owners of land may drain the same in the general course of
2 natural drainage by constructing open or covered drains discharging
3 the same in any natural watercourse or depression whereby the water
4 will be carried into some other natural watercourse, and when such
5 drainage is wholly upon the owner's land he shall not be liable in
6 damages therefor. Nothing in this section shall in any manner be
7 construed to affect the rights or liabilities of proprietors in respect to
8 running streams.

[C. C. 4912.]

Sec. 238. Drainage Connection With Highway.

1 When the course of natural drainage of any land runs to a public
2 highway, the owner of such land shall have the right to enter upon
3 such highway for the purpose of connecting his drain or ditch with
4 any drain or ditch constructed along or across the said highway, but
5 in making such connections, he shall do so in accordance with speci-
6 fications furnished by the highway authorities having jurisdiction
7 thereof, which specifications shall be furnished to him on application.
8 He shall leave the highway in as good condition in every way as it
9 was before the said work was done.

[C. C. 4805.]

CHAPTER 7.

DRAINAGE DISTRICTS IN CONNECTION WITH UNITED STATES LEVEES.

Sec. 239. **United States Levees as Part of District Improvements—Cooperation of Board.**

1 In any case where the United States has built or shall build a
2 levee along or near the bank of a navigable stream forming a part of
3 the boundary of this state, the board of supervisors of any county
4 through which the same may pass shall have the power to aid in pro-
5 curing the right of way for, and maintaining said levee, and providing
6 a system of internal drainage made necessary or advisable by the con-
7 struction thereof. Such improvement shall be presumed to be con-
8 ducive to the public health, convenience, welfare or utility.

[C. C. 4817.]

Sec. 240. **Manner in Which Board May Cooperate With United States.**

1 Any United States government levee under the conditions men-
2 tioned in the preceding section may be taken into consideration by the
3 board as a part of the plan of any levee or drainage district and im-
4 provements therein, and such board may, by agreement with the
5 proper authorities of the United States government, provide for pay-
6 ment of such just and equitable portion of the costs of procuring the
7 right of way and maintenance of such levee as shall be conducive to
8 the public welfare, health, convenience or utility.

[C. C. 4817, modified.]

Sec. 241. **Engineer to Report Specially.**

1 In the proceedings to establish such a district the engineer shall
2 set forth in his report, separately from other items, the amount of the
3 cost for the right of way of such levee, of constructing and maintain-

4 ing the same; and if the plan is approved and the district finally estab-
5 lished in connection with such levee, the board shall make a record of
6 any such cooperative arrangement and may use such part of the funds
7 of the district as may be necessary to pay the amount so agreed upon
8 toward the right of way and maintenance of such levee.

[C. C. 4817, modified.]

Sec. 242. Laws Applicable.

1 In the establishment and maintenance of levee and drainage dis-
2 tricts in cooperation with the United States as in this chapter provided,
3 all the proceedings for said purpose in the filing and the form and sub-
4 stance of the petition, assessment of damages, appointment of an engi-
5 neer, his surveys, plats, profiles and report, notice of hearings, filing of
6 claims and objections, hearings thereon, appointment of commission-
7 ers to classify lands, assess benefits and apportion costs and expenses,
8 report, notice and hearing thereon, the appointment of a supervising
9 engineer, his duties, the letting of work and making contracts, pay-
10 ment for work, levy and collection of drainage assessments and taxes,
11 the issue of improvement certificates and drainage bonds, the taking of
12 appeals and the manner of trial thereof and all other proceedings relat-
13 ing to such district shall be as provided in chapter one (1) of this title,
14 except as otherwise in this chapter provided.

[C. C. 4818-4835, modified.]

CHAPTER 8.

INTERSTATE DRAINAGE DISTRICTS.

Sec. 243. Interstate Drainage—Cooperation—Procedure.

1 When proceedings for the drainage of lands bordering upon the
2 state line are had and the total cost of constructing the improvement

3 in this state, including all damage, has been ascertained, and the
4 engineer in charge, before the final establishment of the district, re-
5 ports that the establishment and construction of such improvement
6 ought to be jointly done with like proceedings for the drainage of lands
7 in the same drainage area in such an adjoining state and that drainage
8 proceedings are pending in such state for the drainage of such lands,
9 the said authorities of this state may enter an order continuing the
10 hearing on the establishment of such district to a fixed date, of which
11 all parties shall take notice.

[C. C. 4933.]

Sec. 244. Agreement as to Costs.

1 The board shall have power, when the total cost, including dam-
2 ages, of constructing the improvement in such other state has been
3 ascertained by the authorities of such other state, to enter into an
4 agreement as to the separate amounts which the property owners of
5 each state should in equity pay toward the construction of the joint
6 undertaking. When such amount is thus determined, the board or
7 boards, having jurisdiction in this state, shall enter the same in the
8 minutes of their proceedings and shall proceed therewith as though
9 such amount to be paid by the portion of the district in this state had
10 been originally determined by them as the cost of constructing the
11 improvement in this state.

[C. C. 4933.]

Sec. 245. Contracts Let by Joint Agreement.

1 When the bids for construction are opened, unless the construc-
2 tion work on each side of the line can go forward independently, no
3 contract shall be let by the authorities in this state, unless the accept-

4 ance of a bid or bids for the construction of the whole project is first
5 jointly agreed upon by the authorities of both states.

[C. C. 4933, modified.]

Sec. 246. Separate Contracts—Amount Not to Exceed Benefits.

1 The contract or contracts for the construction of that portion of
2 the improvement within this state shall be entirely distinct and sep-
3 arate from the contract or contracts let by the authorities of the neigh-
4 boring state; but the aggregate amount of the contract or contracts for
5 the construction of the work within this state shall not exceed an
6 amount equal to the amount of the benefits assessed in this state
7 including damages and other expenses.

[C. C. 4933.]

Sec. 247. Conditions Precedent.

1 No contract shall be let until the improvement shall be finally
2 established in both states, and after final adjustment in both states of
3 damages and benefits. No bonds shall be issued until all litigation in
4 both states arising out of said proceedings, has been finally terminated
5 by actual trial or agreements, or the expiration of all right of appeal.

[C. C. 4934.]

Sec. 248. Assessments, Bonds and Costs Apply Only to Lands in State.

1 All proceedings except as provided in this chapter in relation to
2 the establishment, construction and management of interstate drain-
3 age districts shall be as provided for the establishment and construc-
4 tion of districts wholly within this state as provided in chapter one (1)
5 of this title. All such proceedings for the assessments of benefits,
6 classification of lands, apportionment of costs, letting contracts for
7 work, appeals, issuing improvement certificates, drainage bonds, forma-

8 tion of subdistricts and making repairs and improvements shall relate
 9 only to the lands of such district which are located wholly within this
 10 state. But boards having jurisdiction in this state may make just
 11 and equitable agreements with like authorities in such adjoining state
 12 for the joint management, repair and maintenance of the entire im-
 13 provement, after the establishment and completed construction thereof.

[New.]

CHAPTER 9.

DRAINAGE OF COAL AND MINERAL LANDS AND MINES.

Sec. 249. **Drainage of Coal Lands Through Lands of Another.**

1 Any person or corporation owning or possessing any land under-
 2 laid with coal, who is unable to mine the same by reason of the accumu-
 3 lation of water in or upon it, may drain the same through, over or
 4 under the surface of land belonging to another person, and if such
 5 person or corporation and the owner of the land can not agree as to the
 6 amount of damages that will be sustained by such owner, the parties
 7 may proceed to have the necessary right of way condemned and the
 8 damages assessed in the manner provided in chapter five (5) of this
 9 title.

[C. C. 4809.]

Sec. 250. **Drainage of Lead or Zinc-bearing Lands or Mines—Compensa- tion.**

1 Any person or corporation who by machinery, or by making drains
 2 or adit levels, or in any other way, shall rid any lead or zinc-bearing
 3 lands or lead or zinc mines of water, thereby enabling the owners of
 4 mineral interest in said lands to make them productive and available
 5 for mining purposes, shall receive one-tenth ($\frac{1}{10}$) of all the lead and

6 zinc taken from said lands as compensation for said drainage.

[C. C. 4810.]

Sec. 251. Setting Apart Compensation.

1 The owners of the mineral interest in said lands, and persons min-
2 ing upon and taking lead or zinc from said lands, shall jointly and
3 severally set apart and deliver from time to time, when demanded, the
4 said one-tenth ($\frac{1}{10}$) of the mineral taken from said lands to the per-
5 son or corporation entitled thereto, and the owners of the mineral
6 interest therein shall allow the party entitled to such compensation and
7 his agent at all times to descend into and examine said mines, and to
8 enter any building occupied for mining purposes upon any of said lands
9 and examine and weigh the mineral taken therefrom.

[C. C. 4811.]

Sec. 252. Failure to Pay Compensation—Penalty.

1 Upon the failure or refusal of any owner of the mineral interest in
2 said lands, or of any person taking the mineral therefrom to comply
3 with the provisions of the preceding section, the person or corporation
4 entitled to said compensation may recover the value of said mineral.
5 If it shall appear that the defendant obstructed the plaintiff in the
6 exercise of the right to examine such mines, and to weigh such min-
7 eral, or concealed or secretly carried away any mineral taken from
8 them, the court shall render judgment for double the amount proved
9 to be due from such defendant.

[C. C. 4812.]

Sec. 253. Notice to Smelters—Effect.

1 The person or corporation entitled to said drainage compensation
2 may at any time leave with any smelter of lead or zinc mineral in this

3 state a written notice, stating that said person or corporation claims
4 of the persons named in said notice the amount to which said person
5 or corporation may be entitled, which notice shall have the effect of
6 notices in garnishment, and also require the said smelter to retain,
7 for the use of the person entitled thereto, the one-tenth ($\frac{1}{10}$) part of
8 the mineral taken from said land and received from the person named
9 in said notice. The payment or delivery of the one-tenth ($\frac{1}{10}$) part
10 of the mineral taken from any of said lands by any of the persons
11 whose duty it is hereby made to pay or deliver the same, shall dis-
12 charge the parties liable jointly with him, except liability to con-
13 tribute among themselves.

[C. C. 4813.]

Sec. 254. Right of Way for Drainage of Mineral Lands.

1 Any person or corporation engaged as aforesaid in draining such
2 mines and lead or zinc-bearing lands, when he or they shall find it nec-
3 essary for the prosecution of their work, may procure the right of way
4 upon, over or under the surface of such mineral lands, and the con-
5 tiguous and neighboring lands, for the purpose of conveying the water
6 from said mineral lands by troughs, pipes, ditches, water races or
7 tunnels, and the right to construct and use shafts and air holes in and
8 upon the same, doing as little injury as possible in making said im-
9 provements.

[C. C. 4814.]

Sec. 255. Manner of Procuring Right of Way.

1 If the said person or corporation engaged in draining as aforesaid,
2 and the owner of any land upon which said right of way may be deemed
3 necessary, can not agree as to the amount of damages which will be

4 sustained by the owner by reason thereof, the parties may proceed to
5 have the same assessed in the manner provided for the exercise of the
6 right of eminent domain as provided in chapter five (5) of this title.

[C. C. 4815.]

Sec. 256. Limitation of Provisions.

1 The foregoing provisions shall not be construed to require the
2 owners of the mineral interest in any of said lands to take mineral
3 therefrom, or to authorize any other person to take the mineral from
4 said lands without the consent of the owners.

[C. C. 4816.]

**Sec. 257. Established Districts, Pending Litigation, and Other Matters
Not Affected.**

1 The amendment, revision and codification of existing law con-
2 tained in this act shall not affect litigation pending at the time this
3 act goes into effect, or the validity of the establishment, construction
4 or organization of any district then existing, the classification of
5 lands, the assessment and levy of drainage taxes, existing contracts, or
6 any warrants, improvement certificates or drainage bonds, outstanding
7 or already provided for under prior existing laws.

[New.]

Code Commissioners' Bill No. 186.

Subject: WATER POWER IMPROVEMENT

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

An act to amend, revise and codify chapters three (3) and four (4) 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 chapters three (3) and four (4) of title fifteen (15) of the compiled code of Iowa are amended, revised and codified to read as follows:

CHAPTER 3.**DEVELOPMENT, IMPROVEMENT AND USE OF WATER POWER****Section 1. Development of Water Power Presumed a Public Benefit.**

1 The development of the water power of the state and the use
2 thereof for industrial purposes shall be presumed conducive to the
3 public welfare, benefit, utility and convenience.

[New.]

Sec. 2. Acquisition of Water Power Rights.

1 Any person or corporation owning land on one (1) or both sides of
2 a stream or watercourse may erect or heighten and maintain a dam for
3 the purpose of impounding and diverting the water of such stream or
4 watercourse for water power purposes, and construct, lengthen, or
5 enlarge, and maintain any race, canal, or conduit from such stream for

6 the purpose of operating by the use of the water thereof any mill,
7 factory, or water power plant, erected or to be erected.

[C. C. 4936, 4954, modified.]

Sec. 3. Water Returned Unpolluted and Undiminished—Exceptions.

1 The water of any stream diverted or used for the purposes pro-
2 vided in the preceding section, shall not be injuriously polluted or the
3 quantity thereof materially diminished, and shall be returned to the
4 natural course of such stream at the nearest place practicable after
5 being used, except as provided in this chapter for the permanent diver-
6 sion of water to be used and discharged at a different place.

[C. C. 4936, modified.]

Sec. 4. Proceedings.

1 Any person or corporation may file in the office of the clerk of the
2 district court of the county in which such mill, factory or water
3 power plant is or is to be located, or such power or diversion dam is to
4 be erected, a petition designating the petitioner as plaintiff and the
5 owners of all the lands above such dam that will be affected by the
6 erection thereof as defendants, and describing with reasonable cer-
7 tainty the location where such dam, mill, factory or water power
8 plant is to be erected, and the height of such dam, the location, size
9 and length of any race, canal or conduit to be constructed in connec-
10 tion therewith, and also describing such lands by congressional division
11 or other intelligible description, that will be overflowed or otherwise
12 affected by the erection of such dam, and stating the names of the
13 owners thereof as shown by the transfer books in the office of the
14 auditor of the county in which it is located.

[C. C. 4936, modified.]

Sec. 5. Survey and Plat by Engineer.

1 There shall be filed with the petition and survey a plat of all the
2 lands above such proposed improvements that will be affected thereby,
3 showing the elevation of each separately owned tract with reference
4 to the height of the proposed dam. The survey and plat shall indi-
5 cate in different colors the land that will be overflowed and the land
6 that will be rendered wet and unsuitable for use or be otherwise
7 affected by such improvements. Accompanying said survey and plat
8 shall be a statement of such details as will disclose the manner in
9 which all such lands will be affected. The petitioner, with engineers
10 and helpers, may go upon any lands necessary for the purpose of
11 making examinations and surveys, and shall pay the owners respec-
12 tively for any damages done.

[New.]

Sec. 6. Lands in Another County.

1 If any of the lands affected are situated in a different county from
2 that in which the petition is required to be filed, the proceedings shall
3 apply thereto to the same extent as if such lands were situated in the
4 county where it is filed.

[C. C. 4939.]

Sec. 7. Order for a Jury—Notice.

1 The clerk shall thereupon issue an order, with a copy of the peti-
2 tion, plat and report of the engineer attached, directed to the sheriff,
3 commanding him to summon a jury of twelve (12) disinterested free-
4 hold electors of his county to meet on a day fixed in the order, upon the
5 lands described. A copy of the order with attached papers shall be
6 served on the defendants in the same manner and for the same length

7 of time previous to the day fixed in the order as is required for the
8 service of original notices for commencement of civil actions.

[C. C. 4937.]

Sec. 8. Continuance.

1 If the order shall not be executed by the sheriff on the day therein
2 fixed, he may adjourn the matter from time to time to another day,
3 and shall serve and make return of notice thereof upon all parties inter-
4 ested in the manner required for the service of original notices. If
5 the hearing can not be completed in one (1) day, the sheriff shall
6 adjourn the same from day to day until completed.

[C. C. 4938.]

Sec. 9. Appraisement by Jury.

1 The jury shall take and subscribe to an oath impartially and to
2 the best of its skill and judgment to view the lands described in the
3 petition, plat, and report of the engineer, and to ascertain and ap-
4 praise the damages each of the defendants will sustain by reason of
5 such lands being overflowed or otherwise injuriously affected by the
6 erection or heightening and maintenance of the dam or race, or enlarg-
7 ing of the race.

[C. C. 4940, modified.]

Sec. 10. Evidence—Report.

1 The jury may, in addition to examining the premises, swear and
2 examine witnesses, and shall, in accordance with the oath taken, report
3 its findings in writing, and attach the same to the order, which shall be
4 returned by the sheriff to the clerk.

[C. C. 4941, modified.]

Sec. 11. Appeal.

1 Any party may appeal from such assessment of damages to the
2 district court within thirty (30) days after the assessment is made,
3 and report thereof filed in the office of the clerk, in the manner, and the
4 proceedings on such appeal shall be, as provided in case of appeals from
5 assessment of damages in the chapter relating to eminent domain.

[C. C. 4942.]

Sec. 12. Cause Shown.

1 When the report of the jury is filed, the clerk shall issue an order,
2 directed to the defendants, requiring them to appear at the next term
3 of court and show cause why a license should not be granted to con-
4 struct or heighten and maintain the dam, or construct, lengthen, or
5 enlarge, and maintain the race, canal, or conduit. The order shall be
6 served in the manner required for service of original notices in civil
7 actions.

[C. C. 4943, modified.]

Sec. 13. Objections Filed—Pleadings—Another Jury.

1 On or before the day fixed in the order to show cause, the defend-
2 ants may file objections to the prior proceedings, or to granting a
3 license. The petition and objections shall constitute the pleadings, and
4 may be amended upon such reasonable terms as the court may order;
5 and if the proceedings of the jury are found defective in substance, it
6 may direct a new jury to be impaneled and prescribe the notice to be
7 given. The return of the sheriff may be amended at any stage of the
8 proceedings in accordance with the facts.

[C. C. 4944.]

Sec. 14. New Party.

1 Any owner of land affected by any proceedings under this chapter,
2 who has not been made a party thereto, may be brought in by proper
3 proceedings at any time before final decree.

[C. C. 4949.]

Sec. 15. License Granted When.

1 If the court shall find that such improvement is for the public wel-
2 fare, benefit, utility and convenience, a license shall be granted to the
3 petitioner to construct such dam and other improvement and exercise
4 the powers granted by this chapter upon condition that the plaintiff
5 shall pay to the rightful parties all damages found by the jury and
6 decreed by the court, or deposit the amount thereof with the clerk of
7 said court.

[C. C. 4946, modified.]

Sec. 16. Forfeiture of License.

1 If the licensee, except as hereinafter provided, does not begin
2 within one (1) year from the granting of the license to construct said
3 improvement, and finish and have in operation the mill or machinery
4 within three (3) years thereafter, and afterwards keep it in good re-
5 pair for the purposes intended, or in case such improvement is de-
6 stroyed, and the owner shall not begin to repair or rebuild the same
7 within one (1) year, and finish it within three (3) years, the license
8 shall be forfeited.

[C. C. 4947.]

Sec. 17. Costs.

1 Costs and fees under this chapter shall be the same as in other
2 cases for like services, and shall be paid by the plaintiff.

[C. C. 4950.]

Sec. 18. No Bar to Action.

1 The proceedings under this chapter shall not be a bar to any
2 action which could have been maintained if this chapter had not been
3 enacted, unless the cause of action existed and was taken into consid-
4 eration in the proceedings to acquire the rights conferred by this
5 chapter.

[C. C. 4948, modified.]

Sec. 19. Right to Repair.

1 Where the water impounded by any dam belonging to any mill,
2 factory or water power plant is about to break through or over the
3 banks of the stream, race or canal, or wash a new channel, so as to
4 divert the water of such stream, race or canal, or any part thereof, out
5 of its ordinary channel, whereby such mill, factory or plant will be
6 materially injured or affected, the owner or occupant thereof may,
7 when necessary, enter on lands of others and erect and keep in repair
8 such embankments and other works as may be necessary to prevent
9 such water from breaking through or over the banks, or washing a
10 new channel as aforesaid. The owner or occupant shall be liable to pay
11 all damages which the owner of the lands may sustain by reason
12 thereof.

[C. C. 4951, modified.]

Sec. 20. Fall Below Dam.

1 Any person owning and using a water power shall have the right
2 to acquire, maintain and utilize the fall below such power for the pur-
3 pose of improving the same, in like manner and to the same extent as
4 provided in this chapter for the erection or heightening of mill dams.
5 After such right has been acquired, the fall shall be considered part

6 and parcel of said water power or privilege, and the deepening or ex-
7 cavating of the stream or tail race, as herein contemplated, shall in
8 no way affect any rights relating to such water power acquired by the
9 owner thereof prior to such change.

[C. C. 4953.]

Sec. 21. Penalty for Injuring Embankment.

1 If any person shall injure, destroy or remove any dam, embank-
2 ment or other works erected under the provisions of this chapter, he
3 shall be punished by a fine not exceeding one thousand dollars
4 (\$1,000.00) or imprisonment in the county jail not exceeding six (6)
5 months. The owner or occupant of the improvement may recover of
6 such person double the damages he may sustain by reason thereof.

[C. C. 4952.]

Sec. 22. Proceedings for Permanent Diversion of Water.

1 When any person or corporation proposes to erect upon or in any
2 stream or watercourse, a dam for the purpose of diverting the water
3 of such stream and carrying it or any substantial portion thereof
4 through a canal, or by other means, permanently away from such
5 stream to be used for power purposes at another point and discharging
6 it at some other place than the natural channel or watercourse, he
7 shall, before proceeding to erect such dam or divert said water, pro-
8 cure the right to do so in one (1) of the ways provided in this chapter;
9 but such right shall not be exercised to the material injury of a water
10 power previously improved.

[New.]

Sec. 23. Relinquishment of Riparian Rights.

1 Such person or corporation may procure from each owner of
2 riparian rights on and in both sides of such stream from the point at
3 which it is proposed to divert the water to the mouth thereof, a written
4 consent to such diversion, which, when acknowledged and recorded in
5 the county where the land is situated, shall, in each instance, be a cove-
6 nant running with the tract of land to which it applies. If such con-
7 sent shall be obtained from each such owner of riparian rights, such
8 person or corporation shall have the right to construct such improve-
9 ment and divert said waters.

[New.]

Sec. 24. Procuring Right by Eminent Domain.

1 The person or corporation proposing to divert the water of any
2 stream or watercourse may secure such right as against any riparian
3 owner above or below the point of diversion, whose rights will be
4 affected by such improvement, by the exercise of the right of eminent
5 domain, through condemnation proceedings as for taking and using
6 private property for public use.

[New.]

Sec. 25. Concession by State of Water Power Rights.

1 When any person or corporation has in any manner procured the
2 right to use or divert water from a stream or watercourse as pro-
3 vided in this chapter, the rights of the state in said water and any
4 claim for damages to the state, by reason of such use or diversion, shall
5 be deemed relinquished.

[C. C. 4958, modified.]

Sec. 26. Additional Right to Take Land.

1 Any person or corporation organized for the purpose of utilizing
2 and improving any water power within this state, or in any stream
3 upon the borders thereof, may take and hold so much real estate as
4 may be necessary for the location, construction and convenient use of
5 its dams, reservoirs to impound water for power purposes, canals, con-
6 duits, mains and waterways, or other means employed in the utilization
7 of such water power, and for the construction of such buildings and
8 their appurtenances as may be required for the purposes aforesaid,
9 and may also take, remove and use, for such construction and improve-
10 ments, any earth, gravel, stone, timber or other materials on or from
11 the land so taken. Compensation shall be made for the lands and ma-
12 terials so taken and used by such person or corporation, to the owner,
13 either by mutual agreement or the exercise of the right of eminent
14 domain.

[C. C. 4954.]

Sec. 27. Lands Not Taken Until Value Finally Determined and Paid.

1 Possession of lands condemned under the provisions of this chapter
2 shall not be taken from the owners or occupants thereof until the
3 amount of compensation for the same has been finally adjudicated and
4 paid.

[New.]

Sec. 28. Crossing Public Highway or Railway.

1 Any licensee under this chapter may cross any public highway
2 with his canal, race, conduit, water main, or other means of utilizing
3 the water and water power. Such crossing shall be constructed in
4 accordance with plans and specifications in each case approved by the

5 authorities having jurisdiction over such highway. The licensee may
6 cross any railway right of way in accordance with plans and specifica-
7 tions approved by the chief engineer of the company owning or oper-
8 ating it. In case of disagreement in reference thereto between said
9 company and said licensee, such plans and specifications shall be ap-
10 proved by the state board of railroad commissioners, and the licensee
11 may construct such crossing in accordance therewith.

[New.]

Sec. 29. Work Not to Hinder or Imperil Travel.

1 After the plans and specifications for crossing a highway or a
2 railway right of way have been approved by the proper authorities,
3 the work shall be done in such manner as not to interfere with travel
4 thereon to a greater extent or for a longer period than actually neces-
5 sary, and in case of a railway, so as not to hinder or imperil the oper-
6 ation of the same. In all cases, such highway or railway shall be
7 placed in as good, safe and secure condition as before the construction
8 of such improvement. The rights conferred by this and the preceding
9 section shall be exercised in cities and towns only with the consent and
10 approval of the council.

[C. C. 4955, modified.]

Sec. 30. Public Lands.

1 Such person or corporation is authorized to pass over, occupy and
2 enjoy any of the school, university or other lands of this state, whereof
3 the fee or any use, easement or servitude therein is in the public with
4 the consent of the official or board in control thereof and by making

5 compensation therefor. No more of such land shall be taken than is
6 required for its necessary use and convenience.

[C. C. 4956.]

Sec. 31. **Powers.**

1 Any corporation organized for the purposes of improving and
2 utilizing water power as provided in this chapter, shall, in addition to
3 the other powers, have the following:

4 1. To borrow money for the purpose of constructing, renewing or
5 repairing any of its improvements.

6 2. To make, execute and deliver contracts, bonds, notes, mort-
7 gages, deeds of trust and other conveyances charging, conveying or
8 incumbering its property, rights and franchises.

9 3. To erect and maintain dams, canals, conduits, waterways, mills,
10 factories, water power and electric or hydroelectric generating and
11 power plants and to operate the same, and to utilize the water of
12 streams for all said purposes to the extent and in the manner pro-
13 vided by law.

14 4. To lease, let or sell and convey any portion of its water supply
15 and its mills, factories, plants and appurtenances or any part thereof.

16 5. To lay, maintain and use such water mains, conduits, leads
17 and service pipes as shall be necessary to supply any building, village,
18 city or town with water.

19 6. To erect and maintain electric transmission lines and all neces-
20 sary poles, wires, conduits, cables and other devices and appliances in
21 conformity with the statutes regulating electric transmission lines.

[C. C. 4957, modified.]

Sec. 32. Completion of Work--Limitation.

1 Such person or corporation shall take, hold and enjoy the privi-
2 lege of utilizing and improving the water power and the rights, powers
3 and privileges aforesaid, and shall proceed in good faith to make the
4 improvements and employ the powers above conferred, and shall within
5 two (2) years from the date of acquiring such powers, provide the nec-
6 essary capital, complete the preliminary surveys, and actually com-
7 mence the work of improving the water power, and shall begin to
8 utilize the said water power for some of the purposes aforesaid within
9 five (5) years thereafter.

[C. C. 4958, modified.]

Sec. 33. Rights Subject to Legislative Control.

1 The rights, powers, privileges and immunities conferred by this
2 chapter, relating to the improvement and use of the water power of
3 the state, shall at all times remain subject to legislative control.

[C. C. 4958.]

Subject: EMINENT DOMAIN

Senate File No. Referred to Committee on
House File No.
By Date

A BILL FOR

An act to amend, revise and codify sections forty-nine hundred fifty-nine (4959) to forty-nine hundred sixty-eight (4968), inclusive, 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 five thousand one (5001), inclusive, five thousand eight (5008), five thousand nine (5009) and five thousand eleven (5011) of the compiled code of Iowa, relating to the condemnation of private property for works of internal improvement and for other public uses and purposes.

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

That sections forty-nine hundred fifty-nine (4959) to forty-nine hundred eighty-one (4981), inclusive, forty-nine hundred eighty-three (4983) to five thousand one (5001), inclusive, five thousand eight (5008), five thousand nine (5009) and five thousand eleven (5011) of the compiled code of Iowa are amended, revised and codified to read as follows:

CHAPTER —.

EMINENT DOMAIN.

Section 1. Exercise of Power by State.

1 Proceedings may be instituted and maintained by the state of
2 Iowa, or for the use and benefit thereof, for the condemnation of such
3 private property as may be reasonably necessary for any public im-
4 provement which the general assembly has authorized to be under-

5 taken by the state, and for which an available appropriation has been
6 made. The executive council shall institute and maintain such pro-
7 ceedings in case authority to so do be not otherwise delegated.

[C. C. 4959, 4960, 4963, modified.]

Sec. 2. On Behalf of Federal Government.

1 The executive council may institute and maintain such proceed-
2 ings when private property is necessary for any use of the govern-
3 ment of the United States.

[C. C. 4960, modified.]

Sec. 3. Conveyance by State to Federal Government.

1 When land or any easement therein is condemned by the state
2 of Iowa for the use and benefit of the United States, the governor,
3 after the land has been finally acquired, shall have power to convey,
4 to the United States, the easement or lands so acquired and all rights
5 of the state therein.

[C. C. 4961, modified.]

Sec. 4. Right Conferred.

1 The right to take private property for public use is hereby con-
2 ferred:

3 1. *Counties.* Upon all counties for such lands as are reasonable
4 and necessary for the erection of courthouses or jails.

[C. C. 4965, 4968, modified.]

5 2. *Agricultural societies.* Upon all incorporated county fair so-
6 cieties, and county or district agricultural associations, when the
7 property sought to be taken is reasonably necessary in order to enable
8 such society or association to carry out the authorized purposes of its
9 incorporation.

[C. C. 4966, modified.]

10 3. *Corporations or persons in certain cases.* Upon any corpora-
11 tion or person desiring to construct a canal, road or bridge as a work
12 of public utility, but the land taken shall not exceed one hundred (100)
13 feet in width.

[C. C. 5008, modified.]

14 4. *Common carriers by aeroplanes.* Upon any company incor-
15 porated under the laws of the United States, or of any state thereof,
16 and engaged, by means of aeroplanes, in the business of a common
17 carrier of mail, express, freight, or passengers, but the property
18 sought must be reasonably necessary for supply, signal, or repair sta-
19 tions, station grounds, or landing fields and must not exceed twenty
20 (20) acres for any such station.

[New.]

21 5. *Owners of land without way thereto.* Upon any person, com-
22 pany or corporation owning or leasing lands, which have no public or
23 private way thereto, for the purpose of providing a public road, not
24 exceeding forty (40) feet in width, which will connect with some
25 existing public road. Such condemned roadway shall be located on a
26 division, subdivision or "forty" line (or immediately adjacent there-
27 to), and along the line which is the nearest feasible route to an exist-
28 ing public road. Such road shall not interfere with buildings, or-
29 chards, or cemeteries. When passing through enclosed lands, fences
30 shall be built and maintained on both sides thereof by the condemnor
31 and by his assignees. Such roads shall constitute a part of the town-
32 ship road system.

[C. C. 4977, 4979, modified.]

33 6. *Owners of mineral lands.* Upon all owners, lessees or posses-
34 sors of land, for a railway right of way thereto not exceeding one
35 hundred (100) feet in width and located wherever necessary or prac-
36 tical, when such lands have no railway thereto and contain coal, stone,
37 gravel, lead, or other minerals and such railway is necessary in order
38 to reach and operate any mine, quarry, or gravel bed on said land and
39 transport the products thereof to market. Such right of way shall
40 not interfere with buildings, orchards, or cemeteries, and when pass-
41 ing through enclosed lands, lawful fences shall be built and main-
42 tained on both sides thereof by the party condemning the land and
43 by his assignees.

[C. C. 4977, 5011, modified.]

44 7. *Cemetery associations.* Upon any private cemetery association
45 which is incorporated under the laws of this state relating to corpora-
46 tions not for pecuniary profit, and having its cemetery located outside
47 the limits of a city or town, for the purpose of acquiring reasonably
48 necessary grounds for cemetery use or reasonable additions thereto.
49 The right granted in this subsection shall not be exercised until the
50 board of supervisors, of the county in which the land sought to be
51 condemned is located, has, on written application and hearing, on such
52 reasonable notice to all interested parties as it may fix, find that the
53 land, describing it, and sought to be condemned, is reasonably neces-
54 sary for cemetery purposes. The association shall pay all costs at-
55 tending such hearing.

[C. C. 4971, 4975, modified.]

Sec. 5. Right to Condemn Includes Right to Purchase.

1 Whenever the power to condemn private property for a public

2 use is granted to any officer, board, commission, or other official, or
3 to any county, township, or municipality, such grant shall, unless other-
4 wise declared, be construed as granting authority to the officer, board,
5 or official body having jurisdiction over the matter, to acquire, at its
6 fair market value, and from the parties having legal authority to
7 convey, such right as would be acquired by condemnation.

[New, but see C. C. 4969, 4978, 4984, 4999.]

Sec. 6. Right Conferred on Railways.

1 Any railway, incorporated under the laws of the United States
2 or of any state thereof, may acquire by condemnation or otherwise
3 so much real estate as may be necessary for the location, construction
4 and convenient use of its railway. Such acquisition shall carry the
5 right to use for the construction and repair of said railway and its
6 appurtenances any earth, gravel, stone, timber or other material, on
7 or beneath the surface of the land so taken.

[C. C. 4980.]

Sec. 7. Cemetery Lands Not to Be Taken.

1 No lands actually platted, used and devoted to cemetery purposes
2 shall be taken for any railway purpose without the consent of the
3 proper officers or owners thereof.

[C. C. 4980.]

Sec. 8. Limitation on Right of Way.

1 Land taken for railway right of way, otherwise than by consent
2 of the owner, shall not exceed one hundred (100) feet in width unless
3 greater width is necessary for excavation, embankment, or depositing
4 waste earth.

[C. C. 4980.]

Sec. 9. Additional Purposes.

1 Any such corporation owning, operating or constructing a rail-
2 way may, by condemnation or otherwise, acquire lands for the follow-
3 ing additional purposes:

4 1. For necessary additional depot grounds or yards.

5 2. For the purpose of constructing a track or tracks to any mine,
6 quarry, gravel pit, manufactory, warehouse, or mercantile establish-
7 ment.

8 3. For additional or new right of way for constructing double
9 track, reducing or straightening curves, changing grades, shortening
10 or relocating portions of the line, and for excavations, embankments,
11 or places for depositing waste earth.

12 4. For the purpose of constructing water stations, dams or reser-
13 voirs for supplying its engines with water.

[C. C. 4981, 4983.]

Sec. 10. Application for Condemnation.

1 The company, before instituting condemnation proceedings under
2 the last preceding section, shall apply in writing to the board of rail-
3 road commissioners, for permission to so condemn. Said board shall
4 give notice to the landowner, and examine into the matter, and report
5 by certificate to the clerk of the district court in the county in which
6 the land is situated, the amount and description of the additional lands
7 necessary for such purposes, present and prospective, of such com-
8 pany; whereupon the company shall have power to condemn the lands
9 so certified by the commissioners.

[C. C. 4983.]

Sec. 11. Lands for Water Stations—How Set Aside.

1 Lands which are sought to be condemned for water stations,
2 dams or reservoirs, including all the overflowed lands, if any, shall,
3 if requested by the owner, be set aside in a square or rectangular
4 shape by the board of railroad commissioners.

[C. C. 4981.]

Sec. 12. Access to Water—Overflow Limited.

1 An owner of land, which has in part been condemned for water
2 stations, dams or reservoirs, shall not be deprived, without his con-
3 sent, of access to the water, or the use thereof, in common with the
4 company, on his own land, nor, without his consent, shall his dwelling,
5 outhouses, or orchards be overflowed, or otherwise injuriously affected
6 by such condemnation.

[C. C. 4981, modified.]

Sec. 13. Lands to Affect Change in Streams.

1 When a railway company would have the right to excavate a
2 channel or ditch and thereby change and straighten the course of a
3 stream or watercourse, which is too frequently crossed by such rail-
4 way, and thereby protect the right of way and roadbed, or promote
5 safety and convenience in the operation of the railway, it may, by
6 condemnation or otherwise, acquire sufficient land on which to exca-
7 vate such ditch or channel.

[C. C. 4999.]

Sec. 14. Unlawful Diversion Prohibited.

1 Nothing in the last preceding section shall give such corporation
2 the right to change the course of any stream or watercourse where
3 such right does not otherwise exist, nor, without the owner's consent,

4 to divert such stream or watercourse from any cultivated meadow or
5 pasture land, when it only touches such lands at one (1) point.

[C. C. 4999.]

Sec. 15. Abandonment of Right of Way.

1 Where a railway constructed in whole or in part has ceased to
2 be operated for more than five (5) years; or where the construction
3 of a railway has been commenced and work on the same has ceased
4 and has not, in good faith, been resumed for more than five (5) years,
5 and remains unfinished; or where any portion of any such railway
6 has not been operated for four (4) consecutive years, and the rails
7 and rolling stock have been wholly removed therefrom it shall be
8 treated as abandoned.

[C. C. 5000.]

Sec. 16. Right to Condemn Abandoned Right of Way.

1 All rights of the person or corporation which constructed or oper-
2 ated any such railway, as is mentioned in the preceding section, over
3 so much as remains unfinished or from which the rails and rolling
4 stock have been wholly removed, may be entered upon and appropri-
5 ated as provided in the next section.

[C. C. 5000.]

Sec. 17. Procedure to Condemn.

1 In case of abandonment, as provided in the two (2) preceding
2 sections, any other corporation may enter upon such abandoned work,
3 or any part thereof, and acquire the right of way over the same, and
4 the right to any unfinished work or grading found thereon, and the

5 title thereto, by proceeding as near as may be in the manner provided
6 for an original condemnation.

[C. C. 5001.]

Sec. 18. Parties Entitled to Damages.

1 Parties who have previously received compensation in any form
2 for the right of way on the line of such abandoned railway, which has
3 not been refunded by them, shall not be permitted to recover the sec-
4 ond time. The value of such roadbed and right of way, excluding
5 the work done thereon, when taken for a new company, shall be
6 assessed in the condemnation proceedings for the benefit of the former
7 company or its legal representative.

[C. C. 5001.]

CHAPTER —.

PROCEDURE UNDER POWER OF EMINENT DOMAIN

Sec. 19. Procedure Provided.

1 The procedure for the condemnation of private property for works
2 of internal improvement, and for other public uses and purposes, un-
3 less and except as otherwise provided by law, shall be in accordance
4 with the provisions of this chapter.

[New.]

Sec. 20. By Whom Conducted.

1 Such proceedings shall be conducted:

2 1. By the attorney general when the damages are payable from
3 the state treasury.

4 2. By the county attorney, when the damages are payable from
5 funds disbursed by the county, or by any township, or school district.

6 3. By the city attorney, when the damages are payable from

7 funds disbursed by the city or town.

8 This section shall not be construed as prohibiting any other au-
9 thorized representative from conducting such proceedings.

[C. C. 4959, 4960, 4963, 4965, modified.]

Sec. 21. Application for Condemnation.

1 Such proceedings shall be instituted by a written application filed
2 with the sheriff of the county in which the land sought to be condemned
3 is located. Said application shall set forth:

4 1. A description of all the property in the county, affected or
5 sought to be condemned, by its congressional numbers, in tracts not
6 exceeding one-sixteenth ($\frac{1}{16}$) of a section, or, if the land consists of
7 lots in a city or town, by the numbers of the lot and block, and plat
8 designation.

9 2. A plat showing the location of the right of way or other prop-
10 erty sought to be condemned with reference to such description.

11 3. The names of all record owners of the different tracts of land
12 sought to be condemned, or otherwise affected by such proceedings,
13 and of all record holders of liens and incumbrances on such lands;
14 also the place of residence of all such persons so far as known to the
15 applicant.

16 4. The purpose for which condemnation is sought.

17 5. A request for the appointment of a commission to appraise the
18 damages.

[C. C. 4978, 4984, 4987, modified.]

Sec. 22. Amendment to Application.

1 Should any lands sought to be condemned or otherwise affected
2 by said proceedings, be omitted from the application, the applicant or

3 any owner or person otherwise interested in said omitted lands may
4 file an amendment to the original application describing said omitted
5 lands as in case of an original application and proceed with the as-
6 sessment before the commissioners hereinafter provided for.

[C. C. 4985, modified.]

Sec. 23. Commission to Assess Damages.

1 The sheriff shall thereupon, except as otherwise provided, ap-
2 point six (6) resident freeholders of his county, none of whom shall
3 be interested in the same or a like question, who shall constitute a
4 commission to assess the damages to all real estate desired by the
5 applicant and located in the county.

[C. C. 4978, 4985, modified.]

Sec. 24. Vacancies.

1 In case any appointee under the preceding section fails to act,
2 the sheriff shall summon some other freeholder, possessing the re-
3 quired qualifications, to complete the membership.

[C. C. 4991.]

Sec. 25. Commission When State Is Applicant.

1 When the damages are payable out of the state treasury, the
2 sheriff, immediately upon receipt of the application, shall notify the
3 chief justice of the supreme court of the filing of such application.
4 Thereupon the chief justice shall appoint six (6) resident freeholders
5 of the state to assess all said damages. No commissioner, so ap-
6 pointed, shall be interested in the same or a like question. No two
7 (2) members of such commission shall be residents of the same county.
8 The names and place of residence of such commissioners shall be re-
9 turned by said chief justice to, and filed with, the sheriff. The chief

10 justice shall fill all vacancies which may occur in the commission ap-
11 pointed under this section.

[C. C. 4963, modified.]

Sec. 26. Commissioners to Qualify.

1 Before proceeding with the assessment all commissioners shall
2 qualify by filing with the sheriff a written oath that they will to the
3 best of their ability faithfully and impartially assess said damages
4 and make written report to the sheriff.

[New.]

Sec. 27. Notice of Assessment.

1 The applicant, or the owner or any lienholder or incumbrancer,
2 of any land described in the application or amendment thereto may,
3 at any time after the appointment of the commissioners, have the
4 damages to the lands of any such owner assessed by giving the other
5 party, if a resident of this state, ten (10) days' notice, in writing.
6 Such notice shall specify the day and hour when the commissioners
7 will view the premises, and be served in the same manner as original
8 notices.

[C. C. 4985.]

Sec. 28. Form of Notice.

1 Said notice shall be in substantially the following form, with
2 such changes therein as will render it applicable to the party giving
3 and receiving the notice, and to the particular case pending, to wit:

4 "To (here name each person whose
5 land is to be taken or affected and each lienholder or incumbrancer
6 thereof) and all other persons, companies or corporations having any
7 interest in or owning any of the following described real estate:

8 (Here describe the land as in the application.)

9 You are hereby notified that
10 (here enter the name of the applicant) desires the condemnation of
11 the following described land: (Here describe the particular land or
12 portion thereof sought to be condemned, in such manner that it will
13 be clearly identified.)

14 That such condemnation is sought for the following purpose:
15 (Here clearly specify the purpose.)

16 That a commission has been appointed as provided by law for
17 the purpose of appraising the damages which will be caused by said
18 condemnation.

19 That said commissioners will, on the day of ,
20 19 , at o'clock m., view said premises and proceed
21 to appraise said damages, at which time you may appear before the
22 commissioners if you care to do so.

23
24 Applicant.”

[C. C. 4987, modified.]

Sec. 29. Signing of Notice.

1 The notice may be signed by the applicant, by his attorney, or by
2 any other authorized representative. No informality in such signing
3 shall invalidate the proceedings if the notice is otherwise sufficient.

[New.]

Sec. 30. Filing of Notices and Return of Service.

1 Notices, immediately after the service thereof, shall, with proper
2 return of service endorsed thereon or attached thereto, be filed with
3 the sheriff. The sheriff shall at once cause the commissioners to be

4 notified of the day and hour when they will be required to proceed
5 with the appraisalment.

[New.]

Sec. 31. Notice to Nonresidents.

1 If the owner of such lands or any person interested therein is a
2 nonresident of this state, or if his residence is unknown, no demand
3 for the land for the purposes sought shall be necessary, but the notice
4 aforesaid shall be published in some newspaper of the county and of
5 general circulation therein, once each week for at least four (4) suc-
6 cessive weeks prior to the day fixed for the appraisalment, which
7 day shall be at least thirty (30) days after the first publication of
8 the notice.

[C. C. 4987, 4988, modified.]

Sec. 32. Publication in Adjoining County.

1 If no newspaper be published in the county, said notice may be
2 published in a newspaper published in an adjoining county.

[C. C. 4988, modified.]

Sec. 33. Service Outside State.

1 Personal service outside the state on nonresidents in the time and
2 manner provided for the service of original notices shall have the
3 same force and effect as publication service within the state.

[New.]

Sec. 34. Appraisalment—Report.

1 The commissioners shall, at the time fixed in the aforesaid no-
2 tices, view, if necessary, the land sought to be condemned and assess
3 the damages which the owner will sustain by reason of the appropria-
4 tion, and file their written report with the sheriff. The appraisalment

5 and return may be in parcels larger than forty (40) acres belonging
6 to one (1) person and lying in one (1) tract, unless the agent or at-
7 torney of the applicant, or the commissioners, have actual knowledge
8 that the tract does not belong wholly to the person in whose name it
9 appears of record. In case of such knowledge the appraisalment shall
10 be made of the different portions as they are known to be owned.

[C. C. 4978, 4989, modified.]

Sec. 35. Guardianship.

1 In all cases where any interest in lands sought to be condemned
2 is owned by a person who is under legal disability and has no guardian
3 of his property, the applicant shall, prior to the filing of the appli-
4 cation with the sheriff, apply to the district court for the appointment
5 of a guardian of the property of such person.

[New.]

Sec. 36. Power of Guardian.

1 If the owner of any lands is under guardianship, such guardian
2 may, under the direction of the district court, or judge thereof, agree
3 and settle with the applicant for all damages resulting from the taking
4 of such lands, and give valid conveyances thereof.

[C. C. 4986, modified.]

Sec. 37. When Appraisalment Final.

1 The appraisalment of damages returned by the commissioners
2 shall be final unless appealed from.

[New.]

Sec. 38. Appeal.

1 Any party interested may, within thirty (30) days after the as-
2 sessment is made, appeal therefrom to the district court, by giving the

3 adverse party, his agent or attorney, and the sheriff, written notice
4 that such appeal has been taken.

[C. C. 4994, modified.]

Sec. 39. Sheriff to File Certified Copy.

1 The sheriff, when an appeal is taken, shall at once file with the
2 clerk of the district court a certified copy of so much of the assess-
3 ment as applies to the part appealed from. In case of such appeal
4 the sheriff shall, as soon as all other unappealed assessments are dis-
5 posed of, file with the clerk all papers pertaining to the proceedings
6 and remaining in his hands.

[C. C. 4994, modified.]

Sec. 40. Change of Venue.

1 If an appeal is taken by either party in a proceeding in which the
2 damages are payable out of funds in the state treasury, either party
3 shall be entitled to a change in the place of trial to any county outside
4 the county in which the land is situated, to be determined by the court
5 to which the appeal is taken.

[New.]

Sec. 41. Proceedings Certified.

1 When a change of venue is granted under the last preceding sec-
2 tion, the clerk of the district court shall at once certify the proceed-
3 ings, with all papers relating thereto, together with the order of the
4 court, to the district court to which the cause is sent for trial.

[New.]

Sec. 42. Appeals—How Docketed and Tried.

1 The appeal shall be docketed in the name of the owner of the
2 land, or of the party otherwise interested and appealing, as plaintiff,

3 and in the name of the applicant for condemnation as defendant, and
4 be tried as in an action by ordinary proceedings.

[C. C. 4994.]

Sec. 43. Question Determined on Appeal—Right to Premises.

1 On the trial of the appeal, no judgment shall be rendered except
2 for costs, but the amount of damages shall be ascertained and entered
3 of record.

[C. C. 4996.]

Sec. 44. Reduction of Damages on Appeal.

1 If the amount of damages awarded by the commissioners is de-
2 creased on the trial of the appeal, the reduced amount only shall be
3 paid to the landowner.

[C. C. 4998.]

Sec. 45. Right to Take Possession of Lands.

1 Upon the filing of the commissioner's report with the sheriff, the
2 applicant may deposit with the sheriff the amount assessed in favor
3 of a claimant, and thereupon the applicant shall, except as otherwise
4 provided, have the right to take possession of the land condemned
5 and proceed with the improvement. No appeal from said assessment
6 shall affect such right, except as otherwise provided.

[C. C. 4961, 4964, 4967, 4968, 4978, 4984, 4995, 4997, 5009,
modified.]

Sec. 46. Tender by Public Authorities.

1 After the report of the commission is filed with the sheriff, the
2 public officer, board or commission, having authority to allow claims
3 for the purchase price of the land, may cause to be allowed and issued
4 a warrant in favor of the claimant for the amount of the damages
5 as returned by the commissioners. The warrant drawing officer shall,

6 in writing, notify the claimant, his agent or attorney that said war-
7 rant will, on demand, be delivered to such claimant or to any person
8 authorized by the payee in writing to receive it, and thereafter, so
9 long as funds are available for the immediate payment of said war-
10 rant, the same shall have the same force and effect and create the
11 same rights as a deposit of money with the sheriff.

[New.]

Sec. 47. When Owner May Not Be Dispossessed.

1 A landowner shall not be dispossessed, under condemnation pro-
2 ceedings, of his residence, or of any part of the curtilage thereof, or
3 of any land which will be overflowed by the construction of any im-
4 provement, until the damages thereto have been finally determined
5 and paid.

[C. C. 4990, modified.]

Sec. 48. Sheriff to Hold Deposit Pending Appeal.

1 The sheriff shall not, after being served with notice of appeal by
2 the applicant, pay to the claimant any deposit of damages held by the
3 sheriff, but shall hold the same until the appeal is finally determined.

[C. C. 4995, modified.]

Sec. 49. Acceptance of Deposit Bars Appeal.

1 An acceptance by the claimant of the damages awarded by the
2 commissioners or of the warrant tendered by public authorities, shall
3 bar his right to appeal. Such acceptance after an appeal has been
4 taken by him shall abate such appeal.

[C. C. 4995, modified.]

Sec. 50. Additional Deposit.

1 If, on the trial of the appeal, the damages awarded by the com-

2 missioners are increased, the condemnor shall, if he is already in
3 possession of the property, make such additional deposit with the
4 sheriff, as will, with the deposit already made, equal the entire dam-
5 ages allowed. If the condemnor be not already in possession, he shall
6 deposit with the sheriff the entire damages awarded, before entering
7 on, using, or controlling the premises.

[C. C. 4997, modified.]

Sec. 51. Payment by Public Authorities.

1 When damages, by reason of condemnation, are payable from
2 public funds, the sheriff, or clerk of the district court, as the case may
3 be, shall certify to the officer, board, or commission having power to
4 audit claims for the purchase price of said lands, the amount legally
5 payable to each claimant, and, separately, a detailed statement of the
6 cost legally payable from such public funds. Said officer, board or
7 commission shall audit said claims, and the warrant issuing officer
8 shall issue warrants therefor on any funds appropriated therefor, or
9 otherwise legally available for the payment of the same. Warrants
10 shall be drawn in favor of each claimant to whom damages are pay-
11 able. The warrant in payment of costs shall be issued in favor of the
12 officer certifying thereto.

[C. C. 4961, 4964, 4967, 5009, modified.]

Sec. 52. Removal of Condemnor From Premises.

1 The sheriff, upon being furnished with a copy of the assessment
2 as determined on appeal, certified to by the clerk of the district court,
3 may remove from said premises the condemnor and all persons acting

4 for or under him, unless the amount of the assessment is forthwith
5 paid or deposited as hereinbefore provided.

[C. C. 4997, modified.]

Sec. 53. Costs and Attorney Fees.

1 The applicant shall pay all costs of the assessment made by the
2 commissioners. The applicant shall also pay all costs occasioned by
3 the appeal, including reasonable attorney fees to be taxed by the court,
4 unless on the trial thereof the same or a less amount of damages is
5 awarded than was allowed by the commissioners.

[C. C. 4992.]

Sec. 54. Refusal to Pay Final Award—Damages—Attorney Fees.

1 Should the applicant decline, on the final determination of the
2 appeal, to take the property and pay the damages awarded, he shall
3 pay, in addition to the costs and damages actually suffered by the
4 landowner, reasonable attorney fees to be taxed by the court.

[C. C. 4996.]

Sec. 55. Sheriff to File Record.

1 The sheriff, in case no appeal is taken, shall, immediately after
2 the final determination of condemnation proceedings, and after the
3 acquiring of the property by the condemnor, file, with the county re-
4 corder of the county in which the condemned land is situated, the
5 following papers:

- 6 1. The application for condemnation.
- 7 2. All notices, together with all returns of service endorsed
8 thereon or attached thereto.
- 9 3. The report of the commissioners.
- 10 4. All other papers filed in said proceedings.

11 5. A written statement by the sheriff of all money received in
12 payment of damages, from whom received, to whom paid, and the
13 amount paid to each claimant.

[C. C. 4993, modified.]

Sec. 56. Clerk to File Record.

1 The clerk of the district court, in case an appeal is taken in con-
2 demnation proceedings, shall file with the county recorder the records
3 which the sheriff is required to file in case no appeal is taken, and in
4 addition thereto the following:

5 1. A copy of the record entry of the court showing the amount
6 of damages determined on appeal.

7 2. A written statement by the clerk of all money received by him
8 in payment of damages, from whom received, to whom paid, and the
9 amount paid to each claimant.

[C. C. 4993, modified.]

Sec. 57. Form of Record—Certificate.

1 Said papers shall be securely fastened together, arranged in the
2 order named above, and be accompanied by a certificate of the officer
3 filing the same that said papers are the original files in the proceed-
4 ings and that the statements accompanying the same are true.

[C. C. 4993, modified.]

Sec. 58. Record of Proceedings.

1 The county recorder shall record said papers, statements and cer-
2 tificate in the record of deeds, properly index the same, and carefully
3 preserve the originals as files of his office.

[C. C. 4993, modified.]

Sec. 59. Fee for Recording.

1 The sheriff or clerk, as the case may be, shall collect from the
2 condemnor such fee as the county recorder would have legal right to
3 demand for making such record, and pay such fee to the recorder
4 upon presenting the papers for record.

[New.]

Sec. 60. Failure to Record—Liability.

1 Any sheriff, or clerk of the district court, as the case may be, who
2 fails to present said papers, statements, and certificate for record,
3 and any recorder who fails to record the same as above provided shall
4 be liable for all damages caused by such failure.

[New.]

Sec. 61. Presumption.

1 The said original papers, statements and certificate, or the record
2 thereof shall be presumptive evidence of title in the condemnor, and
3 shall constitute constructive notice of the right of such condemnor to
4 the lands condemned.

[C. C. 4993, modified.]

Sec. 62. Reversion by Relocation of Line.

1 Such part of a railway right of way as is wholly abandoned for
2 railway purposes by the relocation of the line of railway, shall revert
3 to the persons who, at the time of the abandonment, are owners of
4 the tract from which such abandoned right of way was taken.

[New.]

Sec. 63. Reversion by Failure to Operate or Construct.

1 If a railway, or any part thereof, shall not be used or operated
2 for a period of eight (8) years, or if, its construction having been

3 commenced, work on the same has ceased and has not been in good
4 faith resumed for eight (8) years, the right of way, including the
5 roadbed, shall revert to the persons who, at the time of the reversion,
6 are owners of the tract from which such right of way was taken.

[C. C. 5000, modified.]

Sec. 64. Reversion of Quasi-public Roads and Right of Ways.

1 Roads established for the purpose of providing a public road to
2 lands which theretofore had no such road, shall, when not used or
3 operated for said purpose for eight (8) consecutive years, revert to
4 those persons who, at the time of the reversion, are owners of the
5 tract from which such road was taken.

[C. C. 4978, 5000, modified.]

Sec. 65. Reversion—Lands for Highway Improvement.

1 Lands condemned by a county, city or town for the purpose of
2 obtaining gravel or other suitable material for highway improvement,
3 and not used for such purpose for five (5) consecutive years, shall
4 revert to those persons who, at the time of the reversion are owners
5 of the tract from which the condemned lands were taken.

[C. C. 2888, 4969, 4976, modified.]

Code Commissioners' Bill No. 188

Subject: BOARD OF RAILROAD COMMISSIONERS

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

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 hundred thirty-five (5035), fifty hundred thirty-six (5036), fifty hundred forty-four (5044), fifty-one hundred eighty-eight (5188) to fifty-one hundred ninety-eight (5198), inclusive, fifty-two hundred four (5204) and fifty-two hundred six (5206) of the compiled code of Iowa, 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, fifty hundred forty-four (5044) and fifty-two hundred six (5206) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Eligibility of Commissioners and Secretary.

1 No person in the employ of any common carrier, or owning any
2 bonds, stock or property in any railroad company, or who is in any
3 way or manner pecuniarily interested in any railroad corporation,
4 shall be eligible to the office of railroad commissioner or secretary of
5 the board, and the entering into the employ of any common carrier,
6 or the acquiring of any stock or other interest in any common carrier
7 by any officer under this chapter, after his election or appointment,

8 shall disqualify him to hold the office and to perform the duties thereof.

[C. C. 5014.]

Sec. 2. Election—Organization.

1 The board of railroad commissioners shall consist of three (3)
2 persons having the qualifications of electors. On the second Tuesday
3 of January of each year, the board shall organize by electing one (1)
4 of its members as chairman, and appointing a secretary, who shall
5 take the same oath as the commissioners; but this or a part of this
6 may be done at a subsequent meeting. The board shall have power
7 to employ such additional clerical help as it may find necessary.

[C. C. 5014, modified.]

Sec. 3. Location of Office—Whole Time Employed—Expense.

1 The board shall have an office at the seat of government and each
2 member shall devote his whole time to the duties of the office, and they
3 and their secretary and other employees shall receive their actual
4 necessary traveling expenses while in the discharge of their official
5 duties away from the general offices.

[C. C. 5044, modified.]

Sec. 4. Commissioners and Assistants Transported Free.

1 The commissioners, their secretary, experts or other agents while
2 in the performance of their official duties shall be transported free of
3 charge by all railroad companies operating trains in the state.

[C. C. 5206.]

Sec. 5. General Supervision and Jurisdiction.

1 The board shall have general supervision of all railroads in the
2 state, express companies, car companies, sleeping car companies,
3 freight and freight line companies, interurban railway companies and

4 any common carrier engaged in the transportation of passengers or
5 freight by railroads, except street railroads, and also all lines for the
6 transmission, sale and distribution of electrical current for light, heat
7 or power, except in cities and towns. It shall investigate any alleged
8 neglect or violation of law by any such common carrier, its agents,
9 officers or employees.

[C. C. 5015, 5037, 5238, modified.]

Sec. 6. Duty of Inspection—Notice to Repair.

1 It shall from time to time carefully examine into and inspect the
2 condition of each railroad, its tracks, bridges and equipment, and the
3 manner of its conduct, operation and management with regard to the
4 public safety and convenience in the state. If found by it unsafe, it
5 shall immediately notify the railroad company whose duty it is to put
6 the same in repair, which shall be done by it within such time as the
7 board shall fix. If any corporation fails to perform this duty the
8 board may forbid and prevent it from running trains over the defec-
9 tive portion while unsafe.

[C. C. 5016, modified.]

Sec. 7. Connections and Shelter Where More Than One Track.

1 Should any railroad or transportation company in this state fail
2 to provide proper shelter for its patrons at stations where two (2)
3 or more tracks are operated, or fail or refuse to connect by proper
4 switches or tracks with the tracks or lines of other railroad or trans-
5 portation companies, the board may require such railroad or trans-
6 portation company to provide the same in such manner and upon such
7 conditions as it may determine.

[C. C. 5016.]

Sec. 8. Orders for Changes in Operation and Improvements.

1 When, in the judgment of the board, any railway corporation
2 fails in any respect to comply with the terms of its charter or articles
3 of incorporation or the laws of the state; or when in its judgment any
4 repairs are necessary upon its road; or any addition to its rolling
5 stock, or addition to or change in its stations or station houses, or the
6 equipment thereof, for the health and convenience of the public, or
7 change in its rates of fare for transporting freight or passengers, or
8 change in the mode of operating its road or conducting its business,
9 is reasonable and expedient in order to promote the security, conveni-
10 ence, and accommodation of the public, the board may make an order
11 prescribing such improvements and changes as it finds to be proper
12 and shall serve a notice upon such corporation, in the manner pro-
13 vided for the service of an original notice in a civil action, which
14 notice shall be signed by its secretary. A report of such proceedings
15 shall be included in its annual report to the governor. Nothing in
16 this or the two (2) preceding sections shall be so construed as re-
17 lieving any railroad company from its responsibility or liability for
18 damage to person or property.

[C. C. 5016.]

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.

1 The board shall investigate and inquire into the management of
2 the business of all common carriers subject to this and the next two
3 (2) chapters and keep itself well informed as to the manner and

4 method in which the same is conducted. It shall have the right to
5 obtain from them full and complete information necessary to enable
6 the board to perform its duties. It shall have power to require the
7 attendance and testimony of witnesses, the production of all books,
8 papers, tariff schedules, contracts, agreements and documents, relat-
9 ing to any matter under investigation, and to inspect the same and
10 to examine under oath or otherwise any officer, director, agent or em-
11 ployee of any common carrier; to issue subpoenas and to enforce
12 obedience thereto.

[C. C. 5018, 5188.]

Sec. 10. Aid From Courts.

1 The board may invoke the aid of any court of record in any county
2 where the carrier extends, in requiring the attendance and testimony
3 of witnesses and the production of books, papers, tariff schedules,
4 agreements and other documents. Any court or judge thereof having
5 jurisdiction where any inquiry is carried on shall, in case of the re-
6 fusal of any person to obey a subpoena or other process, issue an
7 order requiring any of the officers, agents or employees of any carrier
8 or other person to appear before the board and produce all books and
9 papers required by such order and testify in relation to any matter
10 under investigation. A failure to obey any such order of the court
11 shall be punished as a contempt.

[C. C. 5188.]

Sec. 11. Penalty for Hindering or Obstructing Board.

1 Any person who shall wilfully obstruct it or its members in the
2 performance of their duties, or who shall refuse to give any informa-
3 tion within his possession that may be required by it within the line

4 of its duty, shall be fined not exceeding one thousand dollars
5 (\$1,000.00), in the discretion of the court.

[C. C. 5018.]

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.

1 The district courts of this state shall have jurisdiction to enforce,
2 by proper decrees, injunctions and orders, the rulings, orders and
3 regulations affecting public rights, made by the board as authorized
4 by law for the direction and observance of railroads in this state. The
5 proceedings therefor shall be by equitable action in the name of the
6 state of Iowa, and shall be instituted by the commerce counsel, when-
7 ever advised by the board that any railway corporation, or person
8 operating a line of road in this state, is violating and refusing to com-
9 ply with any rule, order or regulation made by the board, and appli-
10 cable to such railroad or person.

[C. C. 5022, 5049, modified.]

Sec. 13. Trial Term—Mandatory Injunction—Contempt—Penalty.

1 It shall be the duty of the court in which any such cause shall be
2 pending to require the issue to be made up at the first term of the
3 court to which such cause is brought, which shall be the trial term,
4 and to give the same precedence over other civil business. If the
5 court shall find that such rule, regulation or order is reasonable and
6 just, and that in refusing compliance therewith said railway company
7 is neglecting and omitting the performance of any public duty or obli-
8 gation, the court shall decree a mandatory and perpetual injunction,
9 compelling obedience to and compliance with such rule, order or regu-

10 lation by said railroad company, or other person, its officers, agents,
11 servants and employees, and may grant such other relief as may be
12 deemed just and proper. All violations of such decree shall render
13 the company, persons, officers, agents, servants and employees who
14 are in any manner instrumental in such violation, guilty of contempt
15 of court, and the court may punish such contempt by a fine not exceed-
16 ing one thousand dollars (\$1,000.00) for each offense. Such decree
17 shall continue and remain in effect and be enforced until the rule,
18 order or regulation shall be modified or vacated by the board.

[C. C. 5022, modified.]

Sec. 14. When Order Takes Effect—Violation—Penalty.

1 All rules, orders and regulations affecting public rights, made
2 by the board of railroad commissioners, as now or may hereafter be
3 authorized for the direction and observance of railroads in this state,
4 shall be in full force and effect from and after the date fixed by the
5 board for the taking effect of such rules, orders and regulations. If
6 any railroad fails, neglects or refuses to comply with any rule, order
7 or regulation made by the board within the time specified, it shall
8 pay a penalty of fifty dollars (\$50.00) for each and every day it fails,
9 neglects or refuses to obey any rule, order or regulation so made.

[C. C. 5022.]

Sec. 15. Time May Be Extended to Test Legality.

1 The time for the taking effect of any rule, order, or regulation
2 affecting public rights, made by the board, may, in its discretion, be
3 extended, and said extension of time may be granted for the purpose
4 of testing the legality thereof, upon application by any such aggrieved
5 railroad, showing reasonable grounds therefor, and that said appli-

6 cation is made in good faith and not for the purpose of delay.

[C. C. 5022.]

Sec. 16. Proceedings to Vacate Order—Penalty Revoked.

1 Any railroad aggrieved at any rule, order or regulation made by
2 the board may institute proceedings in any court of proper jurisdic-
3 tion to have the rule, order or regulation complained of vacated. If
4 found by the court, after due trial, not to be reasonable, equitable or
5 just, and if upon an appeal from any rule, order or regulation of the
6 board the complaining railroad is successful in having such rule, order
7 or regulation vacated, the aforesaid penalty shall be set aside.

[C. C. 5022.]

Sec. 17. Remitting Penalty on Application.

1 When any common carrier shall fail upon appeal to secure a va-
2 cation of the order appealed from, it may apply to the court in which
3 the appeal is finally adjudicated for an order remitting the penalty
4 which has accrued during the pendency of the appeal. Upon a satis-
5 factory showing that the appeal was prosecuted in good faith and not
6 for the purpose of delay and that there were reasonable grounds to
7 believe that the order appealed from was unreasonable or unjust or
8 that the power of the board to make the same was doubtful, such
9 court may remit the penalty that has accrued during the pendency
10 of the appeal.

[C. C. 5022, modified.]

That sections fifty hundred twenty-four (5024) to fifty hundred
twenty-six (5026), inclusive, fifty hundred thirty-five (5035), fifty hun-
dred thirty-six (5036), fifty-one hundred eighty-nine (5189) to fifty-one
hundred ninety-eight (5198), 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.

1 The board shall exercise constant diligence to ascertain the rates,
2 charges, rules and practices of common carriers operating in this
3 state, in relation to the transportation of freight in interstate busi-
4 ness. When it shall ascertain from any source or have reasonable
5 grounds to believe that the rates charged on such interstate business
6 or the rules or practices in relation thereto discriminate unjustly
7 against any of the citizens, industries, interests or localities of the
8 state, or place any of them at an unreasonable disadvantage as com-
9 pared with those of other states, or are in violation of the laws of the
10 United States regulating commerce, or in conflict with the rulings,
11 orders or regulations of the interstate commerce commission, the board
12 shall take the necessary steps to prevent the continuance of such rates,
13 rules or practices.

[C. C. 5024, modified.]

Sec. 19. Application to Interstate Commerce Commission—Prosecution.

1 When any common carrier has put in force any rates, rules or
2 practices in relation to interstate freight business, in violation of the
3 laws of the United States regulating commerce, or of the orders, rules
4 and regulations of the interstate commerce commission, or shall un-
5 justly discriminate against any of the citizens, industries, interests or
6 localities of the state, the board shall present the material facts in-
7 volved in such violations or discrimination to the interstate commerce
8 commission and seek relief therefrom, and, if deemed necessary or
9 expedient, the board shall prosecute any charge growing out of such

10 violation or discrimination, at the expense of the state, before the
11 interstate commerce commission.

[C. C. 5025, modified.]

Sec. 20. **Complaints as to Violations and Damages.**

1 Any person, firm, corporation, association, mercantile, agricul-
2 tural or manufacturing society, body politic, or municipal organiza-
3 tion may file with the board a petition setting forth any particular
4 in which any common carrier has violated the law to which it is sub-
5 ject and the amount of damages sustained by reason thereof. The
6 board shall furnish to the carrier against which complaint is filed, a
7 copy thereof, and a reasonable time shall be fixed within which such
8 carrier shall answer the petition or satisfy the demand therein made.
9 If such carrier fails to satisfy the complaint within the time fixed or
10 there shall appear to be reasonable grounds for investigating the mat-
11 ters set forth in said petition, the board shall hear and determine the
12 questions involved and make such orders as it shall find to be proper.
13 No petition so filed shall be dismissed on the grounds that the peti-
14 tioner has not suffered any direct damage. When the board ascer-
15 tains or has reason to believe that any carrier is violating any of the
16 laws to which it is subject, it may institute an investigation and cause
17 a hearing to be made before it in relation to such matters in all re-
18 spects as fully as if a petition had been filed.

[C. C. 5189.]

Sec. 21. **Investigation—Report.**

1 When a hearing has been had before the board after notice, it
2 shall make a report in writing setting forth the findings of fact and
3 its conclusions together with its recommendations or orders as to what

4 reparation, if any, the offending carrier shall make to any party who
5 has suffered damage. Such finding of fact shall thereafter in all legal
6 proceedings be prima facie evidence of every fact found. All reports
7 of hearings and investigations made by the board shall be entered of
8 record and a copy furnished to the carrier against which the com-
9 plaint was filed, to the party complaining and to any other person
10 having a direct interest in the matter.

[C. C. 5190.]

Sec. 22. Orders—Compliance—Release.

1 When the board finds as the result of any investigation that a
2 common carrier has violated or is violating any of the provisions of
3 law to which it is subject, or that any complainant or other person has
4 sustained damages by reason of such violation, the board shall notify
5 such carrier to cease such violation at once and shall fix a time within
6 which it shall pay the amount of damage which has been found due
7 to any person as a result of such violation. Upon a satisfactory show-
8 ing to the board that the carrier has complied with the notice in the
9 time and manner required, it shall thereupon be relieved from further
10 liability or penalty for that particular violation of law, and the board
11 shall enter of record such release.

[C. C. 5191, modified.]

Sec. 23. Violation of Order—Petition—Notice.

1 When any common carrier shall violate or fail to obey any law-
2 ful order or requirement of the board, the board shall apply in a sum-
3 mary way by petition in the name of the state, against such common
4 carrier, to the district court of any county through which such carrier
5 owns or operates a line of railroad or in which the failure or violation

6 of such order occurred, alleging such violation or failure to obey, the
7 court shall hear and determine the matter set forth in said petition
8 on reasonable notice to the common carrier, to be fixed by the court
9 and to be served in the same manner as original notices for the com-
10 mencement of action.

[C. C. 5192, modified.]

Sec. 24. Interested Party May Begin Proceedings.

1 Any person, firm or corporation interested in the matter of en-
2 forcing any order or requirement of the board, may file a petition
3 against such carrier, alleging the failure to comply with such order
4 or requirement and praying summary relief to the same extent and
5 in the same manner as the board may do under the preceding section,
6 and the proceedings after the filing of such petition shall be the same
7 as in said section provided.

[C. C. 5192, modified.]

Sec. 25. Duty of Commerce Counsel and County Attorney.

1 When any proceeding has been instituted under the two (2) pre-
2 ceding sections, the commerce counsel shall prosecute the same, and
3 the county attorney of the county in which such proceeding is pending,
4 shall render such assistance as the commerce counsel may require of
5 him.

[C. C. 5192, modified.]

Sec. 26. Hearing in Equity—Injunction.

1 All such causes shall be in equity, and the order or report of the
2 board in question shall be prima facie evidence of the matters con-
3 tained therein. If the court shall find that the order or requirement
4 in question is lawful and has been violated, it shall issue an injunc-

5 tion or other proper process, mandatory or otherwise, to compel obedi-
6 ence to such order or requirement.

[C. C. 5192.]

Sec. 27. Violation of Injunction or Other Process—Penalties.

1 For a violation of any injunction or other process issued in such
2 proceeding, any common carrier or any officer, agent or employee
3 thereof shall be fined for contempt in a sum not exceeding one thou-
4 sand dollars (\$1,000.00). In addition to any other penalty the court
5 may fix a sum not exceeding one thousand dollars (\$1,000.00) each
6 defaulting carrier, officer or agent shall pay after a fixed date for
7 each day such injunction or other process is disobeyed and render
8 judgment for penalty which shall accrue from disobedience after the
9 time fixed. One-half ($\frac{1}{2}$) of such sums collected shall be paid into the
10 treasury of the county where the judgment is rendered and one-half
11 ($\frac{1}{2}$) into the state treasury.

[C. C. 5192.]

Sec. 28. Appeal Not to Stay Process.

1 An appeal to the supreme court shall not stay or supersede the
2 order of the court or the execution of any writ or process thereon.
3 When appeal is taken by the board, it shall not be required to give an
4 appeal bond or security for costs.

[C. C. 5192.]

Sec. 29. Suits by Commissioners.

1 When the board has reason to believe that any common carrier
2 has been guilty of extortion or unjust discrimination, it shall immedi-
3 ately cause actions to be commenced and prosecuted against such car-
4 rier. Such action may be brought in any county through or into

5 which any line of railway owned or operated by such carrier may ex-
6 tend, and in addition to the services of the commerce counsel in such
7 actions the board may employ other counsel. No actions thus com-
8 menced shall be dismissed unless the board and the commerce counsel
9 consent thereto. The court in which any such action is pending may,
10 in its discretion, give preference as to the time of trial of such action
11 over other business, except criminal cases. Nothing in this chapter
12 shall in any way abridge or alter the remedies now existing at common
13 law or by statute, but the provisions thereof are in addition to such
14 remedies.

[C. C. 5204, 5205, modified.]

Sec. 30. Uniform Gauge—Inspection—Order.

1 As often as it deems it expedient, the board shall examine all
2 railroads in the state that are less than four (4) feet eight and one-
3 half ($8\frac{1}{2}$) inches gauge, and if, in the judgment of the board, it is
4 necessary and reasonable to change the gauge of any such railroad
5 to four (4) feet eight and one-half ($8\frac{1}{2}$) inches, it shall make an
6 order in writing, fixing a reasonable time within which such gauge
7 shall be changed, taking into consideration the life of the rolling stock
8 of such narrow gauged road and all other facts and conditions bear-
9 ing on the length of time required to make such change.

[C. C. 5035, 5036.]

Sec. 31. Rights and Remedies Not Exclusive.

1 Nothing in this chapter shall abridge any rights or remedies exist-
2 ing at common law or by statute, but shall be in addition thereto.

[C. C. 5205.]

Code Commissioners' Bill No. 189.

Subject: COMMERCE COUNSEL

Senate File No. Referred to Committee on
House File No.
By Date

A BILL FOR

An act to amend, revise and codify chapter two (2) of title sixteen (16) of the compiled code of Iowa, 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 is amended, revised and codified to read as follows:

CHAPTER 2.

COMMERCE COUNSEL, HIS JURISDICTION AND DUTIES.

Section 1. **Appointment—Term.**

1 Within sixty (60) days after the general assembly convenes in
2 nineteen hundred twenty-three (1923) and every four (4) years there-
3 after, the board of railroad commissioners shall appoint a competent
4 attorney to the office of commerce counsel, subject to the approval of
5 the senate. His term of office shall be for four (4) years and till his
6 successor is appointed, and shall begin on the first day of July of the
7 year he is appointed.

[C. C. 5045.]

Sec. 2. **Vacancy.**

1 A vacancy in said office occurring while the general assembly is
2 in session, shall be filled for the unexpired term in the same manner as

3 original appointments. If the general assembly is not in session, a
4 vacancy shall be filled by an appointment made by the board, which
5 appointment shall expire thirty (30) days from the time the next gen-
6 eral assembly convenes.

[C. C. 5045.]

Sec. 3. Disqualification.

1 The existence of any fact which would disqualify a person from
2 election or acting as a railroad commissioner, shall disqualify such
3 person from appointment or acting as commerce counsel.

[C. C. 5046.]

Sec. 4. Other Employment and Political Activity Prohibited.

1 The commerce counsel shall devote his entire time to the duties of
2 his office, and during his term of office he shall not be a member of any
3 political committee or contribute to any political campaign fund or
4 take any part in political campaigns or be a candidate for any political
5 office.

[C. C. 5046.]

Sec. 5. Removal.

1 The board may, with the approval of the senate, during a session
2 of the general assembly, remove said counsel for malfeasance or non-
3 feasance in office, or for any cause which renders him ineligible for
4 appointment, or incapable or unfit to discharge the duties of his office;
5 and his removal, when so made, shall be final.

[C. C. 5045.]

Sec. 6. Office—Assistants—Expenses.

1 The office of commerce counsel shall be at the seat of government
2 and he shall have free access to all the files, records and documents in

3 the office of the board. He shall have authority to appoint and remove,
4 subject to the approval of the board, such assistants, stenographers
5 and rate clerks as may be required for the proper discharge of his
6 duties.

7 The commerce counsel, his assistants and office help shall be paid
8 their actual necessary traveling expenses and other disbursements
9 incurred in the discharge of official duties.

[C. C. 5047.]

Sec. 7. **Duties.**

1 The commerce counsel shall:

2 1. Act as attorney for, and legal adviser of, the board of railroad
3 commissioners.

4 2. Investigate the legality of all rates, charges, tariffs, rules, regu-
5 lations and practices of all common carriers and persons under the
6 jurisdiction of the board, and to institute civil proceedings before the
7 board or any proper court to correct any illegality on the part of any
8 common carrier and prosecute the same to final determination.

9 3. Investigate the reasonableness of rates, tariffs, charges, rules,
10 regulations and practices of all such common carriers in interstate
11 transportation when directed by the board, or when in his judgment
12 they are unlawful, prejudicial and discriminate against any city,
13 town, community, business, industry or citizen of the state, and to
14 institute before the interstate commerce commission or any other
15 tribunal having jurisdiction and prosecute to final determination any
16 proceeding growing out of such matters.

17 4. Appear on behalf of any person or persons who shall file any
18 complaint against any common carrier before the board in any matter
19 within its jurisdiction.

20 5. Appear for and represent the board, the state and any citizen,
21 community, city or town or business or industry of the state in all
22 proceedings brought by or against any common carrier before the
23 Interstate commerce commission in which any or all of such parties
24 are interested.

25 6. Appear for the board or for the state and the citizens and
26 industries thereof in all actions instituted in any court, state or fed-
27 eral, wherein is involved the validity of any rule, order, or regula-
28 tion of said board, or the validity of any rule, order, or regulation of
29 the interstate commerce commission affecting the interests of the citi-
30 zens and industries of the state and to prosecute in any court, state or
31 federal, in the name of the state, all actions necessary to enforce, or
32 to restrain the violation of, any rule, order, or regulation made by the
33 board or by the interstate commerce commission.

[C. C. 5049, modified.]

Sec. 8. Appropriation.

1 There is hereby appropriated from any funds in the state treas-
2 ury, not otherwise appropriated, a sufficient amount to pay the salaries
3 of the commerce counsel, his assistants and office help and their neces-
4 sary traveling expenses and other disbursements in the discharge of
5 their duties.

[C. C. 5048.]

Code Commissioners' Bill No. 190.

Subject: CONSTRUCTION AND OPERATION OF RAILWAYS

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

An act to amend, revise and codify sections 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 twelve (5012), fifty hundred thirteen (5013), fifty hundred four (5004) to fifty hundred seven (5007), inclusive, fifty hundred two (5002), fifty hundred three (5003), forty-nine hundred eighty-two (4982), fifty hundred eighty (5080), 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), and fifty-one hundred seventy-two (5172) of the compiled code of Iowa, 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. Where Recorded.

- 1 The secretary of state shall immediately record in the proper book
- 2 in his office any document filed under the preceding section, making
- 3 references to the record of the articles of incorporation.

[C. C. 5052.]

Sec. 2. Effect of Change of Name.

1 If any railway company is organized under a corporate name, and
2 has made contracts for payments to it upon delivery of stock in such
3 company, and shall subsequently thereto change its name, or if the
4 real ownership in the property, rights and franchises has passed legally
5 or equitably into any other company, no such contract shall be enforced
6 until tender or delivery of stock in such last named company or cor-
7 poration is made.

[C. C. 5051.]

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.

1 The contracts authorized by the preceding section shall be re-
2 corded by the secretary of state in a record to be kept for that purpose,
3 and on payment in full of the purchase money and the performance
4 of the terms and conditions stipulated in such contract, a declaration
5 in writing to that effect may be made by the vendor, lessor or bailor, or
6 his or its assignee, either on the margin of the record of the contract,
7 duly attested, or in a separate instrument to be acknowledged by the
8 vendor, lessor or bailor, or his or its assignee, and recorded in such
9 record. For such services the secretary of state shall charge a fee of
10 ten cents (10c) per hundred (100) words for recording each contract
11 and each said declaration, but in no case shall the fee be less than one
12 dollar (\$1.00).

[C. C. 5072.]

Sec. 4. Prior Contracts Not Affected.

1 The two (2) preceding sections shall not invalidate or affect in
2 any way any contract of the kind referred to in the second preceding
3 section, made prior to April twenty-fourth, eighteen hundred ninety-
4 four (1894) and any such contract made prior to said date upon com-
5 pliance with the provisions of said two (2) sections may be recorded
6 as therein provided.

[C. C. 5065.]

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.

1 All railway corporations owning or operating a line of railway
2 within the state, shall construct, maintain and keep in repair a fence on
3 each side of the right of way, so connected with cattle guards at all
4 public road crossings as to prevent live stock getting upon the tracks.
5 All such right of ways shall be fenced within six (6) months after the
6 completion of the track or any part thereof. This provision shall not
7 apply to a class C line of railway through the lands of any owner who
8 by written agreement with the company owning or operating such line
9 waives the fencing thereof.

[C. C. 5074.]

Sec. 6. Specifications for Fencing.

1 All fences shall be not less than fifty-four (54) inches high and
2 may be of any of the following types:

3 1. Not less than five (5) barbed wires, properly spaced.

4 2. Not less than three (3) barbed wires above and not less than
5 twenty-four (24) inches of woven wire below.

6 3. Entirely of woven wire.

7 4. Five (5) boards properly spaced.

8 5. Any other type which the fence viewers of any township
9 through which it passes may determine as efficient as either of the
10 above types.

11 Each of the above types shall be securely nailed to posts firmly
12 set, not more than twenty (20) feet apart for the first three (3) types,
13 nor more than eight (8) feet apart for the fourth.

[C. C. 5074.]

Sec. 7. Hog-tight Fences When.

1 When any person owning land abutting on the right of way is
2 maintaining a hog-tight fence on all sides thereof or any division of
3 such land except along such right of way, the railway company own-
4 ing such right of way shall, on written request of the landowner, make
5 such right of way fence along such enclosed land hog-tight by the
6 addition of barbed or woven wire or other equally efficient means.

[C. C. 5074.]

Sec. 8. Failure to Fence—Liability for Stock Injured.

1 Any corporation operating a railway and failing to fence its right
2 of way against live stock running at large or to maintain proper and
3 sufficient cattle guards at all points where the right to fence or main-
4 tain cattle guards exists, shall be liable to the owner of any stock
5 killed or injured by reason of the want of such fence or cattle guards
6 for the full amount of the damages sustained by the owner, unless it
7 was occasioned by the wilful act of such owner or his agent. The kill-

8 ing or injury of stock on the right of way shall be prima facie evidence
9 of the right of the owner to recover.

[C. C. 5075, modified.]

Sec. 9. Double Damages.

1 If such corporation fails or neglects to pay such damages within
2 thirty (30) days after notice in writing that a loss or injury has oc-
3 curred, accompanied by an affidavit thereof, served upon any officer or
4 station or ticket agent employed by said corporation in the county
5 where such loss or injury occurred, such owner shall be entitled to
6 recover from the corporation double the amount of damages actually
7 sustained by him.

[C. C. 5075.]

Sec. 10. Laws and Local Regulations Not Applicable.

1 No law of the state or any local or police regulations of any county,
2 township, city or town, relating to the restraint of domestic animals,
3 or in relation to the fences of farmers or landowners, shall be applica-
4 ble to railway right of ways, unless specifically so stated in such law
5 and regulation.

[C. C. 5075.]

Sec. 11. Depot Grounds—Speed Limit When No Fence.

1 Upon depot ground necessarily used by the public and the corpo-
2 ration, the operating of trains at a greater rate of speed than eight (8)
3 miles an hour where no fence is built, shall be negligence, and shall
4 render such corporation liable for all damages occasioned thereby, in
5 the same manner and to the same extent, except as to double damages,
6 as in cases where the right to fence exists.

[C. C. 5075.]

That sections fifty hundred seventy-eight (5078), fifty hundred twelve (5012), fifty hundred thirteen (5013), fifty hundred four (5004) to fifty hundred seven (5007), inclusive, fifty hundred two (5002), fifty hundred three (5003), and forty-nine hundred eighty-two (4982) of the compiled code of Iowa are amended, revised and codified to read as follows:

Sec. 12. Railway Crossings Near Mississippi River.

1 When in the construction of a railway it becomes necessary to
2 cross another railway near the shore of the Mississippi River, each
3 shall be so constructed and maintained at the point of crossing that
4 the respective roadbeds thereof shall be above high water mark in
5 such river, but where the crossing occurs within the limits of any city
6 or town containing six thousand (6,000) or more inhabitants, the coun-
7 cil or other governing authorities thereof may establish the crossing
8 grade.

[C. C. 5078.]

Sec. 13. Rights of Riparian Owners.

1 All owners or lessees of lands or lots situated upon the Iowa banks
2 of the Mississippi or Missouri rivers upon which any business is car-
3 ried on which is in any way connected with the navigation of either of
4 said rivers, or to which such navigation is a proper or convenient ad-
5 junct, are authorized to construct and maintain in front of their prop-
6 erty, piers, cribs, booms and other proper and convenient erections and
7 devices for the use of their respective pursuits, and the protection and
8 harbor of rafts, logs, floats and water craft, in such manner as to
9 create no material or unreasonable obstruction to the navigation of the
10 stream, or to a similar use of adjoining property.

[C. C. 5012.]

Sec. 14. Construction of Railroad on Riparian Land or Lots.

1 No person or corporation shall construct or operate any railroad
2 or other obstruction between the lots or lands referred to in the pre-
3 ceding section and either of said rivers, or upon the shore or margin
4 thereof, unless the injury and damage to owners or lessees occasioned
5 thereby shall be first ascertained and paid in the manner provided for
6 taking private property for works of internal improvement.

[C. C. 5013.]

Sec. 15. Railway and Highway Crossing at Grade.

1 Wherever a railway crosses or shall hereafter cross a highway at
2 grade, the railway company and the board of supervisors of the county
3 in which such crossing is located, if a primary or secondary highway,
4 or such railway company and the trustees of the township in which
5 such crossing is located, if a township highway, may agree upon any
6 change, alteration, vacation or relocation of such highway so as to
7 carry such highway over or under such railway or eliminate such cross-
8 ing entirely, and upon the expense each party shall pay for making
9 such changes.

[C. C. 5002, modified.]

Sec. 16. Disagreement—Application—Notice.

1 If the railway company and said highway authorities cannot agree
2 upon the changes to be made, either party may make written applica-
3 tion to the board of railroad commissioners, setting forth the changes
4 and alterations desired, and said board shall fix a date for hearing and
5 give the other party ten (10) days' written notice by mail of such date.

[C. C. 5002, modified.]

Sec. 17. Hearing—Order.

1 The board of railroad commissioners shall hear and determine
2 such application, taking into consideration the necessity of such
3 changes and the expense thereof, the location of any crossing and
4 the manner in which it shall be constructed and maintained, or
5 whether a crossing is to be eliminated and the provisions therefor,
6 and may make such order in relation thereto as shall be equitable,
7 including authority to condemn and take additional land for such pur-
8 poses when necessary, and shall determine what portion of the expense
9 shall be paid by any party to such controversy.

[C. C. 5002, modified.]

Sec. 18. Railway Company to Hold in Trust.

1 Any portion of the expense of making such crossing changes and
2 alterations borne by any municipal corporation or township, the state
3 or any person, shall forever be held in trust by such railroad corpo-
4 ration or its successors, and no part of such funds shall constitute any
5 part of the value of its property on which it is entitled to receive a
6 return.

[C. C. 5002.]

Sec. 19. Further Repairs—Aid by Court.

1 If the board of supervisors, township trustees, city or town coun-
2 cil, or any official having jurisdiction over such highway, shall deter-
3 mine that such crossing is unsafe or is in need of further repairs or
4 alterations, and can not agree with the railroad company as to such
5 repairs or additional alterations, the proper board, council or officer
6 shall file a petition in the district court of the county in which the
7 crossing is located, setting forth the facts and conditions on which

8 relief is sought and serve the railroad company with written notice
9 thereof in the time and manner required for original notices.

[C. C. 5003, modified.]

Sec. 20. Issues—Hearing—Order.

1 The railroad company may join issue by answer. The court or a
2 judge thereof shall hear the controversy in a summary manner in
3 equity in term time or vacation and make such order or decree as may
4 be found equitable and fix a reasonable time for compliance therewith
5 and, on default of the railroad company, it may enjoin the operation of
6 trains over that portion of the railway during the continuance of such
7 default. The court may award costs against either party in its dis-
8 cretion.

[C. C. 5003, modified.]

Sec. 21. Good Condition After Change—Temporary Ways.

1 When a railroad company changes, alters or repairs a highway
2 crossing, it shall upon completion of the work leave it free from ob-
3 structions to travel and in good condition. If travel will be obstructed
4 while any alterations or repairs are being made, the railroad company
5 shall provide safe and convenient temporary ways for the public to
6 avoid or pass such obstructions.

[C. C. 5002, 5004, modified.]

Sec. 22. Crossing Railway, Canal or Watercourse.

1 Any railroad company may build its railway across, over or under
2 any other railway, canal or watercourse, when necessary, but shall not
3 thereby unnecessarily impede travel, transportation or navigation. It
4 shall be liable for all damages caused by such crossing.

[C. C. 5005, modified.]

Sec. 23. Maintenance of Bridges—Damages.

1 Every railroad company shall build and maintain all necessary
2 bridges, abutments or other construction made necessary in crossing
3 over or under any canal, watercourse, or other railway or public high-
4 way, except as otherwise provided by law, and shall be liable for all
5 damages resulting to any person from a violation of the provisions of
6 this section.

[C. C. 5006, modified.]

Sec. 24. Private Crossings.

1 When any person owns land on both sides of any railway, or when
2 a railway runs parallel with a public highway thereby separating a
3 farm from such highway, the corporation owning or operating such
4 railway, on request of the owner of such land or farm, shall construct
5 and maintain a safe and adequate farm crossing or roadway across
6 such railway and right of way at such reasonable place as the owner of
7 the land may designate, and shall construct and maintain a cattle guard
8 on each side of such roadway where it crosses the track, connected by
9 wing or cross fences to the fences on each side of the right of way.

[C. C. 5007.]

Sec. 25. Overhead, Underground or More Than One Crossing.

1 Such owner of land may serve upon such railroad company a re-
2 quest in writing for more than one (1) such farm or private crossing,
3 or for an overhead or underground crossing, accompanied by a plat of
4 his land designating thereon the location and character of crossing de-
5 sired. If the railroad company refuses or neglects for thirty (30) days
6 after such service to comply with such request, the owner of the land
7 may make written application to the board of railroad commissioners

8 to hear and determine his rights in said respect. Such board, after
9 reasonable notice to the railroad company, shall hear said application
10 and all objections thereto, and make such order as shall be reasonable
11 and just, and if it requires the railroad company to construct any
12 crossing or roadway, fix the time for compliance with such order. The
13 matter of costs shall be in the discretion of the board.

[C. C. 5007, modified.]

Sec. 26. Right to Lay Pipes.

1 Such railway may lay, maintain and repair pipes through any
2 lands adjoining its tracts for a distance not to exceed three-fourths
3 ($\frac{3}{4}$) of a mile therefrom, in order to conduct water, for its engines,
4 from any running stream. Said pipes shall not be laid to any spring,
5 nor be so used as to injuriously withdraw the water from any farm.

[C. C. 4982.]

Sec. 27. Duty to Restore Natural Surface.

1 It shall, without unnecessary delay after such laying or repair-
2 ing, restore the surface of the land to its natural grade, and replace
3 any fence or other improvement which it may have disturbed.

[C. C. 4982, modified.]

Sec. 28. Right of Landowner.

1 The owner of the land through which any such pipes may be laid
2 shall have the right to use the land in any manner which will not inter-
3 fere with such pipes.

[C. C. 4982.]

Sec. 29. Liability to Landowner.

1 Said corporation shall be liable to the owner of the land for any
2 damages occasioned by laying, maintaining or repairing such pipes.

[C. C. 4982, modified.]

That section fifty hundred eighty (5080) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 30. Proceedings to Establish—Petition.

1 In any case where the tracks of two (2) or more railroads cross
2 each other at a common grade, any company owning one (1) of such
3 tracks and desiring to unite with the others in protecting the crossing
4 with interlocking or other safety device, and being unable to agree
5 with such others thereon, may file in the district court of the county
6 in which the crossing is located, a petition stating the facts and ask-
7 ing the court to order such crossing to be protected by interlocking or
8 other safety device. Said petition shall be accompanied by a plat show-
9 ing the location of all tracks and switches, and upon the filing thereof
10 notice shall be given by the petitioner to every other company or per-
11 son owning or operating any track involved in such crossing.

[C. C. 5080.]

Sec. 31. Commissioner—Equity—Precedence.

1 The court or a judge thereof shall thereupon appoint a commis-
2 sioner to examine into the necessity for such system, and report the
3 facts and his recommendations in such time as the court or judge may
4 direct, and, as soon as practicable thereafter, the court or judge shall
5 appoint a time and place for the hearing of such petition. The proceed-
6 ings shall be in equity. The court shall require the issues to be made
7 up at the first term after the petition is filed, and give the proceeding
8 precedence over the other civil business.

[C. C. 5080, modified.]

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. 32. Classification of Railroads.

1 All railroads of the state shall be classified in accordance with the
2 gross amount of their several annual earnings within the state, per
3 mile, for the preceding year, as follows:

4 1. Class A shall include those whose gross annual earnings per
5 mile shall be four thousand dollars (\$4,000.00) or more.

6 2. Class B shall include those whose gross annual earnings per
7 mile shall be three thousand dollars (\$3,000.00) or any sum in excess
8 thereof less than four thousand dollars (\$4,000.00).

9 3. Class C shall include those whose gross annual earnings per
10 mile shall be less than three thousand dollars (\$3,000.00). All steam
11 railroads operating wholly within this state, and not to exceed twenty-
12 five (25) miles in length, shall be included in and classified as class C
13 railroads.

[C. C. 5101, 5103.]

Sec. 33. Basis of Classification.

1 In determining the classification of any railroad, the entire rail-
2 road property owned or operated by any company shall be considered
3 as a single railroad, and the aggregate gross earnings of the entire
4 railroad within the state shall be divided by the entire mileage owned
5 or operated within the state, to ascertain the gross earnings per mile
6 of such railroad.

C. C. 5101.]

Sec. 34. Classification by Executive Council.

1 The executive council shall at its regular meeting on the second
2 Monday in July in each year classify the different railways, as pro-
3 vided by the two (2) preceding sections, from information as to gross

4 earnings obtained from the annual reports of railways made to the
5 executive council for assessment and taxation, if it shall be satisfied
6 of the correctness of same, or from information obtained by said execu-
7 tive council from any other source, and, when there shall be any change
8 in classification, shall issue a certificate to any corporation or corpora-
9 tions affected by such change, certifying the class to which they are
10 respectively assigned. Any change of rates by any corporation pur-
11 suant to any change of classification shall take effect and be in force
12 from and after the date of such certificate.

[C. C. 5102.]

Sec. 35. Passenger Rates—Limitation.

1 All railroad corporations according to their classifications as
2 herein prescribed shall be limited to compensation per mile for the
3 transportation of any person with ordinary baggage not exceeding
4 one hundred fifty (150) pounds in weight, as follows:

5 1. Class A, two cents (2c).

6 2. Class B, two and one-half cents ($2\frac{1}{2}c$).

7 3. Class C, three cents (3c).

8 4. For children twelve (12) years of age or under, one-half ($\frac{1}{2}$)
9 the rate above prescribed.

10 5. Every railroad corporation shall be entitled to charge a fare
11 of not to exceed ten cents (10c) for the transportation of each pas-
12 senger with ordinary baggage for any distance not exceeding five (5)
13 miles.

14 6. A charge of ten cents (10c) may be added to the fare of any
15 passenger when the same is paid upon the cars, if a ticket might have
16 been procured within a reasonable time before the departure of the

17 train, except in those cases where a minimum of ten cents (10c) is
18 charged for a distance of less than five (5) miles as above provided.

[C. C. 5103.]

[Note: Section 5103 C. C., so far as it relates to reduced exposition rates, is omitted because held unconstitutional and void in the case of C., R. I. & P. Ry. Co. v. Railroad Commissioners (August 2, 1913), 212 Fed. Rep. 986.]

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. 36. Violations—Penalty.

1 Any railway company violating the provisions of the preceding
2 section and any agent, telephone or telegraph operator of such rail-
3 road company violating the provisions of said section, in relation to
4 posting bulletins in the waiting room indicating when the trains are
5 late or on time, shall be punished by a fine of not less than five dollars
6 (\$5.00) nor more than fifty dollars (\$50.00).

[C. C. 5105, modified.]

Sec. 37. Automatic Couplers on All Cars.

1 No corporation, company or person operating a railroad and no
2 car manufacturing or transportation company using or leasing cars
3 shall operate upon any railroad in this state any car that is not
4 equipped with safety automatic couplers, so constructed as to enable
5 a person to couple and uncouple them without going between cars.

[C. C. 5106, 5107, modified.]

That sections fifty-one hundred seventy-one (5171) and fifty-one hundred seventy-two (5172) of the compiled code of Iowa are amended, revised and codified to read as follows:

Sec. 38. Buildings on Railroad Lands—Disagreements.

1 When a disagreement arises between a railroad company and the
2 owner of any building used for receiving, storing or manufacturing any
3 article of commerce transported or to be transported, situated on the
4 railroad right of way or any land owned or controlled by the railroad
5 company for railroad purposes, as to the terms and conditions on
6 which the same is to be continued thereon or removed therefrom,
7 or when application is made by any person, firm or corporation for a
8 site on such lands for the erection and maintenance of such improve-
9 ments, and the railway company and the applicant can not agree as
10 to whether such improvement shall be placed on such lands, or as to
11 the character and location of the buildings to be erected and main-
12 tained thereon, or as to the terms and conditions under which the same
13 may be placed or operated, such railway company, person, firm or cor-
14 poration may make written application to the board of railroad com-
15 missioners and such board shall, as speedily as possible after the filing
16 of such application, hear and determine such controversy and make
17 such order in relation thereto as shall be just and equitable between the
18 parties, which order shall be enforced in the same manner as other
19 orders of the board.

[C. C. 5171, modified.]

Sec. 39. Destruction of Buildings—Liability of Railroad.

1 In the event that any building referred to in the preceding sec-
2 tion, situated on the right of way or other land of a railroad company
3 used for railway purposes, shall be injured or destroyed by the negli-
4 gence of the railroad company, or the servants or agents thereof, in
5 the conduct of the business of such company, the railroad company

6 causing such injury or destruction shall be liable therefor to the same
7 extent as if such building used for said purposes was not situated on
8 the right of way or other land of such railroad company used for rail-
9 way purposes, any provision in any lease or contract to the contrary
10 notwithstanding.

[C. C. 5172, modified.]

Code Commissioners' Bill No. 191

Subject: ELECTRIC WIRES, TRANSMISSION LINES AND FRANCHISES

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

An act to amend, revise and codify sections fifty hundred twenty-seven (5027) to fifty hundred thirty-three (5033), inclusive, and fifty hundred thirty-seven (5037) to fifty hundred forty-three (5043), inclusive, of the compiled code of Iowa, relating to electric and other wires crossing railroad tracks and to electric transmission lines and franchises.

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

That sections fifty hundred twenty-seven (5027) to fifty hundred thirty-three (5033), inclusive, and fifty hundred thirty-seven (5037) to fifty hundred forty-three (5043), inclusive, of the compiled code of Iowa, are amended, revised and codified to read as follows:

Section 1. Franchise for Electric Transm'ssion Lines.

- 1 No individual, company or corporation shall erect, maintain or
- 2 operate any transmission line, wire or cable outside cities and towns
- 3 for the transmission, distribution or sale of electric current, without
- 4 first procuring, from the board of railroad commissioners, a franchise
- 5 granting authority so to do as in this chapter provided.

[C. C. 5037.]

Sec. 2. Petition for Franchise.

- 1 Any person, corporation or company authorized to transact busi-

2 ness in the state may file a verified petition with the board of railroad
3 commissioners asking for a franchise to erect, maintain and operate
4 a line or lines for the transmission, distribution, use and sale of elec-
5 tric current outside cities and towns and for such purpose to erect,
6 use and maintain poles, wires, guy wires, towers, cables, conduits and
7 other fixtures and appliances necessary for conducting electric current
8 for light, heat or power over, along and across any public lands, high-
9 ways, streams or the lands of any person, company or corporation, and
10 to acquire necessary interests in real estate for such purposes.

[C. C. 5037.]

Sec. 3. Petition to Contain What.

- 1 The petition shall set forth :
- 2 1. The name of the individual, company or corporation asking
3 for the franchise.
 - 4 2. The principal office or place of business.
 - 5 3. The starting points, routes and termini of the proposed lines.
 - 6 4. A general description of the public or private lands, highways
7 and streams over, across or along which any proposed line will pass.
8 accompanied with a map or plat showing such details.
 - 9 5. General specifications as to materials and manner of construc-
10 tion.
 - 11 6. The maximum voltage to be carried over each line.

[C. C. 5037, modified.]

Sec. 4. Notice of Hearing.

1 Upon the filing of such petition, the board shall fix a date for hear-
2 ing thereon and cause a notice, addressed to the citizens of each county
3 through which the proposed line or lines will extend, to be published

4 in the official newspapers of each such county for two (2) consecu-
5 tive weeks. Said notice shall contain a general statement of the con-
6 tents and purpose of the petition and a general description of the
7 lands and highways to be traversed by the proposed line or lines, and
8 the date fixed for hearing thereon. Said hearing shall be not less
9 than ten (10) days from the date of the last publication and at the
10 offices of the board of railroad commissioners, unless a different place
11 in such notice is specified.

[C. C. 5037, modified.]

Sec. 5. Objections—Hearing.

1 At the time fixed for hearing and any time prior thereto any
2 person, company or corporation whose rights or interests will be af-
3 fected, shall have the right to file objections to the proposed improve-
4 ment or the granting of such franchise. The commissioners may per-
5 sonally examine the proposed route or cause any engineer in its em-
6 ploy to do so. It shall consider said petition and any objections filed
7 thereto, and may hear such testimony as may aid it in determining
8 the propriety of granting such franchise. It may grant such fran-
9 chise in whole or in part upon such terms, conditions and restrictions,
10 with such modifications as to location and route as may seem to it
11 just and proper, but there shall be no financial consideration there-
12 for, except that the petitioners shall pay all costs and expenses of said
13 proceeding including cost of publishing notice, before such franchise
14 shall become effective.

[C. C. 5037, modified.]

Sec. 6. Form of Franchise.

1 The board shall prepare or cause the commerce counsel to prepare

2 a form of franchise for such purposes, which shall embody a general
3 description of the improvement authorized thereby, the name and ad-
4 dress of the person or corporation to whom granted and the general
5 terms and conditions upon which it is granted and be signed by the
6 chairman of the board, with the official seal of the board attached.
7 Such franchise shall be subject to such regulations as the general as-
8 sembly may, from time to time, prescribe and to such rules, not incon-
9 sistent with statutes, as the board may establish.

[C. C. 5037, modified.]

Sec. 7. Franchise Transferable—Notice.

1 When any such electric transmission line or lines are sold and
2 transferred either by voluntary or judicial sale, such transfer shall
3 carry with it the franchise under which the said improvement is
4 owned, maintained or operated. If a transfer of such franchise is
5 made before the improvement for which it was issued is constructed
6 in whole or in part, such transfer shall not be effective till the person,
7 company or corporation to whom it was issued shall file in the office
8 of the board of railroad commissioners a notice in writing stating the
9 date of such transfer and the name and address of the transferee.

[New.]

Sec. 8. Record of Franchises.

1 The board of railroad commissioners shall keep a record of all
2 such franchises granted and issued by it, when and to whom issued,
3 with a general statement of the location, route and termini of the
4 transmission line or lines covered thereby. When any transfer of
5 such franchise has been made as provided in this chapter, the board
6 shall also make note upon its record of the date of such transfer and

7 the name and address of the transferee.

[New.]

Sec. 9. Acceptance of Franchise Implies Consent to Regulation.

1 Any person, company or corporation obtaining a franchise as in
2 this chapter provided shall be conclusively held to an acceptance of
3 the provisions thereof and of all laws relating to the regulation, su-
4 pervision or control thereof which are now in force or which may be
5 hereafter enacted, and to have consented to such reasonable regula-
6 tion as the commission may, from time to time, prescribe.

[C. C. 5039, modified.]

Sec. 10. Obtaining Additional Rights.

1 Any person, firm or corporation owning a franchise granted under
2 this chapter or previously existing law, desiring to acquire extensions
3 of such franchise, may petition the board in the manner provided for
4 the granting of a franchise, and the same proceeding shall be had
5 as on an original application. Such petition shall be accompanied by
6 the written consent of the applicant that all laws now in force or
7 which may be hereafter enacted for the regulation, supervision or
8 control of its lines shall apply to its existing line or lines with the same
9 force and effect as if they had been constructed under a franchise
10 granted under this chapter.

[C. C. 5038, modified.]

Sec. 11. Eminent Domain—Extent—Procedure.

1 Any person, company or corporation having secured a franchise
2 as provided in this chapter, shall thereupon be vested with the right
3 of eminent domain to such extent as may be necessary and as pre-
4 scribed and approved by the board, not exceeding twenty-five (25)

5 feet in width for right of way and not exceeding one (1) acre in any
6 one (1) location in addition to right of way for the location of trans-
7 former or other stations to carry out the purposes of said franchise. If
8 agreement can not be made with the private owner of lands as to dam-
9 ages caused by the construction of said transmission line, the same pro-
10 ceedings shall be taken as provided for taking private property for
11 works of internal improvement.

[C. C. 5040, modified.]

Sec. 12. Injury to Person or Property—Burden of Proof.

1 In case of injury to any person or property by any such trans-
2 mission line, negligence will be presumed on the part of the person
3 or corporation operating said line in causing said injury, but this
4 presumption may be rebutted by proof. Such presumption shall not
5 exist in favor of employees of the person or corporation operating
6 said transmission line who are charged with or engaged in the con-
7 struction, reconstruction, repair or maintenance thereof, unless other-
8 wise provided by the employers' liability and workmen's compensation
9 laws of the state.

[C. C. 5042, modified.]

Sec. 13. Access to Lines—Damages to Lands and Crops.

1 Individuals or corporations operating such transmission lines
2 shall have reasonable access to the same for the purpose of construct-
3 ing, reconstructing, enlarging, repairing or locating the poles, wires
4 or construction and other devices used in or upon such line, but shall
5 pay to the owner of such lands and of crops thereon all damages to
6 said lands or crops caused by entering, using and occupying said lands
7 for said purposes. Nothing herein contained shall prevent the exe-

8 cution of an agreement between the person or company owning or
9 operating such line and the owner of said land or crops with reference
10 to the use thereof.

[C. C. 5043, modified.]

Sec. 14. Supervision of Construction—Location.

1 The board shall have power of supervision over the construction
2 of said transmission line and over its future operation and mainten-
3 ance. Said transmission line shall be constructed near and parallel
4 to the right of way of the railways of the state or along the division
5 lines of the lands, according to the government survey thereof, wher-
6 ever the same is practicable and reasonable, and so as not to interfere
7 with the use by the public of the highways or streams of the state,
8 nor unnecessarily interfere with the use of any lands by the occupant
9 thereof.

[C. C. 5041.]

Sec. 15. Manner of Construction.

1 Such lines shall be built of strong and proper wires attached to
2 strong and sufficient supports properly insulated at all points of at-
3 tachment; all wires, poles and other devices which by ordinary wear
4 or other causes are no longer safe shall be removed and replaced by
5 new wires, poles or other devices, as the case may be, and all aban-
6 doned wires, poles or other devices shall be at once removed. Where
7 wires carrying current are carried across, either above or below wires
8 used for other service, the said transmission line shall be constructed
9 in such manner as to eliminate, so far as practicable, damages to per-
10 sons or property by reason of said crossing. There shall also be in-
11 stalled sufficient devices to automatically shut off electric current

12 through said transmission line whenever connection is made whereby
13 current is transmitted from the wires of said transmission line to the
14 ground, and there shall also be provided a safe and modern improved
15 device for the protection of said line against lightning.

[C. C. 5041, modified.]

Sec. 16. Distance From Buildings.

1 No transmission line shall be constructed, except by agreement,
2 within one hundred (100) feet of any dwelling house or other build-
3 ing, except where said line crosses or passes along a public highway
4 or is located alongside or parallel with the right of way of any railway
5 company. In addition to the foregoing, each person, company or cor-
6 poration shall conform to any other rules, regulations or specifications
7 established by the board in the construction, operation or maintenance
8 of such lines.

[C. C. 5041, modified.]

Sec. 17. Lines Along or Crossing Highway—Danger Label.

1 At any crossing of any highway by such transmission line, the
2 poles or towers next to the highway shall be labeled with the following
3 words: "Danger volts electricity," filling in the volt-
4 age. The stroke of said letters and numbers shall be at least four
5 (4) inches in length and not less than five-eighths ($\frac{5}{8}$) of an inch
6 in width, and the color of the letters and numbers shall be in contrast
7 with the color of the background. The said labels shall show the
8 maximum number of volts of electricity transmitted over said line,
9 and shall face toward the highway. Where said poles or towers are
10 extended along said highway and within the limits thereof or immedi-
11 ately adjacent thereto, the sign herein prescribed shall be placed at

12 least every quarter of a mile. The board shall have power to make
13 and enforce such further and additional rules relating to location,
14 construction, operation and maintenance of said transmission line as
15 may be reasonable.

[C. C. 5041.]

Sec. 18. Forfeiture of Franchise for Nonuser.

1 Unless the improvement for which a franchise is granted is con-
2 structed in whole or in part within three (3) years from the granting
3 thereof, it shall be forfeited and the board shall cancel and revoke the
4 same and make record thereof.

[New.]

Sec. 19. Forfeiture for Violations.

1 If any person, company or corporation shall violate the provisions
2 of this chapter or any rule established for the construction, mainten-
3 ance or operation of such electric transmission line, and shall fail for
4 ninety (90) days after notice from the board to comply therewith,
5 such board shall have power to cancel and annul such franchise and
6 order the removal of such line.

[New.]

Sec. 20. Annual Reports.

1 Every person, company or corporation operating such electric
2 transmission line shall make and file annual reports with the board
3 of railroad commissioners on or before the first day of March of each
4 year on blanks prepared and furnished by such board setting forth
5 such matters as to such line and its maintenance, improvement, ex-
6 tension and operation as the board may require.

[New.]

Sec. 21. Prior Franchises Not Abrogated—Legislative Control.

1 Any such franchise heretofore granted under previously existing
2 law shall not be abrogated by the provisions of this chapter, but all
3 such franchises and all franchises granted under the provisions of
4 this chapter shall be subject to further legislative control.

[New.]

Sec. 22. Violations—Penalties.

1 Any person, company or corporation constructing or undertaking
2 to construct or maintain any electric transmission line, without first
3 procuring a franchise for such purpose in accordance with the pro-
4 visions of this chapter, shall be fined in the sum of one thousand dol-
5 lars (\$1,000.00), and for violating any of the other provisions of this
6 chapter relating to electric transmission lines or disobeying any order
7 or rule made by the board in relation thereto, shall be fined not ex-
8 ceeding one hundred dollars (\$100.00).

[C. C. 3039, modified.]

Sec. 23. Wire Crossing Railroad Tracks—Supervision.

1 The board shall have general supervision over any and all wires
2 whatsoever crossing under or over any railway track and shall make
3 rules prescribing the manner in which such wires shall cross such
4 track, but in no case shall the board prescribe a less height for any
5 wire than twenty-two (22) feet above the top of the rails of any
6 railroad track.

[C. C. 5027, 5028, 5031.]

Sec. 24. Wires Across Railroad Right of Way at Highways.

1 The board shall prescribe the manner for the crossing of wires

2 over and across railroad right of ways at highways and other places
3 within the state.

[C. C. 5032.]

Sec. 25. Wires Must Be Strung in Manner Prescribed.

1 No corporation or person shall place or string any such wire for
2 transmitting electric current or any wire whatsoever across any track
3 of a railroad except in the manner prescribed by the board.

[C. C. 5029.]

Sec. 26. Examination of Wires Already Strung.

1 The board shall, either by personal examination or otherwise,
2 obtain information where railroad tracks are crossed by wires con-
3 trary to, or not in compliance with, the rules prescribed by it. It shall
4 order such change or changes to be made by the persons or corpora-
5 tions owning or operating such wires as may be necessary to make
6 the same comply with said rules and within such reasonable time as
7 it may prescribe.

[C. C. 5030.]

Sec. 27. Penalty—Enforcement.

1 Any person or corporation who shall string or maintain any wire
2 across any railroad track in this state at a different height or in a
3 different manner from that prescribed by the board shall forfeit and
4 pay to the state the sum of one hundred dollars (\$100.00) for each
5 separate period of ten (10) days during which such wire is so main-
6 tained. Such forfeiture shall be recovered in a civil action in the
7 name of the state by the commerce counsel, or by the county attorney
8 of the county in which such wire is situated, at the request of the
9 board.

[C. C. 5033, modified.]

[Note: Sections 3038 and 3039 of the compiled code are eliminated in order to place the entire matter of electric wires and transmission lines under the jurisdiction of the board of railroad commissioners instead of having a separate and conflicting jurisdiction in each board of supervisors in the state.]

10 district contiguous to and within five (5) miles of such railroad.

11 3. To aid in the reconstruction, improvement, repair or main-
 12 tenance of a railroad heretofore constructed, the operation of which
 13 has been abandoned into, through or along a district contiguous to
 14 and within two and one-half (2½) miles of such railroad.

[C. C. 5121, 5130, 5135.]

Sec. 2. **Requisites for Petition.**

1 The petition shall show :

2 1. The name and the location of the principal office of the com-
 3 pany to be aided.

4 2. For which of said three (3) purposes it is proposed to vote
 5 the tax.

6 3. The rate of tax proposed and the number of years not exceed-
 7 ing five (5) in which it shall be levied and paid in equal installments.

8 4. The location of the line of railway for which it is proposed to
 9 vote the tax.

10 5. The limits of the proposed district and the county or counties
 11 in which the same is located.

12 6. The amount of work required to be done and when and where
 13 the same shall be done before any of the tax shall be payable.

14 7. Any other conditions which shall be performed before any part
 15 of the tax shall be payable.

16 8. The signatures of a majority of the resident freehold taxpayers
 17 of the proposed district.

[C. C. 5122, 5131, 5136, modified.]

Sec. 3. **Exception—Approval by Board of Commissioners.**

1 No tax shall be levied to aid in the electrification of any steam

2 railway for the benefit of any person, firm or individual, who is not
3 the owner in fee simple of said steam railway, unless with or prior
4 to the presentation of the petition to the board of supervisors asking
5 for said election, the agreement between the person, firm or corpora-
6 tion proposing to electrify said steam railway and the owner of said
7 steam railway, for its electrification and use, has been presented to
8 the board of railroad commissioners, and its duration, terms and con-
9 ditions found suitable by said board, and said approval made a matter
10 of record in the proceedings of said board, and certified to such board
11 of supervisors.

[C. C. 5133.]

Sec. 4. Filing of Petition.

1 Said petition shall be filed in the office of the auditor of the county
2 in which the district is wholly located or of the county in which the
3 greater acreage of the proposed district is located.

[C. C. 5122, 5131, 5136, modified.]

Sec. 5. Proceedings on Petition.

1 At its next regular adjourned or special session after such peti-
2 tion is filed, the board of supervisors shall canvass the petition, and if
3 found to meet the requirements of law, it shall fix a time and place
4 for holding a special election in the proposed district, appoint judges
5 and clerks of such election, fix the hours when the polls shall open and
6 close and cause notice to be given as hereinafter provided. The date
7 of such election shall be at least ten (10) days after completed service
8 of such notice.

[C. C. 5122, 5136, modified.]

Sec. 6. Form of Notice.

1 The notice shall be addressed to the qualified electors of the town-
2 ship, city, town, district or territory in which the election is to be held
3 and shall state:

4 1. The time and place of holding such election and the hours at
5 which the polls will open and close.

6 2. The name and location of the principal office of the corpora-
7 tion to which it is proposed to vote the tax.

8 3. The purpose for which it is proposed to vote such tax.

9 4. The rate of such tax, the installments into which it shall be
10 divided, and the years in which it is payable.

11 5. The amount of work to be done, or any other conditions to be
12 performed before the tax is payable.

13 6. From what point to what point the improvement shall extend
14 and within what time it is to be completed.

15 7. Any other special conditions set forth in the petition.

[C. C. 5122, 5133, 5136, modified.]

Sec. 7. Manner of Giving Notice.

1 The auditor shall cause such notice to be published for three (3)
2 consecutive weeks in the official newspapers of each county in which
3 the election is to be held, and if in a district or territory extending
4 into more than one (1) county, then the official newspapers of each
5 of such counties, and the last publication shall be not less than ten
6 (10) days before such election. Proof of such publication, by affi-
7 davit of the publisher, shall be filed with the auditor on completion
8 of the publication.

9 The auditor shall also cause such notice to be posted in five (5)
10 public places in the proposed district, not less than ten (10) days be-
11 fore the date of the election, and proof of such posting by affidavit
12 of the parties who did or saw it done, shall be filed in the office of the
13 auditor.

[C. C. 5122, 5131, 5136, modified.]

Sec. 8. Form of Ballot.

1 The auditor shall cause to be prepared and printed the ballots for
2 such election on which shall be plainly stated the proposition to be
3 voted upon, placed in interrogatory form with the words "yes" and
4 "no" so arranged as to enable the voter to clearly indicate his vote
5 for or against such proposition, which ballots shall be delivered to the
6 judges of election by the time the polls are open.

[C. C. 5122, 5131, 5136, modified.]

Sec. 9. Election Returns.

1 The judges and clerks shall count the ballots cast as soon as the
2 polls close and certify and file the returns, with all the ballots cast, in
3 the office of the auditor.

[C. C. 5122, 5131, 5136, modified.]

Sec. 10. Canvass of Returns.

1 On the filing of the returns, the board shall convene and canvass
2 the same and certify the result to the auditor. If a majority of the
3 votes cast are in favor of such taxes, the board shall, at the time of
3 levying the ordinary taxes.next following, levy such taxes as are voted
4 and cause the same to be placed on the tax lists of the proper town-
5 ship, city, town or district as the case may be.

[C. C. 5122, 5131, 5136, modified.]

Sec. 11. District in More Than One County.

1 If the district or territory in which taxes are voted extends into
2 more than one (1) county, the auditor in whose office the returns are
3 filed shall make and certify a copy of such returns and file the same in
4 the office of the auditor of every other county into which the district
5 extends. The board of supervisors of such other counties shall levy the
6 tax upon the real estate in the portion of the district located in such
7 county and cause such tax to be entered upon the tax list of such
8 county.

[C. C. 5122, 5136, modified.]

Sec. 12. Terms and Conditions Entered on Tax List.

1 In all cases where a tax has been voted and levied in aid of a rail-
2 road there shall be entered upon the tax lists of the county all the
3 terms and conditions upon which such taxes are payable.

[C. C. 5122, 5131, 5136.]

Sec. 13. Collection of Special Tax.

1 Special taxes voted for any of the purposes aforesaid, shall be
2 collected at the same time and in the same manner as other taxes, with
3 the same penalties for delinquency and the same manner of enforcing
4 collection by sale as ordinary taxes. When collected they shall be
5 kept in a separate fund and paid out only for the purposes for which
6 and on the terms and conditions upon which they were voted, all which
7 shall be shown by the records and files of the auditor's office relating
8 thereto.

[C. C. 5122, 5131, 5136, modified.]

Sec. 14. Limitation to Ten-year Periods.

- 1 The aggregate amount of taxes on property in aid of railroads
- 2 shall not during any ten (10) years exceed five per cent (5%) on the
- 3 value thereof.

[C. C. 5123, 5134, 5138.]

Code Commissioners' Bill No. 193.

Subject: CATTLE GUARDS AND HIGHWAY CROSSING SIGNS

Senate File No. Referred to Committee on
House File No.
By Date

A BILL FOR

An act to amend, revise and codify section fifty hundred seventy-three (5073) of the compiled code of Iowa, relating to cattle guards and highway crossing signs.

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

That section fifty hundred seventy-three (5073) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Cattle Guards—Crossing—Signs.

- 1 Every corporation constructing or operating a railway shall:
- 2 1. Make proper cattle guards where the same enter or leave any
- 3 improved or fenced land.
- 4 2. Construct at all points where such railway crosses any public
- 5 road, good, sufficient and safe crossings and cattle guards.
- 6 3. Erect at such points, at a sufficient elevation from such road
- 7 as to admit of free passage of vehicles of every kind, a sign with large
- 8 and distinct letters placed thereon, to give notice of the proximity of
- 9 the railway, and warn persons of the necessity of looking out for trains.
- 10 4. Be liable for all damages sustained through refusal or neglect
- 11 to comply with the provisions of this section.

[C. C. 5073.]

Sec. 2. Motor Vehicle Stop Signs.

1 Except in cities and towns, the board of railroad commissioners
2 may, on its own motion, make an order requiring any railroad com-
3 pany to erect a motor vehicle stop sign as hereinafter provided, at any
4 place where a railway crosses a public highway, and on complaint, by
5 resolution of any board of supervisors in the state, filed with the board
6 of railroad commissioners, that any crossing except in a city or town,
7 is of such character that such stop sign should be erected, the board of
8 railroad commissioners shall examine and investigate the conditions at,
9 and surrounding such crossing, and if in its judgment such crossing
10 should be protected by a stop sign, it shall make and deliver an order
11 to the railroad company fixing a time within which such stop sign shall
12 be erected. Any railroad company may erect such stop sign at any
13 crossing except in a city or town, which shall have the same force and
14 effect as if ordered by the board of railroad commissioners.

[New.]

Sec. 3. How Orders Enforced.

1 Any order made by the board of railroad commissioners under the
2 preceding section, shall be enforced by like proceedings and in the same
3 manner as other orders it makes regarding construction and operation
4 of railways.

[New.]

Sec. 4. Specifications for Stop Sign.

1 Such stop signs shall be erected on each side of the track and not
2 less than thirty (30) nor more than fifty (50) feet therefrom, placed
3 as near the traveled way of the highway as may be done without inter-
4 ference with travel, the top thereof to be at a height not more than

5 four (4) feet above the ground, with the words "MOTOR VEHICLES
6 STOP" printed thereon in letters sufficiently large that they may be
7 plainly read in daylight a distance of two hundred (200) feet by aver-
8 age vision.

[New.]

Sec. 5. Location of Signs for Two or More Tracks.

1 When two (2) or more railroad tracks with not over one hundred
2 (100) feet between any two (2) adjacent tracks are crossed by a
3 public highway, such stop sign may be placed only at the required dis-
4 tance from the two (2) outside tracks in the same manner as if all
5 tracks were but a single track.

[New.]

Sec. 6. Speed Limit of Motor Vehicles at Crossing.

1 When approaching a railway track upon a public highway crossing
2 at grade where a stop sign has not been erected, the person driving or
3 controlling the movement of any motor or self-propelled vehicle shall
4 reduce the speed of such vehicle to a rate not to exceed ten (10) miles
5 per hour, for a distance of not less than one hundred (100) feet before
6 reaching such crossing.

[New.]

Sec. 7. Motor Vehicles Required to Stop When.

1 At all highway grade crossings where stop signs have been
2 erected, the person driving or controlling the movement of any motor
3 or self-propelled vehicle, shall bring such vehicle to a full stop at or
4 opposite such sign before proceeding over such crossing.

[New.]

Sec. 8. Violation—Penalty.

- 1 Any person violating any of the provisions of either of the two
- 2 (2) preceding sections shall be fined not exceeding ten dollars (\$10.00)
- 3 for each offense.

Code Commissioners' Bill No. 194

Subject: LIABILITY FOR NEGLIGENCE OF EMPLOYEES

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

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.

1 Every corporation operating a railway shall be liable for all dam-
 2 ages sustained by any person, including employees of such corpora-
 3 tion, in consequence of the neglect of the agents, or by any mismanage-
 4 ment of the engineers or other employees thereof, and in consequence
 5 of the wilful wrongs, whether of commission or omission, of such
 6 agents, engineers or other employees, when such wrongs are in any
 7 manner connected with the use and operation of any railway on or
 8 about which they shall be employed, and no contract which restricts
 9 such liability shall be legal or binding.

[C. C. 5090.]

Sec. 2. Prior Relief or Indemnity Contract No Bar to Recovery.

1 No contract of insurance, relief, benefit or indemnity in case of

2 injury or death, entered into prior to the injury, between the person
3 so injured and such corporation, or any other person or association
4 acting for such corporation, and no acceptance of any such insurance,
5 relief, benefit or indemnity by the person injured, his widow, heirs or
6 legal representatives after the injury, from such corporation, person
7 or association, shall constitute any bar or defense to any cause of
8 action brought under the provisions of the preceding section, but noth-
9 ing contained herein shall be construed to prevent or invalidate any
10 settlement for damages between the parties subsequent to injuries
11 received.

[C. C. 5090.]

Sec. 3. Contributory Negligence No Bar—Comparative Negligence.

1 In all actions brought against any railway corporation to recover
2 damages for the personal injury or death of any employee under or
3 by virtue of any of the provisions of the second preceding section, the
4 fact that the employee may have been guilty of contributory negli-
5 gence shall not bar a recovery, but the damages shall be diminished
6 by the jury in proportion to the amount of negligence attributable to
7 such employee. No such employee who may be injured or killed shall
8 be held to have been guilty of contributory negligence in any case
9 where the violation by such common carrier or corporation of any
10 statute enacted for the safety of employees contributed to the injury
11 or death of such employee; nor shall it be any defense to such action
12 that the employee who was injured or killed assumed the risks of his
13 employment.

[C. C. 5090.]

Code Commissioners' Bill No. 195

Subject: RAILWAY CROSSINGS

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

An act to amend, revise and codify section fifty hundred ninety-two (5092) of the compiled code of Iowa, relating to railway crossings.

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 is amended, revised and codified to read as follows:

Section 1. Stopping at Railway Crossings.

1 Except in cities and towns, all trains run upon any railroad in
2 this state, which intersects or crosses any other railroad upon the
3 same level, shall be brought to a full stop at a distance of not less than
4 two hundred (200) nor more than eight hundred (800) feet from the
5 point of intersection or crossing, before such intersection or crossing
6 is passed. An electric interurban train composed exclusively of pas-
7 senger car or cars, shall stop not less than twenty-five (25) nor more
8 than two hundred fifty (250) feet from such point of crossing.

[C. C. 5092, modified.]

Sec. 2. Violation—Penalty.

1 Any engineer or motorman violating the provisions of this sec-
2 tion shall be fined not exceeding one hundred dollars (\$100.00) for
3 each offense, and the corporation on whose road such offense is com-

- 4 mitted shall be fined not exceeding two hundred dollars (\$200.00) for
5 each offense.

[C. C. 5092, modified.]

[Note: The foregoing measure as modified in the last section was passed by the 37th G. A., Senate File No. 403, but did not become a law because not signed by the Speaker of the House.]

Code Commissioners' Bill No. 196

Subject: REGULATION OF CARRIERS AND DEFINITION OF TERMS

Senate File No. Referred to Committee on

House File No.

By Date

A BILL FOR

An act to amend, revise and codify sections fifty hundred nineteen (5019), fifty-one hundred seventy-three (5173), and fifty-one hundred seventy-six (5176) of the compiled code of Iowa, relating to regulation of carriers and definition of terms.

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

That sections fifty hundred nineteen (5019), fifty-one hundred seventy-three (5173) and fifty-one hundred seventy-six (5176) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. To What Applicable.

1 The provisions of this chapter shall apply to all common carriers
2 engaged in the transportation of passengers or property by railroad
3 from any point within the state to any point within the state whether
4 the transportation shall be wholly within this state or partly within
5 this state and partly within an adjoining state, and to all persons,
6 firms, corporations and companies that shall do business as common
7 carriers upon any of the lines of railway in this state, except street
8 railways and persons and companies owning or operating them.

[C. C. 5173.]

Sec. 2. Duty of Railroad to Furnish Cars and Transport Freight.

1 Every railway corporation shall upon reasonable notice, and
2 within a reasonable time, furnish suitable cars to any and all persons

3 who may apply therefor, for the transportation of any and all kinds
4 of freight, and receive and transport such freight with all reasonable
5 dispatch, and provide and keep suitable facilities for the receiving
6 and handling thereof at any depot on the line of its road. It shall
7 receive and transport in like manner the empty or loaded cars fur-
8 nished by any connecting road, to be delivered at any station or sta-
9 tions on the line of its road, to be loaded or discharged or reloaded
10 and returned to the road so connecting. For compensation it shall
11 not demand or receive any greater sum than is accepted by it from
12 any connecting railroad for a similar service.

[C. C. 5019.]

Sec. 3. Passenger Service—Frequency—Presumption.

1 Every railway corporation owning or operating lines of railroad
2 of more than twenty-five (25) miles in length within the limits of the
3 state, shall maintain a service of not less than two (2) passenger
4 trains each way every twenty-four (24) hours, over the entire length
5 of each division of such line or lines, when so ordered by the board of
6 railroad commissioners. Passenger service of less than the number
7 of trains provided herein shall be presumed to be unreasonable.

[C. C. 5019.]

Sec. 4. Burden of Proof as to Compliance.

1 In any action in court, or before the board, brought against a
2 railroad corporation for the purpose of enforcing rights arising under
3 the provisions of this and the two (2) preceding sections, the burden
4 of proving that the provisions thereof have been complied with by
5 such railroad corporation, shall be upon such railroad corporation.

[C. C. 5019.]

Sec. 5. Definition of Terms.

1 The terms "railroad" and "railway" as used in this chapter shall
2 include all bridges and ferries used or operated in connection with
3 any railroad, and also all the road in use by any corporation, receiver,
4 trustee or other person operating a railroad, whether owned or oper-
5 ated under contract, agreement, lease or otherwise.

6 The term "transportation" shall include all instrumentalities of
7 shipment or carriage.

8 The term "railway corporation" shall mean all corporations, com-
9 panies or individuals owning or operating any railroad in whole or
10 in part in this state, except street railways.

11 The term "switching service" is hereby defined to be shifting of
12 a car or of cars between two (2) points, both of which points are
13 within the industrial vicinity of an industry, a group of industries,
14 a station, a village or a city, as such industrial vicinity may be de-
15 fined by the board of railroad commissioners.

[C. C. 5173, 5176.]

Sec. 6. Preference Prohibited—Exception.

1 It shall be unlawful for any common carrier to give any prefer-
2 ence or advantage to, or entail any prejudice or disadvantage upon
3 any particular person, company, firm, corporation, locality or any
4 class of business or traffic, by any rate, rule, regulation or practice
5 whatsoever. This provision shall not prevent any common carrier
6 from giving preference as to time and means of shipping live stock,
7 live poultry, uncured meats, fruits, vegetables or other perishable
8 property.

[C. C. 5176.]

Sec. 7. Interchange—Switching and Forwarding.

1 All common carriers shall, according to their respective powers,
2 afford all reasonable, proper and equal facilities for the interchange
3 of traffic between their respective lines, and for the receiving, for-
4 warding and switching of cars, passengers and property to and from
5 their several lines, and to and from other lines and places connected
6 therewith; and shall not discriminate in their accommodations, rates
7 and charges between such connecting lines. Any common carrier may
8 be required to switch and transfer cars for another, for the purpose
9 of being loaded or unloaded, upon such terms and conditions as may
10 be prescribed by the board of railroad commissioners.

[C. C. 5176.]

Code Commissioners' Bill No. 197.

Subject: FREE OR REDUCED TRANSPORTATION PROHIBITED

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

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.

1 For transporting freight over the same railway for the same dis-
 2 tance in the same direction, no common carrier shall charge, collect,
 3 demand or receive more for transporting a car of freight than it at the
 4 same time charges, collects, demands or receives per car for more than
 5 one (1) car of a like class of freight; nor more for transporting a ton
 6 of freight than it charges, collects, demands or receives per ton for
 7 more than one (1) ton of freight but less than a carload of a like class;
 8 nor more for transporting one hundred (100) pounds of freight than it
 9 charges, collects, demands or receives per hundred for more than one
 10 hundred (100) pounds of freight but less than a ton of a like class.

[C. C. 5201.]

Sec. 2. Not Applicable to New Industry—Limitation.

1 For the protection and development of any new industry in the

2 state, any common carrier may grant concessions or special rates for
 3 any agreed number of carloads or for a specified period of time, which
 4 rates and period of time shall be fixed and approved by the board of
 5 railroad commissioners, and a copy thereof filed in its office.

[C. C. 5201, modified.]

Sec. 3. Prima Facie Evidence of Violation.

1 Any such discriminating rates, charges, collections or receipts
 2 whether made directly or indirectly by means of any rebate, drawback
 3 or other method or means, shall be prima facie evidence of a violation
 4 of the provisions of the second preceding section.

[C. C. 5201.]

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.

1 Nothing in this chapter shall apply to free or reduced rates for the
 2 transportation, storage or handling of :

3 1. Property for the United States, this state, or municipal gov-
 4 ernments.

5 2. Materials to be used by public authorities in constructing or
 6 maintaining public highways outside of the corporate limits of cities
 7 and towns.

8 3. Property for charitable purposes.

9 4. Property for exhibition at fairs or expositions.

10 5. Private property or goods for the family use of such em-
 11 ployees as are entitled to free passenger transportation.

[C. C. 5205.]

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.

1 No common carrier of passengers shall, directly or indirectly,
2 issue, furnish or give free or at a reduced rate, any ticket, pass or
3 other evidence of the right or privilege of transportation to any per-
4 son, except as provided in the next section, nor shall any person ac-
5 cept or use any free ticket, pass or other evidence of the right or privi-
6 lege of transportation, except as in said section provided. The words
7 "free ticket," "free pass," or other evidence of the right or privilege
8 of transportation as used in this section shall include any ticket, pass,
9 contract, permit or transportation issued, furnished or given to any
10 person, by any common carrier of passengers, for carriage or passage,
11 for any other consideration than money paid in the usual way at the
12 rate, fare or charge open to all who desire to purchase.

[C. C. 5220, modified.]

Sec. 6. Person to Whom Free or Reduced Transportation May Be Issued.

1 The person to whom tickets, free passes, free transportation or
2 discriminating reduced rates may be issued, furnished or given, shall
3 be as follows:

4 1. The railroad commissioners, their secretary and experts or
5 other agents, and the commerce counsel, while engaged in the perform-
6 ance of their respective duties.

7 2. The general officers of such common carrier.

8 3. The officers, agents, employees, attorneys, physicians and sur-
9 geons of such common carriers, whose chief and principal occupation

10 is to render service to common carriers of passengers, and to the fami-
11 lies of such persons.

12 4. Sleeping car and express company employees, linemen of tele-
13 graph and telephone companies operated in connection with such car-
14 riers, railway mail service employees, postoffice inspectors, customs
15 inspectors, immigration inspectors, newsboys on trains, and baggage
16 agents.

17 5. Persons injured in wrecks and physicians and nurses attending
18 such persons.

19 6. Persons traveling for the purpose of providing relief in cases of
20 railroad accident, general epidemic, pestilence, or other calamitous vis-
21 itation.

22 7. The necessary caretakers of live stock, vegetables and fruit, in-
23 cluding return transportation to forwarding station.

24 8. The officers, agents or regularly accredited representatives of
25 labor organizations composed wholly of employees of railway com-
26 panies.

27 9. Inmates of homes for the reform or rescue of the vicious or
28 unfortunate, including those about to enter and those returning home
29 after discharge, and boards of managers, including officers and super-
30 intendants of such homes.

31 10. Superannuated and pensioned employees and members of their
32 families, and widows of employees who die while in the service of such
33 common carrier.

34 11. Employees crippled and disabled in the service of such common
35 carrier.

36 12. All peace officers, except state policemen and agents of the de-

37 partment of justice, and mail carriers and firemen of any city wearing
38 the insignia of their office within the limits of such city.

39 13. Ministers of religion, traveling secretaries of Railroad Young
40 Men's Christian Associations, inmates of hospitals and charitable and
41 eleemosynary institutions, and persons exclusively engaged in charit-
42 able and eleemosynary work.

43 14. Indigent, homeless and destitute persons, while being trans-
44 ported by charitable societies or hospitals, and the necessary agents
45 or employees accompanying such persons.

46 15. School children to and from public or parochial schools.

47 16. The state game warden, his car and necessary assistants accom-
48 panying the same, when engaged in the performance of official duties.

49 17. The adjutant general of Iowa for the transportation of officers
50 or enlisted men of the Iowa National Guard or other military organi-
51 zation of the state, when traveling under the order of the commander
52 in chief.

[C. C. 5205, 5206, 5221.]

Sec. 7. Interchange of Passes.

1 The provisions of the preceding section shall not prohibit the
2 officers of any railway from interchanging passes and tickets with
3 other railway companies for their officers and employees, or the inter-
4 change of passes by railway companies for the persons to whom free
5 tickets, passes or transportation may lawfully be given or furnished,
6 nor to invalidate any existing contract between a street railway com-
7 pany and a city where a condition of any franchise granted requires

8 the furnishing of transportation to policemen, firemen and city officers,
9 while in the performance of their duties.

[C. C. 5205, 5221.]

Sec. 8. Burden of Proof in Certain Cases.

1 In any prosecution wherein it is charged that a free ticket, pass
2 or transportation was wrongfully issued or given to or accepted by a
3 physician, surgeon, attorney, agent or employee of a common carrier,
4 the burden of proof shall be upon the defendant to prove the amount
5 and character of the service rendered or to be rendered.

[C. C. 5221.]

Code Commissioners' Bill No. 198.

Subject: SCHEDULES OF RATES AND CHARGES BY COMMON CARRIERS

Senate File No. Referred to Committee on

House File No.

By Date..

A BILL FOR

An act to amend, revise and codify section fifty-one hundred seventy-nine (5179) of 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 section fifty-one hundred seventy-nine (5179) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Schedules of Rates and Charges Required.

1 Every common carrier subject to the provisions of this chapter
2 shall print and keep for public inspection schedules showing the rates
3 and charges for the transportation of passengers and property which it
4 has established, and which are in force at the time upon its railroad.

[C. C. 5179.]

Sec. 2. What Schedule Shall Show.

1 Such schedules shall be plainly printed in type not less than ordi-
2 nary pica, containing the names of the places between which passen-
3 gers and property will be carried, the classification of freight in force,
4 and separately stating any terminal charges and any rule or regulation
5 which changes or affects any part of the aggregate of such rates and
6 charges.

[C. C. 5179.]

Sec. 3. Where Kept.

1 Copies of such schedules shall be kept in every freight office and
2 passenger station of the carrier issuing it, for the convenient inspec-
3 tion of the public, and a plainly printed notice posted therein indicat-
4 ing where such schedules may be found.

[C. C. 5179.]

Sec. 4. No Advance Without Notice.

1 No advance in rates and charges which have been established and
2 published shall be made by any common carrier in less than ten (10)
3 days after public notice is posted in each freight office and passenger
4 station of the carrier, plainly stating the amount of increase in rates
5 and charges and when the same will go into effect. Such proposed
6 changes shall not go into effect until they are plainly shown by print-
7 ing new schedules or indicated upon those in force at the time.

[C. C. 5179.]

Sec. 5. Reduction in Rates.

1 Reduction in the published rates and charges may be made with-
2 out previous notice but, when made, notice thereof shall be imme-
3 diately posted in each freight office and passenger station of the car-
4 rier and shown by printing new schedules or plainly indicating the
5 changes upon the schedules in force at the time.

[C. C. 5179.]

Sec. 6. Charge of Higher Rates Than Published Prohibited.

1 When any such common carrier shall have established and pub-
2 lished its rates and charges, it shall not charge, demand, collect or
3 receive from any person or persons a greater or less compensation for
4 the transportation, or for any services in connection therewith, than

5 is specified in such published schedules of rates and charges as may
6 at the time be in force.

[C. C. 5179.]

Sec. 7. Schedules Filed With Board.

1 Every common carrier shall file with the board copies of its
2 schedules of rates and charges as established and published, and shall
3 promptly notify the board of all changes made therein from time to
4 time.

[C. C. 5179.]

Sec. 8. Traffic Agreements.

1 Each common carrier shall file with the board copies of all con-
2 tracts, agreements and arrangements with other common carriers to
3 which it is a party, in relation to any business or traffic affected by
4 the provisions of this chapter.

[C. C. 5179.]

Sec. 9. Joint Rates.

1 If two (2) or more common carriers have established joint
2 schedules of rates and charges for the transportation of passengers or
3 freight over continuous lines or routes in the state, copies of such
4 joint traffic schedules shall be filed with the board and be kept and
5 notice thereof posted to the extent directed by the board, which shall
6 prescribe, from time to time, the measure of publicity which shall be
7 given to such rates and charges and the extent thereof. No carrier
8 which is a party to such joint traffic shall be liable for the failure of
9 any other carrier to adhere to such joint rates and charges.

[C. C. 5179.]

Sec. 10. Violations—Remedy—Penalty.

1 The filing of such schedules, traffic agreements and joint rates
2 with the board of railroad commissioners may be enforced by such
3 board by proceedings in mandamus, without bond. Such writ may be
4 issued by the district court in any county wherein the principal offices
5 of such carrier are located, or wherein it accepts traffic, or through
6 which its line extends. The failure to comply with such writ shall be
7 punishable as for a contempt, for which such carrier shall be liable to
8 a penalty of five hundred dollars (\$500.00) for each day it fails to
9 comply with such writ.

[C. C. 5179.]

Code Commissioners' Bill No. 199.

Subject: CROSSINGS OF RAILWAYS AND DUTY OF EMPLOYEES

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

An act to amend, revise and codify section fifty-two hundred forty-one (5241) of the compiled code of Iowa, relating to grade crossings of railways and duty of employees.

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

That section fifty-two hundred forty-one (5241) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Duty of Employees at Grade Crossings of Railways.

1 The board shall have authority upon the application of any steam
2 or interurban railway company, or upon its own motion, to make such
3 orders as may require trains of any steam railroad or freight trains
4 of any interurban railway to stop at any place where the tracks of one
5 company cross the tracks of another at grade within the limits of any
6 city or town. The board may make such rules as to speed and other
7 methods of operation at such crossing as in its judgment are necessary
8 to protect the public safety.

[C. C. 5241.]

Sec. 2. Interurban Passenger Cars Crossing Other Tracks.

1 All interurban railway cars carrying passengers within the limits
2 of cities and towns shall be brought to a full stop not nearer than ten
3 (10) feet nor farther than fifty (50) feet from all crossings of steam

4 or other interurban tracks. Before proceeding to cross such track an
5 employee shall go ahead of the car and ascertain if the crossing is
6 clear and free from danger for the passage of such car. Such car shall
7 not proceed to cross such track or tracks until the employee who has
8 preceded the car has signalled the motorman to proceed.

[C. C. 5241.]

Sec. 3. Violations—Penalty.

1 Any person or company violating the provisions of the preceding
2 section shall be fined not less than one hundred dollars (\$100.00) nor
3 more than two hundred dollars (\$200.00).

[C. C. 5241, modified.]

[Note: By Senate File No. 403 said section 5241 C. C. was repealed
by the thirty-seventh general assembly and the provisions of the foregoing
bill enacted in lieu of it, with the exception of the penal section. Said bill
as passed was never signed by the speaker of the house and did not become
a law, and the foregoing bill is now presented for reenactment.]

Code Commissioners' Bill No. 200

Subject: INTERURBAN RAILWAYS

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

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.

1 Any interurban or street railway operated by any motive power
2 other than steam, may build and operate its line over, along and upon
3 any public highway which is not less than one hundred (100) feet
4 wide, outside the limits of any city or town. The board of super-
5 visors may, without expense to the county, accept conveyances of real
6 estate abutting on any highway or any part thereof, for the purpose
7 of increasing such highway or part thereof to the width of one hun-
8 dred (100) feet or more for said purposes.

[C. C. 5239.]

Sec. 2. Where Highway Cannot Be Widened.

1 When the board of supervisors shall find that it is not practicable
2 or expedient to widen a highway to one hundred (100) feet or more
3 for the purpose aforesaid and when there is filed with the county
4 auditor the written consent of two-thirds ($\frac{2}{3}$) of the residents of the
5 county owning real estate abutting upon the portion of the highway
6 upon and along which it is proposed to build and operate such railway,
7 the board may grant the right to build and operate such line upon and
8 along the portion of such highway to which such written consent
9 applies.

[C. C. 5239.]

Sec. 3. Written Consent Not Waiver of Damages Unless Expressed.

1 The signing of written consent as provided in the preceding sec-
2 tion shall not be a waiver of any damages which may accrue to any
3 owner of abutting land on account of the building and operation of
4 such railway upon and along such highway, or resulting from the neg-
5 ligence of any officer, agent or servant of such railway company in
6 the building or operation of such railway.

[C. C. 5010, 5239.]

Sec. 4. When Highway Not Less Than Sixty Feet Wide.

1 The board of supervisors may without such written consent grant
2 the right to such interurban or street railway company to build and
3 operate its line for a distance not exceeding two (2) miles outside the
4 limits of any city or town upon and along any highway not less than
5 sixty (60) feet wide.

[C. C. 5239.]

Sec. 5. Right Subject to Regulations.

1 All rights to build and operate any such railway upon and along
2 any public highway shall be subject to such restrictions and regula-
3 tions as shall be prescribed from time to time by the board of super-
4 visors. The construction and operation of such railway shall be so
5 conducted as to cause the least interference with the convenient use
6 of such highway by the public, and such highway shall, as soon as
7 practicable, be placed in as good condition as it was before the loca-
8 tion of such railway thereon.

[C. C. 5239, modified.]

Sec. 6. Eminent Domain to Apply.

1 All questions as to damages sustained by owners of land abutting
2 on a highway along and upon which has been constructed such rail-
3 way, shall be subject to proceedings relating to eminent domain.

[C. C. 5239.]

Sec. 7. Cities and Towns May Grant Franchise.

1 Cities and towns under any form of government may as pro-
2 vided by law authorize or forbid the construction and operation of
3 such railways upon, over or along the streets, alleys and public grounds
4 within their limits and prescribe the conditions and regulations for
5 such construction and operation. The right to operate as a street
6 railway shall not be granted for a period exceeding twenty-five (25)
7 years.

[C. C. 5240.]

Sec. 8. Contracts and Other Provisions Not Impaired.

1 Nothing in the preceding section shall impair the obligation of
2 contracts of any city under any form of government or town entered

3 into prior to the eighth day of April, nineteen hundred two (1902),
4 nor affect any provisions of law relating to free or reduced or dis-
5 criminating rates of transportation.

[C. C. 5240.]

That sections fifty-two hundred forty-two (5242), fifty-two hundred
forty-three (5243), and fifty-two hundred forty-five (5245) of the com-
piled code of Iowa are amended, revised and codified to read as follows:

Sec. 9. Use of Terminal Facilities.

1 Any person or corporation owning or operating an electric street
2 railway in any city or town, shall permit the use of its tracks, poles,
3 wires and terminal facilities within such city or town by any inter-
4 urban railway entering such city or town for interurban business only
5 in the transportation of passengers, mail, express and baggage in pas-
6 senger or in combination baggage cars, but shall not be required to
7 permit the use of its car houses or barns by such interurban railway.

[C. C. 5242.]

Sec. 10. Street Railway to Furnish Power—Conditions.

1 When the power plant of a street railway is sufficient therefor
2 and during the hours its street cars are in operation, and to the ex-
3 tent it can do so without interference with its own traffic, it shall fur-
4 nish power for the operation of interurban passenger and combination
5 baggage cars on such portions of such street railway tracks as such
6 interurban railway has the right to use. It shall have preference in
7 the use of its own power and tracks so that its cars shall not be de-
8 layed in transit.

[C. C. 5242.]

Sec. 11. Interurban to Furnish Facilities and Power.

1 Any interurban electric railway company carrying on a street
2 railway business in a city or town shall furnish to any other inter-
3 urban electric railway company entering said city or town, for inter-
4 urban purposes only, the same privileges and facilities which an elec-
5 tric street railway is required to furnish under the two (2) preceding
6 sections.

[C. C. 5245. See 32 G. A. ch. 104, sec. 4 for correct publi-
cation of enrolled bill.]

Sec. 12. Compensation—Disagreement—Proceedings.

1 Any interurban railway company shall pay a reasonable compen-
2 sation for the privileges and facilities furnished to it by a street rail-
3 way company and in case of disagreement as to the facilities to be
4 furnished or the conditions for their use or the compensation there-
5 for, shall be submitted to and heard and determined by the board of
6 railroad commissioners, on petition of either party, and on ten (10)
7 days' written notice of such hearing served on the opposite party.
8 Any order made by the board or the court on appeal shall be subject
9 to review and modification from time to time on ten (10) days' writ-
10 ten notice by either party setting forth the grounds of the application.

[C. C. 5242.]

Sec. 13. Right of Appeal—Notice.

1 Either party shall have the right to appeal from any order or de-
2 cision of the board to the district court of the county in which the
3 street railway is located, within twenty (20) days from the date of
4 the order or decision, by serving written notice of appeal on the other
5 party and filing the same with proof of service with the secretary of

6 the board. Such secretary shall forthwith make and file in the office
7 of the clerk of said court a transcript of the petition and such other
8 documents as are on file in said cause, including the order or decision
9 and notice of appeal.

[C. C. 5243, modified.]

Sec. 14. Trial Term—Manner of Trial.

1 The appeal shall be tried in equity and have precedence over all
2 other civil causes. The first term after the transcript is filed shall
3 be the trial term. No appeal shall suspend the order or decision ap-
4 pealed from, if the interurban company on whose behalf the order or
5 decision is made shall file with the secretary of the board, a bond with
6 sureties approved by the board, conditioned for the payment of any
7 judgment for costs and compensation and for obedience to any order
8 or decree of the court.

[C. C. 5243, modified.]

Sec. 15. Exception—Provisions Not Applicable When.

1 Any interurban railway company doing a street railway business
2 on its own tracks in a city or town, may, for the purpose of complet-
3 ing a terminal loop for its interurban cars only, acquire under the
4 foregoing provisions the use of so much of the track, poles and wire
5 of a street railway as shall be necessary for said purposes.

[C. C. 5245, modified.]

That sections fifty-two hundred forty-six (5246) and fifty-two hun-
dred forty-nine (5249) of the compiled code of Iowa are amended, revised
and codified to read as follows:

Sec. 16. Water Supply—Eminent Domain.

1 Any interurban railway company requiring an electric generat-

2 ing plant for its operation shall have the power of eminent domain
3 to secure, reach or provide a sufficient water supply and all necessary
4 land, water rights and right of way for reaching and maintaining the
5 same, in the manner and subject to the conditions hereinafter pro-
6 vided. Such company shall pay to the owner of any lands or water
7 rights all damages arising out of the exercise of such right.

[C. C. 5246, modified.]

Sec. 17. Limitations—Conditions.

1 In exercising such right, the owner of any water right or supply
2 shall not be deprived of access thereto or the use thereof in common
3 with such railway corporation, and no dwelling house or other build-
4 ings, orchard or garden shall be overflowed or injuriously affected.

[C. C. 5246.]

Sec. 18. Proceedings to Acquire.

1 Before proceeding to condemn any property rights to acquire or
2 reach a water supply, such railway company shall make written appli-
3 cation to the board of railroad commissioners, accompanied by a draw-
4 ing showing in detail the land required, the water supply to be ob-
5 tained and the changes and improvements to be made, and giving the
6 names and addresses of all persons whose rights will be affected
7 thereby.

[C. C. 5246, modified.]

Sec. 19. Notice of Application—Expense.

1 Such board shall forthwith give written notice to all persons
2 whose rights will be affected by the proposed changes of the date on
3 which a hearing will be had on said application. If upon examination
4 into the matter the board finds that any rights of the public will be

5 affected by such improvements, it shall give such notice as it deems
6 sufficient to advise the public thereof. Any person having any in-
7 terest may file objections to the application. The expenses of all such
8 notices shall be paid by the company or person making the application.

[C. C. 5246, modified.]

Sec. 20. Findings—Certificate.

1 If the board finds that such proposed changes or improvements
2 are necessary and proper and the exercise of the power of eminent
3 domain is reasonable, it shall grant the application as made or with
4 such modifications as shall be proper and just, and file in the office
5 of the clerk of the district court of the county in which the improve-
6 ments are to be made, a certified transcript of the proceedings and
7 order accompanied by plans and specifications showing in reasonable
8 detail the land and water rights to be acquired for present and pro-
9 spective use of such company, whereupon such company may proceed
10 to acquire the same by condemnation, but shall not take possession of
11 such property and water rights till the compensation and damages
12 have been finally determined and paid.

[C. C. 5246, modified.]

Sec. 21. Water Supply—Eminent Domain.

1 All provisions relating to eminent domain conferring upon rail-
2 way companies the right to condemn land for reservoirs and to enable
3 them to reach and acquire sources of water supply and access thereto,
4 shall apply to interurban railway companies for reaching and acquir-
5 ing water supplies for their power plants.

[C. C. 5246, 5249, modified.]

Code Commissioners' Bill No. 201

Subject: CORPORATIONS FOR PECUNIARY PROFIT

Senate File No. Referred to Committee on

House File No.

By Date

A BILL FOR

An act to amend, revise and codify sections five thousand three hundred forty-five (5345), five thousand four hundred twenty-one (5421), and five thousand four hundred forty-four (5444) of the compiled code of Iowa, relating to corporations for pecuniary profit.

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

That sections five thousand three hundred forty-five (5345), five thousand four hundred twenty-one (5421), and five thousand four hundred forty-four (5444) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Certain Corporations Exempted.

1 Nothing in this chapter shall be construed as imposing an annual
 2 fee or requiring a report from any corporation organized for religious,
 3 educational, scientific or charitable purposes or other corporations not
 4 organized for pecuniary profit, or from any corporation engaged in
 5 the banking or loan and trust business, nor from insurance companies
 6 or associations who have paid the taxes provided in sections forty-
 7 five hundred seventeen (4517) and forty-five hundred twenty-one
 8 (4521), and received a certificate of authority from the commissioner
 9 of insurance.

[C. C. 5345, modified.]

Code Commissioners' Bill No. 202.

Subject: CORPORATE STOCK

Senate File No. Referred to Committee on
 House File No.
 By Date.....

A BILL FOR

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. Indorsement on Shares of Par Value Paid.

1 No certificate of a share of stock shall be issued, delivered or
 2 transferred by any corporation, officer or agent thereof, or by the
 3 owner of such certificate, without having indorsed on the face thereof
 4 what amount or portion of the par value has been paid to the corpora-
 5 tion issuing the same, and whether such payment has been in money
 6 or property.

[C. C. 5377.]

Sec. 2. Certain Corporations Excepted.

1 The preceding section shall not apply to railway or quasi-public
 2 corporations organized before the first day of October, eighteen hun-
 3 dred ninety-seven (1897).

[C. C. 5377.]

Sec. 3. Penalty.

1 Any person violating the provisions of the second preceding sec-
2 tion or knowingly making a false statement on such certificate shall
3 be fined not less than one hundred dollars (\$100.00) nor more than
4 five hundred dollars (\$500.00), and shall stand committed to the county
5 jail until such fine and costs are paid.

[C. C. 5377.]

Sec. 4. Stock Payable in Cash.

1 No corporation organized under the laws of this state, except
2 building and loan associations, shall issue any certificate of a share of
3 capital stock, or any substitute therefor, until the corporation has
4 received the par value thereof.

[C. C. 5378.]

Sec. 5. Payment in Property Other Than Cash.

1 If it is proposed to pay for said capital stock in property or in
2 any other thing than money, the corporation proposing the same must,
3 before issuing capital stock in any form, apply to the executive coun-
4 cil of the state for leave so to do. Such application shall state the
5 amount of capital stock proposed to be issued for a consideration other
6 than money, and set forth specifically the property or other thing to
7 be received in payment for such stock.

[C. C. 5378.]

Sec. 6. Executive Council to Fix Amount.

1 The executive council shall make investigation, under such rules
2 as it may prescribe, and ascertain the real value of the property or
3 other thing which the corporation is to receive for the stock. It shall
4 enter its finding, fixing the value at which the corporation may re-

5 ceive the same in payment for capital stock; and no corporation shall
6 issue capital stock for the said property or thing in a greater amount
7 than the value so fixed.

[C. C. 5378.]

Sec. 7. Elements Considered in Fixing Amount.

1 For the purpose of encouraging the construction of new steam
2 or electric railways, and manufacturing industries within this state,
3 the labor performed in effecting the organization and promotion of
4 such corporation, and the reasonable discount allowed or reasonable
5 commission paid in negotiating and effecting the sale of bonds for the
6 construction and equipment of such railroad or manufacturing plant,
7 shall be taken into consideration by said council as elements of value
8 in fixing the amount of capital stock that may be issued.

[C. C. 5378.]

Code Commissioners' Bill No. 203

Subject: COOPERATIVE ASSOCIATIONS

Senate File No. Referred to Committee on

House File No.

By Date

A BILL FOR

An act to amend, revise and codify sections five thousand three hundred ninety-eight (5398) and five thousand four hundred one (5401) of the compiled code of Iowa, relating to cooperative associations.

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

That section five thousand three hundred ninety-eight (5398) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. May Issue Shares.

1 Whenever an association created under this chapter shall pur-
 2 chase the business of another association, person or persons, it may
 3 pay for the same in whole or in part by issuing to the selling associa-
 4 tion or person shares of its capital stock to an amount, which at par
 5 value would equal the fair market value of the business so purchased
 6 as determined by the executive council as in cases of other corpora-
 7 tions.

[C. C. 5398.]

That section five thousand four hundred one (5401) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 2. Reserve Fund Out of Profits.

1 The board of directors shall each year set aside not less than ten

2 per cent (10%) of the net profits for a reserve fund, until an amount
3 has accumulated therein equal to fifty per cent (50%) of the paid
4 up capital stock.

[C. C. 5401.]

Sec. 3. Educational Fund—Dividends on Stock.

1 The board may each year, out of remaining net profits, subject
2 to the approval of the association at any general or special meeting:

3 1. Provide an educational fund to be used in teaching cooperation,
4 not exceeding five per cent (5%) of the net profits, and

5 2. Declare and pay a dividend on the stock, not exceeding ten
6 per cent (10%).

[C. C. 5401, modified.]

Sec. 4. Remainder Distributed to Shareholders and Employees.

1 The remainder of said net profits shall be distributed by uniform
2 dividends upon the amount of purchases of shareholders, and upon
3 the wages and salaries of employees. In producing associations, such
4 as creameries, canneries, elevators, factories, and the like, dividends
5 shall be on raw material delivered instead of on goods purchased. In
6 case the association is both a selling and a producing concern, the
7 dividends may be on both raw material delivered and goods purchased
8 by patrons.

[C. C. 5401.]

Code Commissioners' Bill No. 204.

Subject: FAILURE OF CONSIDERATION OF WRITTEN CONTRACTS

Senate File No. Referred to Committee on
 House File No.
 By Date

A BILL FOR

An act to amend, revise and codify section fifty-eight hundred ninety-seven (5897) of the compiled code of Iowa, relating to the consideration of written contracts.

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

That section fifty-eight hundred ninety-seven (5897) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Failure of Consideration.

- 1 The want or failure, in whole or in part, of the consideration of a
- 2 written contract may be shown as a defense, total or partial, except
- 3 as provided in the negotiable instruments law.

[C. C. 5897, modified.]

Code Commissioners' Bill No. 205

Subject: INSURANCE DEPARTMENT

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

An act to amend, revise and codify sections five thousand four hundred sixty (5460) to five thousand four hundred sixty-two (5462), inclusive, of the compiled code of Iowa, relating to the insurance department.

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

That sections five thousand four hundred sixty (5460) to five thousand four hundred sixty-two (5462), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Department of Insurance.

1 The insurance department of Iowa, with the commissioner of in-
2 surance as head thereof, shall be located at the seat of government.

[C. C. 5460, 5461.]

Sec. 2. Appointment.

1 On or before the first day of February, nineteen hundred nine-
2 teen (1919), and each four (4) years thereafter, the governor shall
3 appoint, with the approval of two-thirds ($\frac{2}{3}$) of the members of the
4 senate in executive session, a commissioner of insurance, who shall
5 be selected solely with regard to his qualifications and fitness to dis-
6 charge the duties of this position, and who shall devote his entire
7 time to such duties.

[C. C. 5460.]

Sec. 3. Confirmation.

1 No nomination shall be considered by the senate until the same
2 has been referred to a committee of five (5), not more than three
3 (3) of whom shall belong to the same political party. Said commit-
4 tee shall be appointed by the president of the senate, without motion,
5 and shall report to the senate in executive session. The consideration
6 of nominations by the senate shall not be had on the same legislative
7 day that nominations are so referred.

[C. C. 5460.]

Sec. 4. Vacancies.

1 Vacancies that may occur while the general assembly is not in
2 session shall be filled by appointment by the governor, which appoint-
3 ment shall expire at the end of thirty (30) days from the time the
4 general assembly next convenes. Prior to the expiration of said
5 thirty (30) days the governor shall transmit to the senate for its con-
6 firmation an appointment for the unexpired portion of the regular
7 term. Vacancies occurring during a session of the general assembly
8 shall be filled as regular appointments are made and before the end
9 of said session, and for the unexpired portion of the regular term.

[C. C. 5460.]

Sec. 5. Deputy—Bond—Assistants.

1 The commissioner shall appoint a deputy commissioner to assist
2 him in his work, who shall serve during the pleasure of the commis-
3 sioner. Before entering upon the duties of his office, the deputy com-
4 missioner shall give a bond in the penal sum of ten thousand dollars
5 (\$10,000.00).

[C. C. 5462.]

Sec. 6. Expenses—Appropriation.

1 The commissioner shall be entitled to reimbursement of his actual
2 necessary expenses in attending meetings of insurance commissioners
3 of other states, and in the performance of the duties of his office, not
4 exceeding one thousand dollars (\$1,000.00) annually. He may incur
5 such other and additional expenses as may be authorized by the
6 executive council, not exceeding one thousand dollars (\$1,000.00) an-
7 nually. There is hereby appropriated, annually, from any funds in
8 the state treasury not otherwise appropriated, or so much thereof as
9 may be necessary, the sum of two thousand dollars (\$2,000.00) to
10 cover the expenses provided for in this section.

[C. C. 5462.]

Code Commissioners' Bill No. 206

Subject: LIFE INSURANCE COMPANIES

Senate File No. Referred to Committee on
 House File No.
 By Date.....

A BILL FOR

An act to amend, revise and codify sections five thousand four hundred seventy-eight (5478), five thousand four hundred eighty (5480), five thousand four hundred ninety-six (5496) of the compiled code of Iowa, relating to life insurance companies.

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

That sections five thousand four hundred seventy-eight (5478) and five thousand four hundred ninety-six (5496) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Stock Companies—Capital.

1 Stock companies organized under the laws of this state shall have
 2 not less than one hundred thousand dollars (\$100,000.00) of capital
 3 paid up in cash, which shall be invested in bonds of the United States
 4 or municipal, school or drainage bonds issued in the state, or in bonds
 5 and mortgages upon unincumbered real estate in the state, worth, ex-
 6 clusive of improvements, at least double the sum loaned thereon, which
 7 securities shall be deposited with the commissioner of insurance, and
 8 upon such deposit and evidence by affidavit or otherwise satisfactory
 9 to the commissioner that the company is the actual and unqualified
 10 owner of the securities representing the paid-up capital, he shall issue
 11 to such company the certificate hereinafter provided for. No part of

12 the capital shall be loaned to any officer, employee or stockholder of
13 the company.

[C. C. 5478, 5496, modified.]

That section five thousand four hundred eighty (5480) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 2. Stock or Premium Notes.

1 No note shall be accepted as a premium note for the purpose of
2 organizing a mutual company, unless accompanied by a certificate of
3 the clerk of the district court or other court of record, of the county
4 in which the person executing it resides, to the effect that the person
5 making it is in his opinion pecuniarily good and responsible therefor
6 in property not exempt from execution.

[C. C. 5480, 5496, modified.]

1904

INSURANCE OTHER THAN LIFE

Code Commissioners' Bill No. 207

Subject: INSURANCE OTHER THAN LIFE

Senate File No.

Referred to Committee on

House File No.

By

Date . . .

A BILL FOR

An act to amend, revise and codify sections five thousand six hundred five (5605), five thousand six hundred seventeen (5617), and five thousand six hundred eighteen (5618), of the compiled code of Iowa, relating to insurance other than life.

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

That section five thousand six hundred five (5605) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. **Capital Required.**

1 No stock company shall be incorporated under the provisions of
2 this chapter with a less capital than one hundred thousand dollars
3 (\$100,000.00), nor larger than one million dollars (\$1,000,000.00),
4 as may be specified in the articles of incorporation, nor commence
5 business until at least fifty per cent (50%) of the capital is paid up in
6 cash. The stock shall be divided into shares of one hundred dollars
7 (\$100.00) each.

[C. C. 5605, 5496, modified.]

That sections five thousand six hundred seventeen (5617) and five thousand six hundred eighteen (5618) of the compiled code of Iowa are amended, revised and codified to read as follows:

Sec. 2. Subscriptions of Stock—Applications.

1 After approval of the articles of incorporation by the insurance
2 commissioner, and upon completing the publications of the notice of
3 incorporation, required by chapter one (1) of this title, and the filing
4 of the publisher's affidavit thereof with the secretary of state, together
5 with the articles of incorporation as required, which shall be certified
6 to the commissioner of insurance by the secretary of state, and upon
7 the issuance of his certificate, the company shall have a legal existence
8 as a corporation, and the persons named in such articles as incor-
9 porators, or a majority of them, are authorized to open books for
10 subscriptions to stock companies, or to take applications and receive
11 premiums for insurance, if a mutual company, at such times and
12 places as they may find convenient, and to keep such books open until
13 the full amount required is subscribed or taken.

[C. C. 5617.]

Sec. 3. Directors.

1 The affairs of a company organized under this chapter shall be
2 managed by not less than five (5) nor more than twenty-one (21)
3 directors, all of whom, in case of a stock company, shall be stockhold-
4 ers, or, in case of a mutual company, be policyholders, or before the
5 company shall effect insurance, be subscribers for stock or for insur-
6 ance as the case may be. When the paid-up capital for a stock com-
7 pany, or the subscriptions for insurance for a mutual company, shall
8 have been obtained, the incorporators or directors in charge of the
9 business shall give at least ten (10) days' written notice by mail to
10 stockholders or subscribers, as the case may be, of a meeting of the
11 stockholders or subscribers, for the election of directors, and such

12 meeting shall be held within thirty (30) days after the paid-up capital
13 or subscriptions have been secured. The directors then elected shall
14 continue in office until their successors have been elected and qualified.

[C. C. 5618, modified.]

Subject: BANKING DEPARTMENT

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

An act to amend, revise and codify sections five thousand seven hundred forty-one (5741), five thousand seven hundred forty-two (5742), five thousand seven hundred forty-four (5744) and five thousand seven hundred forty-nine (5749) of the compiled code of Iowa, relating to the banking department.

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

That sections five thousand seven hundred forty-one (5741), five thousand seven hundred forty-two (5742), five thousand seven hundred forty-four (5744), and five thousand seven hundred forty-nine (5749) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Banking Department—Superintendent.

1 The superintendent of banking shall have his office at the seat of
2 government. His regular term of office shall be four (4) years from
3 the first day of July of the year of his appointment. He shall devote
4 his entire time to the duties of his office.

[C. C. 5741, 5742, 5744, 5749.]

Sec. 2. Appointment—Qualifications.

1 The governor shall, within sixty (60) days following the organ-
2 ization of the regular session of the general assembly in nineteen hun-
3 dred twenty-one (1921), and each four (4) years thereafter, appoint.

4 with the approval of two-thirds ($\frac{2}{3}$) of the members of the senate
5 in executive session, a superintendent of banking. Such appointee
6 shall be selected solely with regard to his qualification and fitness to
7 discharge the duties of his office, and no person shall be appointed who
8 has not had at least five (5) years' executive experience in a state or
9 savings bank in the state.

[C. C. 5742.]

Sec. 3. Confirmation.

1 No nomination shall be considered by the senate until the same
2 has been referred to a committee of five (5), not more than three (3)
3 of whom shall belong to the same political party. Said committee
4 shall be appointed by the president of the senate, without motion, and
5 shall report to the senate in executive session. The consideration of
6 nominations by the senate shall not be had on the same legislative
7 day that appointments are so referred.

[C. C. 5742.]

Sec. 4. Vacancies.

1 Vacancies that may occur while the general assembly is not in
2 session shall be filled by appointment by the governor, which appoint-
3 ment shall expire at the end of thirty (30) days from the time the
4 general assembly next convenes. Prior to the expiration of said
5 thirty (30) days the governor shall transmit to the senate for its
6 confirmation an appointment for the unexpired portion of the regular
7 term. Vacancies occurring during a session of the general assembly
8 shall be filled as regular appointments are made and before the end
9 of said session, and for the unexpired portion of the regular term.

[C. C. 5742.]

Subject: BUILDING AND LOAN ASSOCIATIONS

Senate File No. Referred to Committee on
House File No.
By Date

A BILL FOR

An act to amend, revise and codify section five thousand eight hundred fifty-two (5852) of the compiled code of Iowa, relating to building and loan associations.

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

That section five thousand eight hundred fifty-two (5852) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Expenditures and Expenses.

1 All expenditures and expenses for management and conducting
2 the affairs of such associations, not including membership fees and
3 charges for closing loans, shall be paid from the receipts of interest,
4 premiums, and other sources of profit. Said associations may thus
5 use for expenses in any one (1) year a sum not in excess of the follow-
6 ing percentages on their assets, as shown by the last annual report to
7 wit: Associations with assets not in excess of one hundred thousand
8 dollars (\$100,000.00), three per cent (3%) per annum; associations
9 with assets in excess of one hundred thousand dollars (\$100,000.00),
10 but less than three hundred thousand dollars (\$300,000.00), two and
11 one-half per cent (2½%); associations in excess of three hundred
12 thousand dollars (\$300,000.00) and less than five hundred thousand
13 dollars (\$500,000.00), two and a quarter per cent (2¼%); associa-

14 tions with assets in excess of five hundred thousand dollars
15 (\$500,000.00) and less than eight hundred thousand dollars
16 (\$800,000.00), one and three-quarters per cent ($1\frac{3}{4}\%$); associations
17 with assets in excess of eight hundred thousand dollars (\$800,000.00)
18 and less than one million dollars (\$1,000,000.00), one and one-half
19 per cent ($1\frac{1}{2}\%$); and associations with assets in excess of one mil-
20 lion dollars (\$1,000,000.00), one per cent (1%).

[C. C. 5852, modified.]

Sec. 2. Illegal Compensation—Recovery.

1 No officer, employee or agent of any association shall receive di-
2 rectly or indirectly any salary or other compensation, except for serv-
3 ices actually rendered. Any compensation paid in violation of this
4 section may be recovered by the association or by any shareholder or
5 borrower, in the name and for the use of such association, within
6 three (3) years from the receipt of such illegal compensation, from
7 the person accepting the same or from any officer knowingly consent-
8 ing to the allowance thereof.

[C. C. 5852.]

1911

UNFAIR DISCRIMINATION

Code Commissioners' Bill No. 210

Subject: UNFAIR DISCRIMINATION

Senate File No. Referred to Committee on

House File No.

By Date

A BILL FOR

An act to amend, revise and codify sections sixty-two hundred five (6205) and sixty-two hundred six (6206) of the compiled code of Iowa, relating to unfair discrimination.

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

That sections sixty-two hundred five (6205) and sixty-two hundred six (6206) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Unfair Discrimination in Purchases and Sales.

1 Any person, firm, company, association or corporation foreign
2 or domestic doing business in the state and engaged in production,
3 manufacture, sale or distribution or purchasing for the purpose of
4 manufacture, storage, sale or distribution of any commodity of com-
5 merce, that shall for the purpose of destroying the business of a com-
6 petitor in any locality or creating a monopoly in such commodities,
7 discriminate between different sections, localities, communities, cities
8 or towns in the state by purchasing such commodity at a higher rate
9 or price, or selling such commodity at a lower rate or price in one
10 (1) section, locality, community, city or town that is received by such
11 party in case of sale or paid by such party in case of purchasing for
12 such commodity in another section, locality, community, city or town

13 after making due allowance for the difference, if any, in the grade or
14 quality and in the actual cost of transportation between the points of
15 production or purchase, if a raw product, or between the points of
16 manufacture and sale, distribution or storage, shall be deemed guilty
17 of unfair discrimination which is hereby prohibited and declared to
18 be unlawful. But the prices made to meet competition in such sec-
19 tion, locality, community, city or town shall not be in violation of this
20 section.

[C. C. 6205.]

Sec. 2. Violation—Penalty.

1 Any person, firm, association, company or corporation, or any
2 officer, agent or member thereof, found guilty of unfair discrimina-
3 tion as defined in the preceding section, shall be punished by fine of
4 not less than five hundred dollars (\$500.00) nor more than five thou-
5 sand dollars (\$5,000.00) or be imprisoned in the county jail not to
6 exceed one (1) year or by both such fine and imprisonment.

[C. C. 6206.]

Subject: POOLS AND TRUSTS

Senate File No. Referred to Committee on
 House File No.
 By Date

A BILL FOR

An act to amend, revise and codify sections sixty-two hundred twenty-seven (6227), sixty-two hundred twenty-eight (6228) and sixty-two hundred thirty-four (6234) to sixty-two hundred thirty-six (6236), inclusive, of the compiled code of Iowa, relating to unlawful combinations, pools and trusts in the business of buying, selling, handling or transporting any commodity or article of commerce and penalties for violation of said provisions.

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

That sections sixty-two hundred twenty-seven (6227), sixty-two hundred twenty-eight (6228) and sixty-two hundred thirty-four (6234) to sixty-two hundred thirty-six (6236), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Combinations, Pools and Trusts Fixing Prices.

1 It shall be unlawful for any person, company, partnership, asso-
 2 ciation or corporation owning or operating any business of buying,
 3 selling, handling, consigning or transporting any commodity or article
 4 of commerce and for any such person, company, partnership, associa-
 5 tion or corporation owning or operating any grain elevator or en-
 6 gaged in the business of buying, selling, handling, consigning or trans-
 7 porting grain:

8 1. To enter into any agreement, contract, combination or under-
9 standing with any other dealers, partnership, company, corporation or
10 association of dealers whether within or without this state engaged
11 in like business for the fixing of the price or prices at which any com-
12 modity or article of commerce, including grain, should be bought or
13 sold by different dealers, purchasers or sellers.

14 2. To divide between the said dealers the aggregate or net pro-
15 ceeds of the earnings of such dealers, buyers and sellers or any por-
16 tion thereof.

17 3. To form, enter into, maintain or contribute money or any-
18 thing of value to any trust, pool, combination or association of per-
19 sons of whatsoever character or name which has for its purpose or
20 object the prevention of full and free competition among buyers, sell-
21 ers or dealers in any commodities or any article of commerce, includ-
22 ing grain, to do or permit to be done by his or their authority any act
23 or thing whereby the free action of competition in the buying, or sell-
24 ing of any commodity or any article of commerce, including grain, is
25 restrained or prevented.

26 4. To enter into any contract, agreement, arrangement or under-
27 standing with any other person, company, association or corporation
28 to withhold from the market any article or commodity of commerce
29 which enters into the food supplies or living necessities of the people
30 of the state for such length of time that such articles or commodities
31 shall become unfit for use, with intent thereby to lessen the supply
32 or increase the price of such articles and commodities or with like
33 intent to purchase, collect and hold in storage and reserve any articles
34 and commodities of commerce entering into the food supply or living

35 necessities of the people of the state and withhold the same from mar-
36 ket or consumption with the intent thereby to lessen the supply on the
37 market of such articles and commodities or to increase the price
38 thereof.

39 5. To purchase or collect any articles or commodities of commerce
40 which enter into the food supplies of the people of the state or their
41 living necessities and destroy or permit to be destroyed the same for
42 the purpose thereby of lessening the supply or increasing the price
43 of such articles and commodities of commerce and trade.

[C. C. 6227, 6234, modified.]

Sec. 2. Violation—Penalty.

1 Any person, partnership, firm, company, association or corpora-
2 tion or any trust, combination, pool or any director, officer, lessee,
3 receiver, trustee, employee, clerk, agent or any person acting for, or
4 employed by them, who shall violate any of the provisions of the pre-
5 ceding section or who shall aid or abet in such violation shall be guilty
6 of a misdemeanor and upon conviction thereof shall be fined not less
7 than five hundred dollars (\$500.00) and not exceeding two thousand
8 dollars (\$2,000.00) or imprisoned in the county jail for a period not
9 exceeding six (6) months or both such fine and imprisonment, in the
10 discretion of the court, and it is hereby made the duty of the grand
11 jury to inquire into and ascertain if there have been any violations
12 of the provisions of said section.

[C. C. 6227, 6236.]

Sec. 3. Violation—Liability for Damages.

1 In case any person, company, partnership, corporation, associa-
2 tion, trust, pool or combination of whatsoever character or name, or

3 any agent, officer, trustee, manager, or superintendent thereof, shall
4 violate any of the prohibitions or provisions of section one (1) hereof,
5 he or they shall be liable to any person, partnership, company, asso-
6 ciation or corporation injured thereby for the full amount of damages
7 sustained in consequence of such violation together with a reasonable
8 attorney fee to be fixed by the court in every case of recovery to be
9 taxed as part of the costs in such case and which judgment shall be
10 a lien upon all the property of any such person, corporation, associa-
11 tion, pool, trust or combination and each member thereof so violating
12 such provisions.

[C. C. 6228, 6235.]

Code Commissioners' Bill No. 212.

Subject: CERTAIN SPECIAL LIENS

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

An act to amend, revise and codify title twenty-four (24) and sections eighty-four hundred twenty-seven (8427) to eighty-four hundred thirty (8430), inclusive, of the compiled code of Iowa, relating to certain special liens and claims for labor and materials on public improvements.

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

That title twenty-four (24) and sections eighty-four hundred twenty-seven (8427) to eighty-four hundred thirty (8430), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

Title XXIV

CHAPTER 1.

LANDLORD'S LIEN

Section 1. **Nature of Landlord's Lien.**

1 A landlord shall have a lien for his rent upon all crops grown upon
2 the leased premises, and upon any other personal property of the
3 tenant which has been used or kept thereon during the term and
4 which is not exempt from execution.

[C. C. 6502.]

Sec. 2. Duration of Lien.

1 Such lien shall continue for the period of one (1) year after a
2 year's rent, or the rent of a shorter period, falls due. But in no case
3 shall such lien continue more than six (6) months after the expiration
4 of the term.

[C. C. 6502.]

Sec. 3. Limitation on Lien in Case of Sale Under Judicial Process.

1 In the event that a stock of goods or merchandise, or a part
2 thereof, subject to a landlord's lien, shall be sold under judicial process,
3 order of court, or by an assignee under a general assignment for
4 benefit of creditors, the lien of the landlord shall not be enforceable
5 against said stock or portion thereof, except for rent due for the term
6 already expired, and for rent to be paid for the use of demised
7 premises for a period not exceeding six (6) months after date of sale,
8 any agreement of the parties to the contrary notwithstanding.

[C. C. 6502.]

Sec. 4. Enforcement—Proceeding by Attachment.

1 The lien may be enforced by the commencement of an action,
2 within the period above prescribed, for the rent alone, in which action
3 the landlord shall be entitled to a writ of attachment, upon filing with
4 the clerk or justice a verified petition, stating that the action is com-
5 menced to recover rent accrued within one (1) year previous thereto
6 upon premises described in the petition; and the procedure thereunder
7 shall be the same, as nearly as may be, as in other cases of attachment,
8 except no bond shall be required.

[C. C. 6503.]

Sec. 5. Lien Upon Additional Property.

1 If a lien for rent is given in a written lease or other instrument
2 upon additional property, it may be enforced in the same manner as
3 a landlord's lien and in the same action.

[C. C. 6503.]

Sec. 6. Action by Tenant to Recover Property.

1 An action brought by a tenant, his assignee or under tenant, to
2 recover the possession of specific personal property taken under land-
3 lord's attachment, may be against the party who sued out the attach-
4 ment; and the property claimed in such action may, under the writ
5 therefor, be taken from the officer who seized it, when he has no other
6 claim to hold it than that derived from the writ.

[C. C. 6504.]

Sec. 7. Acts Sufficient to Constitute Taking of Property.

1 The indorsement of a levy on the property, made upon the process
2 by the officer holding it shall be a sufficient taking of the property to
3 sustain an action against the party who sued out the writ.

[C. C. 6504.]

Sec. 8. Sale of Crops Held by Landlord's Lien.

1 If any tenant of farm lands, with intent to defraud, shall sell,
2 conceal, or in any manner dispose of any of the grain, or other annual
3 products thereof upon which there is a landlord's lien for unpaid rent,
4 without the written consent of the landlord, he shall be guilty of
5 larceny and punished accordingly.

[C. C. 6505.]

Sec. 9. Action Barred by Payment of Rent.

1 The payment of the rent for the lands upon which such grain or

2 other annual products were raised at or before the time the same falls
3 due, shall be a bar to any prosecution under the preceding section and
4 no prosecution shall be commenced until such rent be wholly due.

[C. C. 6506.]

CHAPTER 2.

MECHANIC'S LIEN

Sec. 10. **Definitions and Rules of Construction.**

1 For the purpose of this chapter:

2 1. "Owner" shall include every person for whose use or benefit any
3 building, erection, or other improvement is made, having the capacity
4 to contract, including guardians.

[C. C. 6507.]

5 2. "Subcontractor" shall include every person furnishing mate-
6 rial or performing labor upon any building, erection, or other improve-
7 ment, except those having contracts therefor directly with the owner,
8 his agent or trustee.

[C. C. 6508.]

9 3. "Building" shall be construed as if followed by the words
10 "erection, or other improvement upon land".

[New.]

11 4. "Material" shall be construed as if followed by the words "ma-
12 chinery or fixtures".

[New.]

Sec. 11. **Persons Entitled to Lien.**

1 Every person who shall furnish any material for or perform any
2 labor upon any building, including those engaged in the construction or
3 repair of any work of internal improvement and those engaged in

4 grading any land or lot, by virtue of any contract with the owner, his
5 agent, trustee, contractor, or subcontractor shall have a lien upon such
6 building and upon the land belonging to such owner on which the same
7 is situated, or upon the land or lot so graded, to secure payment for
8 material furnished or the labor performed.

[C. C. 6509.]

Sec. 12. Collateral Security Before Completion of Work.

1 No person shall be entitled to a mechanic's lien who, at the time
2 of making a contract for furnishing material or performing labor, or
3 during the progress of the work, shall take any collateral security on
4 such contract.

[C. C. 6510.]

Sec. 13. Security After Completion of Work.

1 After the completion of such work, the taking of security of any
2 kind shall not affect the right to establish a mechanic's lien unless
3 such new security shall, by express agreement, be given and received
4 in lieu of such lien.

[C. C. 6510.]

Sec. 14. Extent of Lien.

1 The entire land upon which any building is situated, including
2 that portion not covered therewith, shall be subject to a mechanic's
3 lien to the extent of the interest therein of the person for whose benefit
4 such material was furnished or labor performed.

[C. C. 6511.]

Sec. 15. In Case of Leasehold Interest.

1 When the interest of such person is only a leasehold, the for-
2 feiture of the lease for the nonpayment of rent, or for noncompliance

3 with any of the other conditions therein, shall not forfeit or impair the
4 mechanic's lien upon such building, but the same may be sold to satisfy
5 such lien, and removed by the purchaser within thirty (30) days after
6 the sale thereof.

[C. C. 6511.]

Sec. 16. **In Case of Internal Improvement.**

1 When the lien is for material furnished or labor performed in the
2 construction, repair or equipment of any railroad, canal, viaduct or
3 other similar improvement, said lien shall attach to the erections, ex-
4 cavations, embankments, bridges, roadbeds, rolling stock and other
5 equipment and to all land upon which such improvements or property
6 may be situated, except the easement or right of way.

[C. C. 6512.]

Sec. 17. **Perfection of Lien.**

1 Every person who wishes to avail himself of a mechanic's lien
2 shall file with the clerk of the district court of the county in which the
3 building to be charged with the lien is situated a verified statement or
4 account of the demand due him, after allowing all credits, setting
5 forth:

6 1. The time when such material was furnished or labor performed,
7 and when completed.

8 2. The correct description of the property to be charged with the
9 lien.

[C. C. 6513.]

Sec. 18. **Time of Filing.**

1 The statement or account required by the preceding section shall
2 be filed by a principal contractor within ninety (90) days, and by a

3 subcontractor within sixty (60) days, from the date on which the last
4 of the material was furnished or the last of the labor was performed.
5 A failure to file the same within said periods shall not defeat the lien,
6 except as otherwise provided in this chapter.

[C. C. 6513.]

Sec. 19. Perfecting Subcontractor's Lien After Lapse of Sixty Days.

1 After the lapse of the sixty (60) days prescribed in the preceding
2 section, a subcontractor may perfect a mechanic's lien by filing his
3 claim with the clerk of the district court and giving written notice
4 thereof to the owner, his agent, or trustee. Such notice may be served
5 by any person in the manner original notices are required to be served.
6 If the person to be served is a nonresident of the state, the notice may
7 be served by posting the same on the premises, and an affidavit of the
8 fact of such nonresidence and posting of notice shall constitute service
9 as of the date said affidavit is filed with the clerk of the district court.

[C. C. 6515, modified.]

Sec. 20. Extent of Lien Filed After Sixty Days.

1 Liens perfected under the preceding section shall be enforced
2 against the property or upon the bond, if given by the owner, as here-
3 inafter provided, only to the extent of the balance due from the owner
4 to the contractor at the time of the service of such notice, but if the
5 bond was given by the contractor, or person contracting with the sub-
6 contractor filing the claim for a lien, such bond shall be enforced to
7 the full extent of the amount found due the subcontractor.

[C. C. 6515.]

Sec. 21. Time of Filing Against Railway.

1 Where a lien is claimed upon a railway, the subcontractor shall

2 have sixty (60) days from the last day of the month in which such
3 labor was done or material furnished within which to file his claim
4 therefor.

[C. C. 6513.]

Sec. 22. Liability of Owner to Original Contractor.

1 No owner of any building upon which a mechanic's lien of a
2 subcontractor may be filed, shall be required to pay the original con-
3 tractor for compensation for work done or material furnished for said
4 building until the expiration of sixty (60) days from the completion
5 of said building, unless the original contractor shall furnish to the
6 owner:

7 1. Receipts and waivers of claims for mechanics' liens, signed by
8 all persons who furnished any material or performed any labor for
9 said building, or

10 2. A good and sufficient bond to be approved by said owner, con-
11 ditioned that said owner shall be held harmless from any loss which
12 he may sustain by reason of the filing of mechanics' liens by subcon-
13 tractors.

[C. C. 6514.]

Sec. 23. Liability to Subcontractor After Payment of Original Contractor.

1 Payment to the original contractor by the owner of any part or all
2 of the contract price of such building before the lapse of the sixty (60)
3 days allowed by law for the filing of a mechanic's lien by a subcon-
4 tractor, will not relieve the owner from liability to the subcontractor
5 for the full value of any material furnished or labor performed upon
6 said building, if the subcontractor file his lien within the time pro-
7 vided by law for the filing of the same.

[C. C. 6514.]

Sec. 24. Discharge of Subcontractor's Lien.

1 Every mechanic's lien of a subcontractor may be discharged at
2 any time by the owner, principal contractor, or intermediate subcon-
3 tractor filing with the clerk of the district court of the county in which
4 the property is located a bond in twice the amount of the sum for which
5 the claim for the lien is filed, with surety or sureties, to be approved by
6 said clerk, conditioned for the payment of any sum for which the claim-
7 ant may obtain judgment upon his claim.

[C. C. 6514.]

Sec. 25. Rule of Construction.

1 Nothing in this chapter shall be construed to require the owner
2 to pay a greater amount or at an earlier date than is provided in his
3 contract with the principal contractor, unless said owner pays a part or
4 all of the contract price to the original contractor before the expiration
5 of the sixty (60) days allowed by law for the filing of a mechanic's
6 lien by a subcontractor.

[C. C. 6514.]

Sec. 26. Priority of Mechanics' Liens Between Mechanics.

1 Mechanics' liens shall have priority over each other in the order
2 of the filing of the statements or accounts as herein provided.

[C. C. 6516.]

Sec. 27. Priority Over Other Subsequent Liens and Incumbrances.

1 Mechanics' liens shall be preferred to all other liens and incum-
2 brances which may attach to or upon any building and to the land upon
3 which it is situated, made subsequently to the commencement of said
4 building, but the rights of purchasers, incumbrancers, and other per-
5 sons who acquire interests in good faith and for a valuable considera-

6 tion, and without notice, after the expiration of the time for filing
7 claims for such liens, shall be prior to the claims of all contractors or
8 subcontractors who have not, at the dates such rights and interests
9 were acquired, filed their claims for such liens.

[C. C. 6516.]

Sec. 28. Priority Over Garnishments of the Owner.

1 Mechanics' liens shall take priority of all garnishments of the
2 owner for the contract debts, whether made prior or subsequent to
3 the commencement of the furnishing of the material or performance of
4 the labor, without regard to the date of filing the claim for such lien.

[C. C. 6516.]

Sec. 29. Priority as to Buildings Over Prior Liens Upon Land.

1 Mechanics' liens, including those for additions, repairs and bet-
2 terments, shall attach to the building for which the material or labor
3 was furnished or done, in preference to any prior lien, incumbrance, or
4 mortgage upon the land upon which such building was erected or sit-
5 uated.

[C. C. 6516.]

Sec. 30. Foreclosure of Mechanic's Lien When Lien on Land.

1 In the foreclosure of a mechanic's lien when there is a prior lien,
2 incumbrance, or mortgage upon the land the following regulations
3 shall govern:

4 1. *Lien on original and independent building.* If such material
5 was furnished or labor performed in the construction of an original and
6 independent building commenced after the attaching or execution of
7 such prior lien, incumbrance, or mortgage, the court may, in its discre-
8 tion, order such building to be sold separately under execution, and the

9 purchaser may remove the same in such reasonable time as the court
10 may fix. If the court shall find that such building should not be sold
11 separately, it shall take an account of and ascertain the separate values
12 of the land, and the building, and order the whole sold, and distribute
13 the proceeds of such sale so as to secure to the prior lien, incumbrance,
14 or mortgage priority upon the land, and to the mechanic's lien priority
15 upon the building.

16 2. *Lien on existing building for repairs or additions.* If the ma-
17 terial furnished or labor performed was for additions, repairs or
18 betterments upon any building, the court shall take an accounting of
19 the values before such material was furnished or labor performed,
20 and the enhanced value caused by such additions, repairs, or better-
21 ments, and upon the sale of the premises, distribute the proceeds of
22 such sale so as to secure to the prior mortgagee or lienholder priority
23 upon the land and improvements as they existed prior to the attaching
24 of the mechanic's lien, and to the mechanic's lienholder priority upon
25 the enhanced value caused by such additions, repairs, or betterments.
26 In case the premises do not sell for more than sufficient to pay off the
27 prior mortgage or other lien, the proceeds shall be applied on the prior
28 mortgage or other liens.

[C. C. 6516.]

Sec. 31. **Record of Claim.**

1 The clerk of the court shall indorse upon every claim for a me-
2 chanic's lien filed in his office the date and hour of filing and make an
3 abstract thereof in the mechanic's lien book kept for that purpose.
4 Said book shall be properly indexed and shall contain the following
5 items concerning each claim:

-
- 6 1. The name of the person by whom filed.
 7 2. The date and hour of filing.
 8 3. The amount thereof.
 9 4. The name of the person against whom filed.
 10 5. The description of the property to be charged therewith.

[C. C. 6517.]

Sec. 32. Acknowledgment of Satisfaction of Claim.

1 When a mechanic's lien is satisfied by payment of the claim, the
 2 claimant shall acknowledge satisfaction thereof upon the mechanic's
 3 lien book, or otherwise in writing, and, if he neglects to do so for thirty
 4 (30) days after demand in writing, he shall forfeit and pay twenty-five
 5 dollars (\$25.00) to the owner or contractor, and be liable to any person
 6 injured to the extent of his injury.

[C. C. 6518.]

Sec. 33. Time of Bringing Action—Court.

1 An action to enforce a mechanic's lien, or an action brought upon
 2 any bond given in lieu thereof, may be commenced in the district or
 3 superior court after said lien is perfected.

[C. C. 6519.]

Sec. 34. Place of Bringing Action.

1 An action to enforce a mechanic's lien shall be brought in the county
 2 in which the property to be affected, or some part thereof, is situated.

[C. C. 6520.]

Sec. 35. Kinds of Action.

1 An action to enforce a mechanic's lien shall be by equitable pro-
 2 ceedings, and no other cause of action shall be joined therewith.

[C. C. 6521.]

Sec. 36. Limitation on Action.

1 An action to enforce a mechanic's lien may be brought within two
2 (2) years from the expiration of the sixty (60) or ninety (90) days, as
3 the case may be, for filing the claim as provided in this chapter and
4 not afterwards.

[C. C. 6522, modified.]

Sec. 37. Demand for Bringing Suit.

1 Upon the written demand of the owner, his agent, or contractor,
2 served on the lienholder requiring him to commence action to enforce
3 his lien, such action shall be commenced within thirty (30) days there-
4 after, or the lien shall be forfeited and all benefits derived therefrom.

[C. C. 6523.]

Sec. 38. Assignment of Lien.

1 A mechanic's lien is assignable, and shall follow the assignment
2 of the debt for which it is claimed.

[C. C. 6523.]

CHAPTER 3.**MINER'S LIEN.****Sec. 39. Nature of Miner's Lien.**

1 Every laborer or miner who shall perform labor in opening, devel-
2 oping, or operating any coal mine shall have a lien for the full value
3 of such labor upon all the property of the person, firm, or corporation
4 owning or operating such mine and used in the construction or opera-
5 tion thereof, including real estate and personal property. Such lien
6 shall be secured and enforced in the same manner as a mechanic's lien.

[C. C. 6524.]

CHAPTER 4.

PUBLIC IMPROVEMENTS AND CLAIMS FOR LABOR AND MATERIAL.

Sec. 40. **Public Corporation Defined.**

1 For the purpose of this chapter the term "public corporation" shall
2 mean the state, and all counties, cities, towns and public school cor-
3 porations.

[C. C. 8427, modified.]

Sec. 41. **Public Improvements—Bond and Conditions.**

1 Contracts for the construction, repair or alteration of improve-
2 ments for a public corporation shall, when the contract price equals or
3 exceeds one thousand dollars (\$1,000.00), be accompanied by a bond,
4 with surety, conditioned for the faithful performance of the con-
5 tract, and for the fulfillment of such other requirements as may be
6 provided by law. Such bond may also be required when the contract
7 price does not equal said amount.

[C. C. 8427, modified.]

Sec. 42. **Deposit in Lieu of Bond.**

1 A deposit of money, or a certified check on a solvent bank of the
2 county in which the improvement is to be located, may be received and
3 held in lieu of such bond and on the same terms and conditions. A
4 proper bond may be substituted for such deposit or check.

[New.]

Sec. 43. **Amount of Bond.**

1 The amount of such bond shall be fixed, and the bond approved,
2 by the official board or officer empowered to let the contract, in an
3 amount sufficient to comply with all requirements of law and to insure

4 the fulfillment of every condition, expressly or impliedly embraced in
5 said bond.

[C. C. 8427, modified.]

Sec. 44. **Subcontractors on Public Improvements.**

1 The following provision shall be held to be a part of every bond
2 given for the performance of a contract for the construction, repair or
3 alteration of an improvement for a public corporation, whether said
4 provision be inserted in such bond or not, to wit:

5 "The principal and sureties of this bond hereby agree to pay to
6 all persons, firms or corporations having contracts directly with the
7 principal or with subcontractors, all just claims due them for labor
8 performed or materials furnished, including fuel, in the performance of
9 the contract on account of which this bond is given, when the same are
10 not satisfied out of the portion of the contract price which the public
11 corporation is required by law to retain until completion of the public
12 improvement, but the principal and sureties shall not be liable to said
13 persons, firms, or corporations unless their claims against said portion
14 of the contract price shall have been established as provided by law."

[C. C. 8427, modified.]

Sec. 45. **Claims for Material or Labor.**

1 Any person, firm or corporation who has, under a contract with
2 the principal contractor or with subcontractors, performed labor or
3 furnished material, including fuel, in the construction, repair or altera-
4 tion, of a public improvement, may file, with the officer authorized by
5 law to issue warrants in payment of such improvement, an itemized,
6 verified, written statement of the claim for such labor or material.

[C. C. 6532, 8427, modified.]

Sec. 46. Filing Claims in Case of Highway Improvements.

1 In case of highway improvements by the county, claims for labor
2 performed and material furnished shall be filed with the county auditor
3 of the county letting the contract.

[New.]

Sec. 47. Officer to Indorse Time of Filing Claim.

1 The officer shall indorse over his official signature upon every claim
2 filed with him, the date and hour of filing.

[New.]

Sec. 48. Time of Filing Claims With Officer.

1 Claims may be filed with said officer as follows:

2 1. At any time before the expiration of sixty (60) days imme-
3 diately following the completion of the improvement.

4 2. At any time after said sixty (60) day period, if the public cor-
5 poration has not paid the full contract price as herein authorized, and
6 no action is pending to adjudicate rights in and to the unpaid portion
7 of the contract price.

[C. C. 6532, modified.]

Sec. 49. Claims Filed After Action Brought.

1 The court may permit claims to be filed with it during the pen-
2 dency of the action hereinafter authorized, if it be made to appear that
3 such belated filing will not materially delay the action.

[New, but see C. C. 6532.]

Sec. 50. Payments Under Public Contracts.

1 Payments under contracts for the construction, repair or altera-
2 tion of improvements for public corporations shall be so made that
3 at least twenty per cent (20%) of the total contract price will remain

4 unpaid at the date of the completion of the contract, anything in the
5 contract to the contrary notwithstanding.

[New, but see C. C. 6532.]

Sec. 51. Inviolability and Disposition of Fund.

1 No public corporation shall be permitted to plead noncompliance
2 with the preceding section, and said unpaid portion of the contract
3 price shall constitute a fund for the payment of claims for materials
4 furnished and labor performed on said improvement, and shall be
5 held and disposed of by the public corporation as hereinafter provided.

[New, but see C. C. 6532.]

Sec. 52. Retention of Unpaid Funds—Release.

1 Said fund shall be retained by the public corporation for a period
2 of sixty (60) days after the completion of the improvement unless the
3 principal contractor furnishes the public officer authorized to issue
4 warrants in payment for said improvement:

5 1. Receipts and waivers of claims signed by all persons who per-
6 formed any labor or furnished any material, including fuel, for said
7 improvement, and an affidavit that there are no other persons entitled
8 to such claims, or

9 2. A good and sufficient bond in a penalty double the amount of
10 said fund, with sureties to be approved by the aforesaid officer, and
11 conditioned generally for the payment of all claims for labor or mate-
12 rial, including fuel, employed or furnished in carrying out said contract.

[C. C. 6534, modified.]

Sec. 53. Obligee—Effect of Bond—Action.

1 When a bond is given under the preceding section it shall run to
2 the public corporation, but shall be for the use and benefit of all per-

3 sons who performed labor or furnished material, including fuel, for
4 said improvement, and shall release the obligation of the surety on
5 the bond given for the performance of the contract to pay such claims;
6 and such person may, at any time after the filing of the bond given for
7 the release of said fund, and within two (2) years after his cause of
8 action accrues, bring action thereon in his own name, and without
9 filing said claim.

[C. C. 6534, modified.]

Sec. 54. Retention After Sixty Days.

1 If at the end of said sixty (60) day period claims are on file as
2 herein provided, and no receipts and waivers, or bonds, have been filed,
3 the public corporation shall retain said unpaid funds until the final
4 adjudication of such claims.

[New, but see C. C. 6534.]

Sec. 55. Action to Determine Rights to Fund.

1 The public corporation, the principal contractor, any claimant for
2 labor or material who has filed his claim, or the surety on any bond
3 given for the performance of the contract, may, at any time after the
4 expiration of sixty (60) days and prior to the expiration of ninety (90)
5 days following the completion of said improvement, bring action in the
6 district court to adjudicate all rights to said fund. If said action be not
7 brought within said time, the public corporation shall at once bring
8 the same.

[C. C. 6533, modified.]

Sec. 56. Parties.

1 The official board or officer letting the contract, the principal con-
2 tractor, all claimants for labor and material who have filed their claim,

3 and the surety on any bond given for the performance of the contract
4 shall be joined as plaintiffs or defendants.

[C. C. 6533, modified.]

Sec. 57. Adjudication—Payment of Claims.

1 Said action shall be tried in equity. The court shall adjudicate all
2 claims to said fund. Payments from said fund shall be made in the fol-
3 lowing order:

- 4 1. Costs of the action.
- 5 2. Claims for labor.
- 6 3. Claims for materials, including fuel.
- 7 4. Claims of the public corporation.

[New, but see C. C. 6532, modified.]

Sec. 58. Insufficiency of Funds.

1 When the fund aforesaid is insufficient to pay all claims for labor
2 or materials, the court shall, in making distribution under the pre-
3 ceding section, order the claims in each class paid in the order of
4 filing the same.

[C. C. 6532, modified.]

Sec. 59. Collateral Security—Effect.

1 No claimant for labor or material who holds collateral security for
2 his claim, other than that provided in the bond given for the perform-
3 ance of the contract, shall be permitted to participate in said fund until
4 all other claimants for labor or material are paid.

[New.]

Sec. 60. Converting Property Into Money.

1 When it appears that the unpaid portion of the contract price for
2 the public improvement is represented, in whole or in part, by property

3 other than money, the court shall have jurisdiction thereover, and may
4 cause the same to be sold, under such procedure as it may deem just
5 and proper, and disburse the proceeds as in other cases.

[New.]

Sec. 61. Attorney Fees.

1 The court may tax, as costs, a reasonable attorney fee in favor of
2 any claimant for labor or materials who has, in whole or in part, estab-
3 lished his claim.

[C. C. 6533, modified.]

Sec. 62. Unpaid Claimants—Action on Bond.

1 Any claimant for labor or material who has filed and established
2 his claim in said proceeding and, after the distribution of said fund, is
3 unpaid, in whole or in part, may maintain an action on the bond, if any,
4 given for the performance of the contract.

[New.]

Sec. 63. Abandonment of Public Work—Effect.

1 When a contractor abandons the work on a public improvement or
2 is legally excluded therefrom, the improvement shall be deemed com-
3 pleted for the purpose of filing claims as herein provided, but the only
4 fund available for the payment of the claims of persons for labor per-
5 formed or material furnished shall be the amount then due the con-
6 tractor, if any, and if said amount be insufficient to satisfy said claims,
7 the claimants shall have a right of action on the bond given for the
8 performance of the contract.

[New.]

Sec. 64. Retention of Funds in Case of Highway Improvement.

1 If payment for such improvement be required to be made in whole

2 or in part from the allotment of the primary road fund of said county,
 3 the state auditor shall forward all warrants in favor of the contractor
 4 to the county auditor who shall deliver the same to said contractor, but
 5 in case the funds for the payment of such improvement on hand in the
 6 county treasury at the completion of the improvement will not be suf-
 7 ficient to constitute a fund of twenty per cent (20%) of the contract
 8 price, the county auditor shall retain such number of said warrants as
 9 will, with such available county funds, be sufficient to constitute the
 10 required twenty per cent (20%).

[New.]

Sec. 65. Cashing Retained Warrants.

1 In order to effect distribution under the preceding section the
 2 court may order the county auditor to indorse the retained warrants in
 3 the name of the payee thereof and to cash the same. Such indorse-
 4 ment shall have the same force and effect as if made by the payee.

[New.]

Sec. 66. Public Corporation—Action on Bond.

1 Nothing herein shall be construed as limiting in any manner the
 2 right of the public corporation to pursue any remedy on the bond
 3 given for the performance of the contract.

[New.]

CHAPTER 5.

COMMON CARRIER'S LIEN

Sec. 67. Definitions.

1 For the purpose of this chapter:
 2 1. "Perishable property" shall include fruits, vegetables, fish,
 3 oysters, candies, bakery goods, game, butter, eggs, dairy products,

4 dressed poultry, fresh meats, and other property which by keeping
5 may deteriorate in value or damage other property ; also, gasoline, kero-
6 sene, oils, and distillates, dynamite, powder, munitions and explosives,
7 and other substances, which by reason of odor or leakage, or their
8 volatile, inflammable, explosive, or dangerous nature, may become dam-
9 aged or may be dangerous to persons or to other property.

10 2. "Live stock" shall include animals, live poultry, and birds.

11 3. "Nonparishable property" shall include all property not defined
12 as perishable property or live stock.

13 4. "Carrier" shall mean common carrier.

[6529, Part new ; see C. C. 6155.]

Sec. 68. Lien of Common Carrier.

1 Every carrier shall have a lien upon all property of every kind in
2 its possession for all lawful charges thereon for transportation, de-
3 murrage, storage, handling, keeping, caring for, and if sold under the
4 provisions of this chapter, for selling the same.

[C. C. 6527, modified ; see C. C. 6148.]

Sec. 69. Enforcement of Lien.

1 When any property upon which a carrier has a lien is unclaimed,
2 or no directions have been given for the disposition thereof, or when
3 any of the charges thereon are unpaid, the same may be sold by the
4 carrier after giving the notice herein prescribed.

[C. C. 6528, modified ; see C. C. 6154.]

Sec. 70. Personal Notice of Sale.

1 Notices for the sale of property under the provisions of this chap-
2 ter shall be given as follows :

3 1. In the case of perishable property notice may be given, at any

4 time after the arrival of the property at its destination, to the con-
5 signee or person designated in the way bill to be notified, and said
6 notice shall state that the property is on hand and that unless all
7 legal charges are paid and the property removed or directions given
8 for the disposition of the same within the time hereinafter prescribed
9 the property will be sold as provided in this chapter.

10 2. In the case of live stock the same notice as prescribed in the
11 preceding paragraph may be given at any time after the lapse of forty-
12 eight (48) hours from the time of arrival of the property at its destina-
13 tion.

14 3. In the case of nonperishable property notice may be given in
15 accordance with the provisions of the preceding paragraph but a like
16 notice shall also be given to the consignor.

17 4. In case no shipping directions have been received for the dis-
18 position of the property, the notice required by this section may be
19 given to the person from whom the property was received, if said per-
20 son and his address is known, otherwise the carrier shall proceed as
21 provided in section seventy-four (74).

[C. C. 6527-6529, modified; see C. C. 6154, 6155.]

Sec. 71. Manner of Giving Notice.

1 The deposit in the United States postoffice or public mailing box
2 of a written notice addressed to the person entitled to notice under the
3 preceding section at the address given in the way bill, with the proper
4 postage thereon, shall constitute the service of notice required by this
5 chapter, but in the case of nonperishable property notice shall be given
6 by registered mail. In case there is no way bill notice may be given as
7 prescribed in this section to the person entitled thereto at his known

8 place of residence or business.

[C. C. 6528, 6529, modified; see C. C. 6154.]

Sec. 72. **Actual Notice.**

1 Actual notice to the persons entitled to notice shall be sufficient
2 and render the mailing of notice unnecessary, and the time within
3 which said property may be sold shall begin to run from the time of
4 such actual notice.

[New.]

Sec. 73. **Sale.**

1 After the required notice has been given, the carrier may make
2 public or private sale of the property at such time and place as in its
3 judgment may be advisable, as follows:

4 1. In case of perishable property at any time after the lapse of
5 twenty-four (24) hours from the service of notice.

6 2. In case of live stock at any time after the lapse of five (5) days
7 from the service of notice.

8 3. In case of nonperishable property at any time after the lapse of
9 ten (10) days from the service of notice.

[C. C. 6528, 6529, modified; see C. C. 6154, 6155.]

Sec. 74. **Sale When Owner Unknown.**

1 When a carrier is in possession of property which is unclaimed or
2 for which no directions have been given for the disposition thereof,
3 and the owner or person entitled thereto, or his address, is unknown,
4 the same may be sold as provided in this chapter, after the lapse of
5 time prescribed in the preceding section from the receipt of the prop-
6 erty or arrival at its destination, without giving the notice heretofore
7 prescribed, but in the case of nonperishable property, advertisement of

8 the sale, describing the property to be sold, and the time and place of
9 sale, shall be published, after the lapse of the time prescribed before
10 sale can be made, once a week for two (2) consecutive weeks in a
11 newspaper published in the place where such sale is to be held. The
12 sale shall not be held less than fifteen (15) days from the time of the
13 first publication. If there is no newspaper published in such place, the
14 advertisement shall be posted at least ten (10) days before such sale
15 in not less than six (6) conspicuous places therein.

[C. C. 6527, 6528, modified; see C. C. 6154.]

Sec. 75. Inventory—Sale in Bulk or Separate Articles.

1 Property sold under the provisions of this chapter shall first be
2 listed by the carrier, so as to show the number and kind of articles or
3 packages, or the number of head and kind of live stock, and may be sold
4 in bulk, in lots, or by separate package or articles, or by the head, and
5 the carrier shall keep an accurate account of the separate and aggre-
6 gate amounts received for all property sold.

[C. C. 6527, 6528, modified.]

Sec. 76. Recovery of Property by Satisfaction of Lien.

1 At any time before the property is sold any person entitled to the
2 same may pay the amount necessary to satisfy the lien and all charges
3 due the carrier who shall then deliver the property to said person.

[See C. C. 6154.]

Sec. 77. Application of Proceeds.

1 The carrier shall make the following disposition of the proceeds of
2 such sale:
3 1. Apply so much as may be necessary for the payment of all
4 lawful charges for transportation, demurrage, storing, keeping, feed-

5 mg, and selling, including costs of notices and all expenses connected
6 with the sale and disposition of proceeds.

7 2. Pay the balance to the consignee or owner or person entitled
8 thereto upon a proper showing that the person claiming it is entitled
9 thereto.

[C. C. 6530; see C. C. 6154, 6155.]

Sec. 78. Disposition of Unclaimed Balance.

1 When no claim is made by any person for such balance, within one
2 (1) month after the sale the carrier shall pay the same to the treasurer
3 of the county where such property was sold, taking his receipt there-
4 for, which payment shall be accompanied by a verified list of the prop-
5 erty sold, showing the amount received, the amount deducted or applied
6 for lawful charges, and the names and addresses of the consignor and
7 consignee as they appear on the way bill. In case there is no way bill
8 the verified list shall show the name and address of the person entitled
9 to notice before the sale of the property, or in case the only notice
10 given was by advertisement then a copy of said advertisement shall be
11 attached to said list.

[C. C. 6530, modified; see C. C. 6154, 6155.]

Sec. 79. Release of Carrier.

1 Upon payment to the county treasurer of such balance or in case
2 such property does not sell for an amount in excess of the lawful
3 charges, the carrier shall be released from all further liability in rela-
4 tion to the property.

[See C. C. 6157.]

Sec. 80. Duty of County Treasurer.

1 Any county treasurer receiving any funds under the provisions of

2 this chapter, shall make a record in his office of the date and amount
3 received, and shall file and preserve the verified list of property, and if
4 said fund shall remain unclaimed for one (1) year, he shall credit it
5 to the general fund of the county.

[C. C. 6531, modified.]

Sec. 81. Owner May Reclaim—Limitation.

1 The rightful owner of any such fund may at any time within ten
2 (10) years after it is credited to the general fund, make claim for said
3 amount to the board of supervisors and on proof of his right thereto,
4 it shall be allowed and paid as other claims against the county.

[C. C. 6531, modified.]

Sec. 82. Other Remedies.

1 The remedy for enforcing the lien herein provided shall not pre-
2 clude any other remedies allowed by law for the enforcement of a lien
3 against personal property nor bar the right to recover so much of the
4 carrier's claim as shall not be paid by the proceeds of the sale.

[See C. C. 6156.]

CHAPTER 6.

FORWARDING AND COMMISSION MERCHANT'S LIEN

Sec. 83. Nature of Lien.

1 Every forwarding and commission merchant shall have a lien
2 upon all property of every kind in his possession, for the transportation
3 and storage thereof, for all lawful charges and services thereon or in
4 connection therewith, and if sold under the provisions of this chapter,
5 for selling the same.

[C. C. 6527.]

Sec. 84. Enforcement of Lien.

1 The lienholder may enforce his lien in the same manner as a com-
2 mon carrier and all the provisions of the preceding chapter shall govern
3 such proceedings as far as applicable.

[C. C. 6527-6531, modified.]

CHAPTER 7.**ARTISAN'S LIEN.****Sec. 85. Nature of Lien.**

1 Every person who while lawfully in possession of an article of per-
2 sonal property renders any service to the owner or bailor by labor or
3 skill employed for the making, repairing, or improvement thereof,
4 under a contract either expressed or implied, shall have a lien thereon
5 for the compensation, which is due to him for such service.

[C. C. 6527, modified.]

Sec. 86. Enforcement of Lien.

1 The lienholder may enforce his lien in the same manner as a com-
2 mon carrier and all the provisions of the second preceding chapter
3 shall govern such proceedings as far as applicable, except that notice
4 shall be given to the owner or bailor in lieu of the persons specified in
5 said chapter as entitled to notice.

[C. C. 6527-6531, modified.]

CHAPTER 8.**LIEN FOR CARE OF STOCK.****Sec. 87. Nature of Lien for Care of Stock.**

1 Livery and feed stable keepers, herders, feeders and keepers of
2 stock for hire shall have a lien on all stock and property coming into
3 their hands, as such, for their charges and the expense of keeping, but

4 such lien shall be subject to all prior liens of record.

[C. C. 6526.]

Sec. 88. Release of Lien by Bond.

1 Any claimant of the property may release the lien by tendering
2 the party in possession a bond, in a penal sum of three (3) times the
3 amount for which the lien is claimed, signed by two (2) sureties, resi-
4 dents of the county, who shall justify as is required in other cases,
5 and conditioned to pay any judgment the lienholder may obtain for
6 such charges.

[C. C. 6526.]

Sec. 89. Satisfaction of Lien by Sale.

1 If such charges and expenses are not paid, the lienholder
2 may sell said stock and property at public auction, after giving to the
3 owner or claimant ten (10) days' notice in writing of the time and place
4 of such sale, if found within the county, and also by posting written
5 notices thereof in three (3) public places in the township where said
6 stock and property were kept or received.

[C. C. 6526.]

Sec. 90. Disposal of Proceeds.

1 Out of the proceeds of such sale the lienholder shall pay all of the
2 charges and expenses of keeping said stock and property, together with
3 the costs and expenses of said sale, and the balance shall be paid to
4 the owner or claimant of the stock and property.

[C. C. 6526.]

CHAPTER 9.

HOTEL KEEPER'S LIEN

Sec. 91. **Definitions.**

1 For the purposes of this chapter:

2 1. "Hotel" shall include inn, rooming house, and eating house.

3 2. "Hotel keeper" shall mean a person who owns or operates a
4 hotel.

5 3. "Guest" shall include boarder and patron.

6 4. "Baggage" shall include all property which is in any hotel be-
7 longing to or under the control of any guest.

[C. C. 6525.]

Sec. 92. **Nature of Hotel Keeper's Lien.**

1 A hotel keeper shall have a lien upon the baggage of any guest,
2 which may be in his hotel, for:

3 1. The accommodations and keep of said guest.

4 2. The money paid for or advanced to said guest.

5 3. The extras and other things furnished said guest.

[C. C. 6525.]

Sec. 93. **Enforcement by Ordinary Action.**

1 The hotel keeper may take and retain possession of all baggage
2 and may enforce his claim by an ordinary action. Said baggage shall
3 be subject to attachment and execution for the reasonable charges of
4 the hotel keeper against the guest, and for the costs of enforcing the
5 lien thereon.

[C. C. 6525.]

Sec. 94. **Satisfaction of Lien by Sale.**

1 If the hotel keeper does not proceed by an ordinary action he shall

2 retain the baggage upon which he has a lien for a period of ninety (90)
3 days, at the expiration of which time, if such lien is not satisfied, he
4 may sell such baggage at public auction after giving ten (10) days'
5 notice of the time and place of sale in a newspaper of general circula-
6 tion in the county where the hotel is situated, and also by mailing a
7 copy of such notice addressed to said guest at the place of residence
8 registered by him in the register of the hotel.

[C. C. 6525.]

Sec. 95. Disposal of Proceeds From Sale.

1 From the proceeds of said sale the hotel keeper shall satisfy his
2 lien, the reasonable expense of storage, and the costs for enforcing the
3 lien, and any remaining balance shall, on demand within six (6)
4 months, be paid to the guest, and if not demanded within said period
5 of time, said balance shall be deposited by the hotel keeper with the
6 county treasurer of the county in which the hotel is situated, together
7 with:

- 8 1. A statement of the hotel keeper's claim and the costs of enforce-
9 ing same.
- 10 2. A copy of the published notice of sale.
- 11 3. A statement of the amounts received for the goods sold at said
12 sale.

[C. C. 6525.]

Sec. 96. Duty of County Treasurer—Right of Guest.

1 The balance received by the county treasurer under the preceding
2 section shall be credited by him to the general fund of the county, sub-
3 ject to a right of the guest, or his representative, to reclaim the same
4 at any time within three (3) years from the date of deposit with the
5 county treasurer.

[C. C. 6525.]

CHAPTER —.

LIABILITY OF HOTEL KEEPERS AND STEAMBOAT OWNERS FOR BAGGAGE

Sec. 97. **Liability Defined—Limitations.**

1 Keepers of hotels, inns, eating houses, and steamboat owners
2 shall not be liable for the loss of any money, jewels, valuables, baggage,
3 or other property not deposited with them, unless such loss shall occur
4 through the fault or negligence of such keeper or owner, his agent, ser-
5 vant, or employee, if said keeper or owner provides:

6 1. A good and sufficient vault or safe for the deposit of money,
7 jewels, and other valuables of guests and patrons.

8 2. A safe and commodious place for the baggage, clothing, and
9 other property belonging to guests and patrons.

10 3. A printed notice posted up in a conspicuous place in the office
11 or other public room, and in the guests' apartments therein, stating
12 that such places for safe deposit are provided for the use and accom-
13 modation of the guests and patrons.

[C. C. 6525.]

Sec. 98. **Property in Guest Room Exempted.**

1 Nothing in the preceding section shall apply to such reasonable
2 amount of money, nor to such jewels, baggage, valuables, or other prop-
3 erty as is usual, fit, and proper for any such guests to have and retain
4 in their apartments or about their persons.

[C. C. 6525.]

Code Commissioners' Bill No. 213.

Subject: PROHIBITED DEGREES OF MARRIAGE—INCEST

Senate File No. Referred to Committee on

House File No.

By Date

A BILL FOR

An act to amend, revise and codify sections sixty-six hundred (6600) and eighty-six hundred eighteen (8618) of the compiled code of Iowa, relating to prohibited degrees of marriage and incest.

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

That section sixty-six hundred (6600) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Void Marriages.

1 Marriages between the following persons shall be void:

- 2 1. Between a man and his father's sister, mother's sister, father's
- 3 widow, wife's mother, daughter, wife's daughter, son's widow, sister,
- 4 son's daughter, daughter's daughter, son's son's widow, daughter's
- 5 son's widow, brother's daughter or sister's daughter.

[C. C. 8618.]

- 6 2. Between a woman and her father's brother, mother's brother,
- 7 mother's husband, husband's father, son, husband's son, daughter's
- 8 husband, brother, son's son, daughter's son, son's daughter's husband,
- 9 daughter's daughter's husband, brother's son or sister's son.

[C. C. 8618.]

- 10 3. Between first cousins.

[C. C. 8618.]

11 4. Between persons either of whom has a husband or wife living,
12 but, if the parties live and cohabit together after the death or divorce
13 of the former husband or wife, such marriage shall be valid.

[C. C. 6600.]

That section eighty-six hundred eighteen (8618) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 2. Incest Defined—Punishment.

1 If any persons, being within the degrees of consanguinity or
2 affinity in which marriages are prohibited by law, carnally know each
3 other, they shall be guilty of incest, and imprisoned in the penitentiary
4 not exceeding twenty-five (25) years nor less than one (1) year.

[C C 8618.]

1951

CONVEYANCE OF PROPERTY--INSANITY OR ABANDONMENT OF EITHER SPOUSE

Code Commissioners' Bill No. 214.

Subject: CONVEYANCE OF PROPERTY—INSANITY OR ABANDONMENT OF EITHER SPOUSE

Senate File No. Referred to Committee on

House File No.

By Date

A BILL FOR

An act to amend, revise and codify section sixty-six hundred six (6606) of the compiled code of Iowa, relating to the conveyance of property of insane spouse.

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

That section sixty-six hundred six (6606) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Insanity or Abandonment of Either Spouse—Conveyance of Property.

1 Where either the husband or wife is insane and incapable of
2 executing a deed or mortgage relinquishing, conveying, or encumbering
3 his or her right to the real property of the other, or abandons the
3 other for one (1) year, or leaves the state and is absent therefrom for
4 such term without providing for the maintenance and support of his
5 or her family, the other, or his or her duly appointed, qualified and
6 acting guardian, may petition the district court of the county of his
7 or her residence, or the county where the real estate to be conveyed or
8 encumbered is situated, setting forth the facts and praying for an

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CONVEYANCE OF PROPERTY--INSANITY OR ABANDONMENT OF EITHER
SPOUSE

9 order authorizing the applicant or some other person to execute a deed
10 or mortgage and relinquish or encumber the interest of said person
11 in said real estate.

[C. C. 6606, modified.]

1953

REMARRIAGE OF DIVORCED PERSONS

Code Commissioners' Bill No. 215.

Subject: REMARRIAGE OF DIVORCED PERSONS

Senate File No. Referred to Committee on
House File No.
By Date

A BILL FOR

An act to amend, revise and codify section sixty-six hundred thirty (6630) of the compiled code of Iowa, relating to divorce and the remarriage of divorced persons.

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

That section sixty-six hundred thirty (6630) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Forfeiture of Rights—Remarriage Prohibited.

1 When a divorce is decreed the guilty party forfeits all rights
2 acquired by the marriage and shall not marry again within one (1)
3 year from the date of filing of said decree. Neither shall the innocent
4 party marry again within said period unless after the lapse of three
5 (3) months from the date of entry of said decree the court grants
6 permission for the same.

[C. C. 6630, modified.]

Sec. 2. Unlawful Cohabitation.

1 No person prohibited by the preceding section from remarrying
2 shall, during said period of time, live or cohabit with any person in
3 this state under a marriage consummated in another state.

[C. C. 6630, modified.]

Sec. 3. Marriage Between Divorced Persons Exempted.

1 Nothing in the two (2) preceding sections shall be construed as
2 prohibiting persons who have been divorced from each other from re-
3 marrying each other at any time after the filing of the decree of
4 divorce.

[C. C. 6630.]

Sec. 4. Penalty.

1 Any person violating any provision of the three (3) preceding sec-
2 tions shall be guilty of a misdemeanor and punished accordingly.

[C. C. 6630.]

Sec. 5. Notice in Divorce Proceedings.

1 No court shall hear a divorce proceeding unless there has been a
2 strict compliance with the statutory requirements for notice and for
3 the filing of pleadings, and the acceptance of service or the waiver of
4 time shall not be deemed to constitute a compliance with the statutory
5 requirements.

[New.]

Code Commissioners' Bill No. 216.

Subject: GUARDIANSHIP

Senate File No. Referred to Committee on

House File No.

By Date

A BILL FOR

An act to amend, revise and codify sections six thousand six hundred forty-one (6641) and six thousand six hundred forty-two (6642) of the compiled code of Iowa, relating to guardianship.

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

That sections six thousand six hundred forty-one (6641) and six thousand six hundred forty-two (6642) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Natural Guardian—Guardian Appointed by Will.

1 Parents are the natural guardians of the persons of their minor
2 children, and equally entitled to their care and custody. The surviv-
3 ing parent becomes such guardian. The surviving parent of any minor
4 child may by will appoint a guardian of the person and property of
5 such minor, who shall be under the control of the court in the same
6 manner as guardians appointed by the court. If no such appointment
7 is made, the court shall have power to appoint a guardian.

[C. C. 6641, 6642, modified.]

Code Commissioners' Bill No. 217.

Subject: GUARDIANSHIP

Senate File No. Referred to Committee on
House File No.
By Date.....

A BILL FOR

An act to amend, revise and codify sections sixty-six hundred forty-five (6645), sixty-six hundred fifty-two (6652) and sixty-six hundred seventy-one (6671) of the compiled code of Iowa, relating to guardianship.

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.**

1 Guardians appointed to take charge of the property of a minor
2 must give bond, with surety to be approved by the court or clerk, in
3 a penalty double the value of the personal estate and of the rents
4 and profits of the real estate of the minor, conditioned for the faithful
5 discharge of their duties as such guardians according to law, and take
6 an oath of the same tenor as the condition of the bond, provided that in
7 cases where an approved surety company's bond is furnished said bond
8 may be fixed in a lesser amount, but in no case less than the actual
9 value of the personal estate and the rents and profits of the real estate,
10 with twenty-five per cent (25%) added thereto. The court, or a judge
11 thereof, may also require a bond to be given by the guardian of the
12 persons of minors, with like conditions.

[C. C. 6645, modified.]

That section sixty-six hundred fifty-two (6652) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 2. Petition and Notice.

1 The application for that purpose must state the grounds thereof,
2 and be verified. A notice, naming the court in which the application is
3 pending, and the time and place where the same will be heard, with a
4 copy of the petition attached, shall be personally served, within or
5 without the state, upon the ward and the person in whose custody he
6 is, or with whom he resides, in the time and manner required for the
7 service of original notices. If it is made to appear to the court, by
8 affidavit, that personal service of such notice can not be made upon any
9 person, the court shall order notice to be given by publication, and in
10 the order determine the form and fix the time of publication of such
11 notice.

[C. C. 6652, modified.]

That section sixty-six hundred seventy-one (6671) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 3. Petition—Trial.

1 Such petition shall set forth, as particularly as may be, the facts
2 upon which the application is based, and shall be answered as in other
3 ordinary actions, all the rules of which shall govern so far as appli-
4 cable and not otherwise provided in this chapter. The applicant shall
5 be plaintiff and the other party defendant, and either party may have a
6 trial by jury. The petition may be presented to the judge, who may
7 appoint a temporary guardian. Such appointment shall continue only
8 until the adjournment of the next term of court.

[C. C. 6671, modified.]

Code Commissioners' Bill No. 218.

Subject: ADOPTION

Senate File No. Referred to Committee on
House File No.
By Date

A BILL FOR

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.

1 If living, and not divorced or separated, the consent of both
2 parents; if divorced, separated or unmarried, the consent of the parent
3 lawfully having the care and custody or the parent providing for the
4 wants of the child; or if either parent be dead then the consent of the
5 survivor; or if both are dead, or if the child has been abandoned, that
6 of the judge of the district court in the county of the residence of such
7 child or where it is living, shall be given to such adoption.

[C. C. 6686, modified.]

Sec. 2. Contents of Instrument of Adoption.

1 The consent required by the preceding section shall be given by
2 an instrument in writing, signed by the parties or party consenting,

3 which shall give the name of the parents, if known, the name of the
4 child, if known, the name of the person adopting it, place of residence
5 of all such persons, if known, the name by which such child is there-
6 after to be called, and shall also state that it is given to the person
7 adopting for the purpose of adoption as his own.

[C. C. 6686.]

Code Commissioners' Bill No. 219.

Subject: JUSTICE OF THE PEACE COURT—SECURITY FOR COSTS

Senate File No. Referred to Committee on

House File No.

By Date

A BILL FOR

An act to amend, revise and codify section six thousand seven hundred twenty-nine (6729) of the compiled code of Iowa, relating to justice of the peace courts.

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

That section six thousand seven hundred twenty-nine (6729) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. **Bonds for Costs.**

1 A plaintiff who is a nonresident or a foreign corporation must give
2 a bond for costs, if the defendant, at least two (2) days before the
3 time set in the original notice for hearing, shall file a motion for such
4 bond. Such motion shall state the grounds therefor and that defend-
5 ant has a good defense, in whole or in part, to plaintiff's claim, and be
6 supported by affidavit. Plaintiff may respond to such motion by affi-
7 davits filed on or before the hearing of the motion. Each party shall
8 file all of his affidavits at once and none thereafter.

[C. C. 6729, modified.]

Sec. 2. **Bonds—Conditions.**

1 The justice shall fix the amount of said cost bond and approve the

2 sureties thereto. Such bond shall be conditioned for the payment of
3 all costs that may accrue in the court in which it is brought and to any
4 court to which the same may be transferred or appealed.

[C. C. 6729, modified.]

Code Commissioners' Bill No. 220.

Subject: MUNICIPAL COURTS

Senate File No..... Referred to Committee on

House File No.....

By Date

A BILL FOR

An act to amend, revise and codify sections six thousand eight hundred forty (6840) to six thousand eight hundred ninety-five (6895), inclusive, of the compiled code of Iowa, relating to municipal courts.

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

That sections six thousand eight hundred forty (6840) to six thousand eight hundred ninety-five (6895), inclusive, of the compiled code of Iowa, are amended, revised and codified to read as follows:

Section 1. Municipal Court Established—District Defined.

1 A municipal court may be established in any city having a popula-
2 tion of five thousand (5,000) or more, by proceedings as hereinafter
3 provided. All the civil townships in which such city or any part there-
4 of is located shall constitute the municipal court district.

[C. C. 6840.]

Sec. 2. Election—How Secured.

1 Upon the filing with the city clerk of a petition of not less than
2 fifteen per cent (15%) of the qualified electors as shown by the poll
3 list in the last municipal or state election of any municipal court dis-
4 trict, the mayor shall, by proclamation published once a week for three
5 (3) consecutive weeks in two (2) newspapers of general circulation
6 published in said municipality, or, if two (2) such newspapers be not

7 published, then in one (1) such newspaper, submit the question of
8 establishing a municipal court at a general, municipal, or special
9 election to be held at a time specified therein, which time shall be
10 within two (2) months after said petition is filed. If the said proposi-
11 tion is not adopted at such election, said question shall not be resub-
12 mitted to the voters of said district within two (2) years thereafter.

[C. C. 6841.]

Sec. 3. Polling Places.

1 The city council shall for all elections provided for in this chapter
2 designate and provide separate polling places, select judges and clerks
3 of the election, and furnish booths and ballots for the voters residing
4 in each such township outside the limits of such city; but no registra-
5 tion of such voters shall be required.

[New.]

Sec. 4. Question Submitted—Election—Certifying Result.

1 At such election the proposition to be submitted shall be, "Shall
2 the proposition to establish a municipal court in the city of (name of
3 city) be adopted?" The election shall be conducted, the vote can-
4 vassed, and the result declared in the manner provided by law in re-
5 spect to other municipal elections. If the majority of the votes cast
6 on said proposition be in favor thereof, said municipal court shall be
7 deemed established. Immediately after such proposition is adopted,
8 the mayor shall transmit to the governor, the secretary of state, and
9 the county auditor, each, a certificate showing that such proposition
10 was adopted.

[C. C. 6842.]

Sec. 5. Number of Judges.

1 In any municipal court district having a population of less than
2 thirty thousand (30,000), wherein a municipal court has been estab-
3 lished, there shall be one (1) municipal judge; in districts having more
4 than thirty thousand (30,000) and less than fifty thousand (50,000)
5 inhabitants, there shall be two (2) municipal judges; in districts hav-
6 ing more than fifty thousand (50,000) inhabitants there shall be one
7 (1) municipal judge for each thirty thousand (30,000) inhabitants or
8 major fraction thereof, but no district shall have more than four (4)
9 judges.

[C. C. 6845, modified.]

Sec. 6. Appointment of Officers.

1 Whenever such court has been established, or whenever any city
2 becomes entitled to an additional judge of such court, the governor
3 shall appoint a judge to fill the position until the beginning of the
4 regular term of office succeeding the next election, or until his suc-
5 cessor is elected and qualified. Under like conditions the other officers
6 of the court shall be appointed by the mayor with the approval of the
7 city council.

[C. C. 6846, 6856.]

Sec. 7. Qualification of Officers—Duties.

1 Each officer of the court shall be a qualified elector residing in the
2 municipal court district. The judge shall be a practicing lawyer, and
3 shall subscribe to the oath required of judges of the district court,
4 which shall be filed with the city clerk. The duties of the clerk and the
5 bailiff shall be the same, so far as applicable, as those of the clerk of
6 the district court, and of constables and sheriffs, respectively. All reg-

7 ular police officers shall be ex officio special bailiffs when so ordered by
8 a judge, without other compensation than that paid for their services
9 as police officers.

[C. C. 6847, 6848, 6849.]

Sec. 8. Deputy Clerks and Bailiffs—How Appointed—Salary.

1 The clerk and bailiff, with the approval of the city council, shall
2 each have power to appoint such deputies as may be necessary to trans-
3 act the business of the court, whose salaries shall be fixed by the
4 city council.

[C. C. 6850.]

Sec. 9. Bonds.

1 The clerk of the court, the deputy clerks, the bailiff, and the
2 deputy bailiffs shall give such bonds as may be required by the city
3 council, which bonds shall be filed with and approved by the city clerk.

[C. C. 6851, modified.]

Sec. 10. Officers—Election and Appointment.

1 Whenever a municipal court district has been established, there
2 shall be elected at the following city election a judge or judges thereof;
3 also a clerk and bailiff unless the council shall appoint the city clerk to
4 act as clerk and a policeman to act as bailiff thereof.

[C. C. 6842, 6900, modified.]

Sec. 11. Qualification of Officers—Term.

1 The elective officers of the court shall qualify, and their term of
2 office shall begin, on the first Monday after their election. They shall
3 serve for a term of four (4) years. If the city clerk acts as clerk or a
4 policeman as bailiff, the council shall determine whether or not they
5 shall have compensation additional to their regular salaries, and fix the

6 same if allowed.

[C. C. 6845, 6900, modified.]

Sec. 12. Nomination and Election of Officers.

1 The elective officers of the court shall be nominated and elected in
2 the manner provided by law for the nomination and election of other
3 elective officers of the city in such district, except as herein otherwise
4 provided. At all primary and general municipal elections at which
5 officers of the court are to be nominated or elected, as the case may be,
6 there shall be a separate ballot entitled "The Municipal Judiciary Bal-
7 lot" upon which shall be placed in alphabetical order the names of the
8 candidates without party designation, and the number of judges, clerks
9 and bailiffs for whom each elector is entitled to vote shall be designated
10 thereon.

[C. C. 6852, 6853, 6854, 6855.]

Sec. 13. Court of Record—Records.

1 The court shall be a court of record, and shall have a seal with the
2 words "Municipal court of (inserting name of city), Iowa"
3 thereon. The records of the court shall be kept in substantially the
4 same form and manner as the records of the district court.

[C. C. 6866, modified.]

Sec. 14. Concurrent Jurisdiction With District Court.

1 It shall have concurrent jurisdiction with the district court in
2 all civil matters where the amount in controversy does not exceed one
3 thousand dollars (\$1,000.00), except in probate matters, actions for
4 divorce and alimony and separate maintenance, and those directly
5 affecting the title to real estate.

[C. C. 6858, modified.]

Sec. 15. Jurisdiction Criminal Matters.

1 In all criminal matters, the court shall exercise the jurisdiction
2 conferred on justice of the peace courts, mayors' courts, and police
3 courts.

[C. C. 6858.]

Sec. 16. Powers of Court and Judges.

1 In all matters of which the municipal court has jurisdiction, the
2 court and the judges shall have the same powers in reference to injunc-
3 tions, writs, orders, and other proceedings in and out of court as are
4 possessed by the district court and the judges thereof.

[C. C. 6858, modified; 6866.]

Sec. 17. Inferior Courts Abolished.

1 Upon the qualification of the officers of the court, the police court,
2 mayor's court, justice of the peace courts, and the superior court, in
3 and for the municipal court district, and the offices of police judge,
4 clerk of police court, justices of the peace, constables, judge and clerk
5 of the superior court, shall be abolished.

[C. C. 6844.]

Sec. 18. Transfer Causes and Records to District Court.

1 All causes pending in the superior court of which the district
2 court has original jurisdiction shall be forthwith transferred to the
3 district court and there be docketed, and all records and papers per-
4 taining to the same delivered to and preserved by the clerk.

[C. C. 6844, modified.]

Sec. 19. Other Causes and Records Transferred to Municipal Court.

1 All other causes pending in the superior court and all causes pend-
2 ing in the police court, mayor's court, and justice of the peace courts

3 shall forthwith be transferred to the municipal court and there dock-
4 eted, and all records and papers pertaining to such causes shall be
5 delivered to the clerk thereof, except that certified copies of such
6 records as have been filed in the district court may be filed with the
7 clerk of the municipal court in lieu of original records.

[C. C. 6844.]

Sec. 20. Records Transferred to Municipal Court.

1 All records and papers of the superior court, police court, mayor's
2 court, and justice of the peace courts not transferred under the two (2)
3 preceding sections shall be transferred to the municipal court.

[C. C. 6844, modified.]

Sec. 21. Certified Copies of Records.

1 The clerk of the district court shall have full power to certify and
2 transcript such records of the superior court as come into his posses-
3 sion; and the clerk of the municipal court shall have full power and
4 authority to certify and transcript such records and certified copies
5 thereof as may come into his possession, and certified copies made by
6 him of said certified copies filed with him shall have the same force
7 and effect as though they were certified copies of the original records.

[C. C. 6844, modified.]

Sec. 22. Sessions Continuous—Absence of Judge—Substitute.

1 There shall be no terms of court, and the court shall be open for
2 business twelve (12) months of the year. There shall always be one
3 (1) judge present each day to hold court and issue such writs and
4 orders as are required. In case of inability of any judge to act, any
5 other judge of any municipal or district court may hold court during
6 such inability; or the governor may appoint a judge to hold court dur-

7 ing such inability, who shall have the same qualifications and shall be
8 paid the same salary and in the same manner as the regular judge.

[C. C. 6856, 6857, 6864.]

Sec. 23. Laws Applicable—Rules.

1 All provisions of law relating to the district court and the judges
2 thereof shall, so far as applicable and when not inconsistent with this
3 chapter, apply to the municipal court and the judges thereof. The
4 judges of the municipal court shall adopt and promulgate rules of
5 practice which shall conform, as nearly as may be, to the rules of
6 the district court of the district in which said municipal court is located.
7 If not established by statute or rule, the judge hearing the cause may
8 prescribe the method of procedure.

[C. C. 6857, 6860, 6864, 6867, modified.]

Sec. 24. Causes of Action—How Divided.

1 Causes of action shall be divided into the following classes:

2 Class "A" shall include all equitable actions, actions of forcible
3 entry and detainer, and all ordinary actions, when the amount in con-
4 troversy exceeds one hundred dollars (\$100.00), and all special actions
5 of which the court has jurisdiction.

6 Class "B" shall include all ordinary actions when the amount in
7 controversy is one hundred dollars (\$100.00) or less.

8 Class "C" shall include the trial of all public offenses of which this
9 court has jurisdiction, other than for the violation of the city ordi-
10 nances.

11 Class "D" shall include all criminal actions for the violation of city
12 ordinances.

[C. C. 6859, 8090.]

Sec. 25. Filing Petition—Pleadings.

1 The petition in class “A” cases must be filed with the clerk of the
2 court not less than five (5) days before the date set in the original
3 notice for the appearance of the defendant and unless so filed the de-
4 fendant shall not be held to appear and answer. Pleadings in class
5 “B” cases shall be the same as for civil actions in justice of the peace
6 courts.

[C. C. 6861, 6862.]

Sec. 26. Return Day.

1 In all civil actions, the original notice shall require the defendant,
2 if served within the county, to appear and answer not less than five (5)
3 nor more than fifteen (15) days from the day of service thereof; if
4 served without the county, not less than ten (10) nor more than
5 twenty (20) days from the day of service thereof.

[C. C. 6862.]

Sec. 27. Criminal Actions—How Tried.

1 All criminal actions for the violation of city ordinances shall be
2 tried summarily and without a jury. The defendant shall have the
3 right of appeal thereof to the district court, which appeal shall be
4 taken in the same time and manner as appeals from justice courts in
5 criminal actions. All other criminal actions shall, except as otherwise
6 provided in this chapter, be triable in the same manner as criminal
7 actions in justice of the peace or other courts having jurisdiction
8 thereof. Prisoners may be committed to either the city or county jail,
9 or they may be paroled, or their sentence suspended, at the discretion
10 of the court.

[C. C. 6858, 6865.]

Sec. 28. Witness Fees.

1 In class "B", "C", and "D" cases, witness fees shall be the same as
2 in justice of the peace courts. In class "C" and "D" cases, no witness
3 fees shall be paid to any regular police officer of said city, any clerk of
4 said court or his deputy, or any bailiff thereof or his deputy.

[C. C. 6869.]

Sec. 29. Fees, Costs, and Expenses.

1 If no provision is made in the laws applicable to the district court
2 for fees, costs, and expenses, they shall be the same as in justice of the
3 peace courts. The bailiff may retain amounts allowed to him by law
4 for mileage and necessary actual expenses, in addition to his salary.
5 All fees, fines, forfeitures, costs, and expenses shall be turned over to
6 the city treasurer by the officer collecting the same on or before the
7 tenth day of each succeeding month.

[C. C. 6868.]

Sec. 30. Jury Commission.

1 The city clerk and the city auditor, or in cities not having both
2 such officers then the city clerk and the city treasurer, and the clerk of
3 the municipal court shall constitute the jury commission. They shall
4 receive no additional compensation, but necessary expenses incurred in
5 the performance of their duties shall be allowed and paid from the city
6 treasury.

[C. C. 6871, 6881, modified.]

Sec. 31. Jury List.

1 The commissioners shall, on the establishment of the court, pre-
2 pare a list of all electors qualified for jury service, from the poll books
3 of the last preceding general election in the territory included in the

4 municipal court district, which shall be known as the "Jury List"; and
5 before the last Monday in April following each general municipal elec-
6 tion thereafter, such a list shall be prepared from the poll books of the
7 preceding municipal court district election.

[C. C. 6873, modified.]

Sec. 32. Jury List Book.

1 The name of each person on said list shall be entered in alpha-
2 betical order in a book kept for that purpose, and opposite each name
3 shall be entered the person's place of residence, giving his street and
4 number or other definite location if possible. The book shall be kept in
5 the office of the city clerk, and shall be open to the public for inspection
6 and investigation. The jury list may be revised annually on order of
7 the judge.

[C. C. 6873.]

Sec. 33. Jury—How Drawn—When.

1 When the jury commission shall have complete such jury list, each
2 name contained thereon shall be prepared and deposited in a jury box
3 in the manner required in the district court, which jury box, after
4 being sealed by the jury commissioners, shall be deposited with and
5 remain in the custody of the clerk of the court. On the last Monday
6 of each month, the jury commission shall, in open court and in the
7 presence of the judge or judges, break the seal on said jury box, and
8 draw therefrom the number of names ordered by the court, to consti-
9 tute the jury panel for the succeeding month.

[C. C. 6875, 6876, 6877, 6880, modified.]

Sec. 34. Jury Summons—Mileage.

1 The clerk of the municipal court shall forthwith issue a summons

2 to each person drawn to appear in court at such time during the suc-
3 ceeding month as may be ordered by the judge or judges. At such
4 time each juror shall be called and all excuses heard and determined.
5 Jurors shall not be allowed mileage.

[C. C. 6878, modified.]

Sec. 35. Jurors to Serve One Month—Exemptions.

1 The clerk of the court shall, at the end of each month, check off
2 the jury list the names of all jurors who have served during that
3 month, and such names shall not be again deposited in the jury box
4 until after a new jury list has been prepared, but the names of those
5 who have been drawn but have not served shall be again deposited
6 therein. Jurors in the district court shall be exempt from service in
7 the municipal court during the biennium in which service was rendered
8 in the district court.

[C. C. 6879.]

Sec. 36. Jurors—Number—Demand for Jury.

1 Demand for trial by jury may be made as provided by rule of
2 court, and if not so made, the cause shall be tried by the court. Unless
3 a jury of twelve (12) is demanded, the jury in civil actions shall con-
4 sist of six (6) jurors. The party demanding a jury of twelve (12)
5 must at the time deposit with the clerk the sum of six dollars (\$6.00).

[C. C. 6883, modified.]

Sec. 37. Peremptory Challenges in Jury of Six.

1 In all cases where the jury consists of six (6) jurors, each party
2 shall have the right to peremptorily challenge two (2) jurors and
3 strike off one (1) juror.

[C. C. 6884.]

Sec. 38. Instructions.

1 In all criminal actions and in all civil actions triable to a jury
2 where the amount in controversy exceeds one hundred dollars
3 (\$100.00), the judge shall instruct the jury in writing. Where the
4 amount in controversy in civil actions is one hundred dollars (\$100.00)
5 or less, the instructions may be oral.

[C. C. 6885.]

Sec. 39. Entry Judgment—Jurisdiction—Setting Aside Default.

1 Judgments shall be rendered and entered upon the record in all
2 cases within ten (10) days after final submission of the cause, unless
3 for good cause the court extends the time. The court shall retain
4 jurisdiction for the purpose of correction of errors of the court or in
5 the record for ten (10) days after the entry of final judgment. Mo-
6 tions to set aside defaults may be made within ten (10) days after the
7 entry thereof.

[C. C. 6857.]

Sec. 40. Judgment Liens.

1 Judgments of the court may be by it enforced the same as judg-
2 ments of the district court, except that no real property shall be levied
3 on or sold on process issued out of said court. Judgments may be
4 made liens on real estate in the county by filing transcripts thereof in
5 the district court, which thereafter shall have exclusive jurisdiction for
6 the enforcement of the same.

[C. C. 6887.]

Sec. 41. Appeals.

1 The laws relating to appeals from judgments or orders of the dis-
2 trict court or a judge thereof to the supreme court shall apply to

3 judgments or orders of the municipal court, or a judge thereof, in all
4 civil actions. In class "C" actions, appeals may be taken direct to the
5 supreme court the same as from the district court.

[C. C. 6886.]

Sec. 42. Judgments Superseded.

1 When a judgment of the court has been transcribed to the district
2 court, appealed from and superseded, the clerk of the municipal court
3 shall notify the clerk of the district court thereof, who shall note the
4 same on the docket entry of the cause, which shall have the same
5 effect as though the cause had been appealed from and superseded in
6 the district court. Whenever further action is taken in such causes in
7 the municipal court, the same shall be certified to the clerk of the
8 district court, who shall note the same on the docket entry of said
9 cause.

[C. C. 6887.]

Sec. 43. Shorthand Reporter.

1 Each judge may appoint a shorthand reporter, whose compen-
2 sation shall be six dollars (\$6.00) per day for the time actually em-
3 ployed and shall be paid one-half ($\frac{1}{2}$) by the county and one-half ($\frac{1}{2}$)
4 by the city. All actions included in class "A" may be reported the
5 same as in the district court and the reporter's fee shall be taxed in
6 said action as costs. All criminal actions included in classes "C" and
7 "D" and tried to a jury shall be reported in like manner.

[C. C. 6890, modified.]

Sec. 44. Report of Preliminary Examinations.

1 The judge may order the testimony offered upon preliminary ex-
2 aminations taken down and certified by the shorthand reporter and a

3 transcript of the testimony of the witnesses upon such preliminary
4 examination, or the substance of their testimony, prepared by such
5 reporter and filed in the district court with the transcript of proceed-
6 ings on such preliminary examination. The fees for reporting such
7 preliminary examinations and for transcript of the testimony shall
8 be the same as allowed in civil causes, and shall be taxed as part of
9 the costs in the case.

[C. C. 6890, modified.]

Sec. 45. No Report in Class "B" Actions—When.

1 No reporter shall be provided for the trial of actions in class "B",
2 unless the party demanding the same shall deposit each day with the
3 clerk of the court the per diem of said reporter, which shall be taxed
4 as costs in the case.

[C. C. 6890.]

Sec. 46. Salary.

1 The salary of each municipal judge in districts of thirty thousand
2 (30,000) or more inhabitants shall be two thousand five hundred dol-
3 lars (\$2,500.00) per annum, and in districts of less than thirty thou-
4 sand (30,000) inhabitants, two thousand dollars (\$2,000.00) per an-
5 num. The clerk and the bailiff shall each receive a salary of one thou-
6 sand dollars (\$1,000.00) per annum, in districts of less than thirty
7 thousand (30,000) inhabitants; one thousand two hundred dollars
8 (\$1,200.00) per annum, in districts having from thirty thousand
9 (30,000) to seventy-five thousand (75,000) population; one thousand
10 five hundred dollars (\$1,500.00) in districts having from seventy-five
11 thousand (75,000) to one hundred thousand (100,000) population; and
12 one thousand seven hundred fifty dollars (\$1,750.00) in districts hav-

13 ing a population of over one hundred thousand (100,000). Deputy
14 clerks and bailiffs shall receive such compensation as the city council
15 may allow. Salaries shall be paid on the first Monday of each month,
16 alternately from the city and the county treasury.

[C. C. 6888, modified.]

Sec. 47. City to Provide Rooms.

1 The city council shall provide suitable place for holding said court,
2 and such other rooms and offices as may be necessary for the transac-
3 tion of the business of said court. All of the other expenses of main-
4 taining said court not otherwise provided for in this chapter shall be
5 paid from the city treasury.

[C. C. 6889.]

Sec. 48. Abolishing Municipal Courts.

1 When a municipal court shall have been established for more than
2 four (4) years, it may be abandoned by proceeding as follows: Upon
3 the filing with the city clerk of a petition of not less than fifteen per
4 cent (15%) of the qualified electors of such municipal court district
5 as shown by the poll lists of the last municipal or state election, the
6 mayor, by proclamation, shall submit such proposition at a general
7 election. If the majority of votes cast at such election be in favor
8 of the proposition of abandoning the court, the officers elected at the
9 next succeeding general election shall be those prescribed by law for
10 such cities and townships, and upon the qualification of such officers
11 such municipal court shall be abolished.

[C. C. 6891.]

Sec. 49. Municipal Court Buildings Authorized.

1 Cities having a population of fifty thousand (50,000) or over shall

2 have the power to erect a municipal court building, and to purchase the
3 grounds therefor, such building when constructed to be used for the
4 housing of the municipal court and such other like purposes as the
5 council from time to time may by ordinance direct, including the hous-
6 ing and retention of persons charged with offenses against the laws
7 of the city and the state.

[C. C. 6894.]

Sec. 50. Tax Levy Authorized.

1 For the purpose of paying for the construction of such building,
2 and the purchase price of such grounds, such city shall have the power
3 to levy upon all the property within the corporate limits of such cities,
4 subject to taxation, in addition to all other taxes provided by law, a
5 special tax not exceeding in any one (1) year one (1) mill on the
6 dollar for a period of years not exceeding fifty (50).

[C. C. 6895.]

Subject: SUPERIOR COURTS

Senate File No. Referred to Committee on
House File No. ..
By Date ..

A BILL FOR

An act to amend, revise and codify sections six thousand nine hundred eight (6908) and six thousand nine hundred eleven (6911) 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.

1 Upon petition of one hundred (100) citizens of any such city, the
2 mayor, by and with the consent of the council, may, at least ten (10)
3 days before any general or city election, issue a proclamation sub-
4 mitting to the qualified voters of any city the question of establishing
5 said court. Should a majority of all the votes cast upon such propo-
6 sition be in favor of said court, the same shall be established.

[C. C. 6908.]

Sec. 2. Governor to Appoint Judge.

1 Whenever such court has been established, the governor shall ap-
2 point a judge, who shall hold office until the first Monday in January
3 succeeding the next regular city election and until his successor is
4 elected and qualified.

[New.]

Sec. 3. Judges—Terms of Office—Commission.

1 Each judge shall hold office for four (4) years, and shall be
2 elected at the regular municipal election next preceding the expira-
3 tion of the term of the incumbent. The mayor shall transmit his cer-
4 tificate of the election of said judge to the governor, who shall there-
5 upon issue to him a commission empowering him to act as judge.

[C. C. 6908, modified.]

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.

1 In case of vacancy in said office the governor shall appoint a
2 judge who shall hold office until the next city election, and in case of
3 inability of any judge to act through sickness or any other cause, a
4 judge shall be appointed by the governor to hold office during such
5 inability.

[C. C. 6911, modified.]

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DISTRICT COURTS

Code Commissioners' Bill No. 222

Subject: DISTRICT COURTS

Senate File No. Referred to Committee on

House File No.

By Date

A BILL FOR

An act to amend, revise and codify sections six thousand nine hundred fifty-four (6954) and six thousand nine hundred fifty-five (6955) of the compiled code of Iowa, relating to district court.

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

That sections six thousand nine hundred fifty-four (6954) and six thousand nine hundred fifty-five (6955) of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. County to Provide Court Room.

1 The sessions of the court shall be held at the courthouse in the
2 county seat, and in counties in which court is held at more than one
3 (1) place, at such place as the board of supervisors may provide. If
4 no such place is provided, the court may direct the sheriff to procure
5 one at the expense of the county. This section shall not be construed
6 to prevent the holding of court elsewhere in case of fire or any other
7 unavoidable casualty.

[C. C. 6954, 6955, modified.]

Code Commissioners' Bill No. 223

Subject: JUDGES

Senate File No. Referred to Committee on
House File No.
By Date.

A BILL FOR

An act to amend, revise and codify section sixty-nine hundred sixty-seven (6967) of the compiled code of Iowa, relating to judges.

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

That section sixty-nine hundred sixty-seven (6967) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Judges—Eligibility—Not to Practice Law.

1 No person shall be eligible to the office of judge of a court of
2 record who is not, at the time of his election, an attorney at law, duly
3 admitted to practice under the laws of this state. During the time
4 that he is holding such office he shall not practice as an attorney or
5 counselor or give advice in relation to any action pending or about
6 to be brought in any of the courts of the state. Nothing contained
7 in this section shall be construed to prohibit police court judges from
8 practicing as attorneys and counselors in civil matters.

[C. C. 6967, modified.]

Code Commissioners' Bill No. 224

Subject: COURT RULES FOR CONCILIATION

Senate File No. Referred to Committee on

House File No.

By Date

A BILL FOR

An act to amend chapter four (4) of title twenty-eight (28) of the compiled code of Iowa, relating to judges and courts, and rules for conciliation of certain controversies.

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

That chapter four (4) of title twenty-eight (28) of the compiled code of Iowa is amended by adding thereto the following:

Section 1. Rules for Conciliation—Conciliators.

1 The judges of the district court for their districts and the judges
2 of the municipal court for their districts may adopt and enforce rules
3 prescribing the manner of settlement of controversies by conciliation
4 and the duties of the clerks of the several courts in respect thereto;
5 may appoint conciliators or any judge may act as such, but no judge
6 shall preside at the trial of any action involving a controversy in
7 which he has acted as conciliator.

[New.]

Sec. 2. Procedure.

1 No party shall be represented by counsel, except by consent of
2 the conciliator. The proceedings shall be informal and no record
3 thereof shall be preserved except the agreement of settlement signed

4 by the parties. The judge may direct the same to be filed in the
5 office of the clerk and judgment to be entered thereon.

[New.]

Sec. 3. Bar to Action.

1 In districts in which rules for conciliation are adopted, and con-
2 ciliators appointed, no person may maintain an action for the recovery
3 of one hundred dollars (\$100.00) or less unless he alleges and proves
4 by certificate of a conciliator that he has made a good faith effort to
5 settle the controversy; but this section shall not apply to suits aided
6 by attachment to enforce a lien, or for replevin.

[New.]

Sec. 4. Speedy Determination Certain Causes.

1 Such judges shall adopt rules for the speedy determination of
2 causes involving comparatively small amounts as stated in such rules,
3 and the clerk shall enter such causes upon a separate short cause cal-
4 endar. It shall be the duty of the court to set aside a day or days each
5 week when such causes will be heard. Before entering upon the trial
6 of any such cause, the judge or court will, if practicable, bring the
7 parties together and endeavor to secure a settlement thereof by con-
8 ciliation or arbitration.

[New.]

Subject: CLERK OF THE DISTRICT COURT

Senate File No.	Referred to Committee on
House File No. ....	.....
By	Date

A BILL FOR

An act to amend, revise and codify sections six thousand nine hundred seventy-two (6972), six thousand nine hundred eighty (6980), and six thousand nine hundred eighty-two (6982) of the compiled code of Iowa, relating to the clerk of the district court.

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

That section six thousand nine hundred seventy-two (6972) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Office—Duties.

1 The clerk of the district court shall keep his office at the county
2 seat, attend the sessions of the district court himself or by deputy,
3 keep the records, papers and seal, and record the proceedings of the
4 court as hereinafter directed, under the direction of the judge.

[C. C. 6972.]

Sec. 2. Clerk to Notify Parties of Payment of Money.

1 When money is paid to the clerk to be paid to any person, he shall
2 notify the person entitled to receive such money, or for whose account
3 the money is paid, and the attorney of record of such person. The
4 notice shall be mailed within five (5) days from the receipt of the
5 money, to the last address of the person or attorney known to the clerk,
6 and memorandum thereof entered on the proper record. If the clerk

7 fails to give said notice, he and his bondsman shall be personally liable
8 for interest on such money from the date of the receipt thereof by him
9 to the date the same is paid to the person or attorney.

[New.]

That section six thousand nine hundred eighty (6980) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 3. Change in Title Certified to Auditor.

1 Where the title of any real estate is finally established in any
2 person or persons by judgment or decree of said court or of the su-
3 preme court, or where title to real estate is changed by judgment,
4 decree, will, proceeding or order in probate, the clerk of the district
5 court shall certify the same, under the seal of said court, to the county
6 auditor of the county in which said land is located.

[C. C. 6980.]

That section six thousand nine hundred eighty-two (6982) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 4. Fees.

1 The clerk of the district court shall charge and collect the follow-
2 ing fees, all of which shall be paid into the county treasury:

3 1. For filing any petition, appeal or writ of error and docketing
4 the same, one dollar and fifty cents (\$1.50).

5 2. For every attachment, fifty cents (50c).

6 3. For every cause tried by jury, one dollar and fifty cents
7 (\$1.50).

8 4. For every cause tried by the court, seventy-five cents (75c).

9 5. For every equity case, one dollar and fifty cents (\$1.50).

10 6. For each injunction or other extraordinary process or order,

-
- 11 one dollar (\$1.00).
- 12 7. For all causes continued on application of a party by affidavit,
13 fifty cents (50c).
- 14 8. For all other continuances, fifteen cents (15c).
- 15 9. For entering any final judgment or decree, seventy-five cents
16 (75c).
- 17 10. For taxing costs, fifty cents (50c).
- 18 11. For issuing execution or other process after judgment or de-
19 cree, fifty cents (50c).
- 20 12. For filing and properly entering and indorsing each mechan-
21 ic's lien, one dollar (\$1.00), and in case a suit is brought thereon, the
22 same to be taxed as other costs in the action.
- 23 13. For certificate and seal, fifty cents (50c).
- 24 14. For filing and docketing transcript of judgment from another
25 county or a justice of the peace or municipal court, fifty cents (50c).
- 26 15. For entering any rule or order, twenty-five cents (25c).
- 27 16. For issuing writ or order, not including subpoenas, fifty cents
28 (50c).
- 29 17. For issuing commission to take depositions, fifty cents (50c).
- 30 18. For entering sheriff's sale of real estate, fifty cents (50c).
- 31 19. For entering judgment by confession, one dollar (\$1.00).
- 32 20. For entering satisfaction of any judgment, twenty-five cents
33 (25c).
- 34 21. For all copies of record, or papers filed in his office, transcripts,
35 and making complete record, ten cents (10c) for each one hundred
36 (100) words.
- 37 22. For taking and approving a bond and sureties thereon, fifty

38 cents (50c).

39 23. For declaration of intention by an alien to become a citizen,
40 twenty-five cents (25c).

41 24. For all services on naturalization of aliens, including oaths
42 and certificates, fifty cents (50c).

43 25. For certificates and seal to applications to procure pensions,
44 bounties or back pay for soldiers or other persons entitled thereto, no
45 charge.

46 26. For making out transcripts in criminal cases appealed to the
47 supreme court, for each one hundred (100) words, ten cents (10c).

48 27. In criminal cases, the same fees for same services as in suits
49 between private parties. When judgment is rendered against the de-
50 fendant, the fees shall be collected from such defendant.

51 28. For issuing marriage licenses, one dollar (\$1.00) each.

52 29. For all services performed in the settlement of the estate of
53 any decedent, minor, insane person, or other persons laboring under
54 any legal disability, except where actions are brought by the adminis-
55 trator, guardian, trustee or person acting in a representative capac-
56 ity or against him, or as may be otherwise provided herein, where the
57 value of the property of the estate does not exceed three thousand
58 dollars (\$3,000.00), three dollars (\$3.00); where such value is be-
59 tween three thousand dollars (\$3,000.00) and five thousand dollars
60 (\$5,000.00), five dollars (\$5.00); where such value is between five
61 thousand dollars (\$5,000.00) and seven thousand dollars (\$7,000.00),
62 eight dollars (\$8.00); where such value is between seven thousand
63 dollars (\$7,000.00) and ten thousand dollars (\$10,000.00), ten dollars
64 (\$10.00); where such value is between ten thousand dollars

65 (\$10,000.00) and twenty-five thousand dollars (\$25,000.00), fifteen
66 dollars (\$15.00); for each additional twenty-five thousand dollars
67 (\$25,000.00) or major fraction thereof, there shall be taxed the fur-
68 ther sum of ten dollars (\$10.00).

69 30. In addition to all other fees, for making a complete record in
70 cases where the same is required by law or directed by an order of
71 the court, for every one hundred (100) words, ten cents (10c).

[C. C. 6982, modified.]

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PARTIES TO ACTIONS

Code Commissioners' Bill No. 226

Subject: PARTIES TO ACTIONS

Senate File No. Referred to Committee on

House File No.

By Date

A BILL FOR

An act to amend, revise and codify section seven thousand eighty-five (7085) of the compiled code of Iowa, relating to parties to actions.

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

That section seven thousand eighty-five (7085) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. **Plaintiffs Joined.**

1 All persons having an interest in the subject of the action, and
2 in obtaining the relief demanded, may join as plaintiffs, except as
3 otherwise provided. Where two (2) or more persons claim a right
4 of recovery against the same party or parties on like causes of action
5 cognizable in equity, they may join as parties plaintiff, and relief may
6 be granted to each according to his interest.

[C. C. 7085, modified.]

Subject: PLACE OF BRINGING ACTIONS

Senate File No. Referred to Committee on
 House File No.
 By Date

A BILL FOR

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.

1 An action may be brought against any corporation, company, or
 2 person engaged in the construction of a railway, canal, telegraph or
 3 telephone line, or public drainage improvement, on any contract re-
 4 lating thereto, or to any part thereof, or for damages in any manner
 5 growing out of the work thereof, in any county where such contract
 6 was made, or performed in whole or in part, or where the work was
 7 done out of which the damage claimed arose.

[C. C. 7148, modified.]

Code Commissioners' Bill No. 228

Subject: MANNER OF COMMENCING ACTIONS

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

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.

1 The notice shall be served as follows:

2 1. By reading it to the defendant or offering to do so in case he
3 neglects or refuses to hear it read, and in either case by delivering
4 him personally a copy thereof, or, if he refuses to receive it, offering
5 to do so.

6 2. If not found within the county of his residence, or if, because
7 of his sickness or other disability, personal service can not be made
8 upon him, by leaving a copy thereof at his usual place of residence
9 with some member of his family over fourteen (14) years of age, or

10 with the person having the care and custody of him, or with the head
11 of the family where he resides.

12 3. By taking an acknowledgment of the service indorsed there-
13 on, dated and signed by the defendant.

[C. C. 7163, modified.]

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.

1 When a defendant has been judicially declared to be of unsound
2 mind and is not confined in any state hospital for the insane, service
3 must be made upon him and upon his guardian, and, if he have none,
4 or if the guardian institutes the action, then upon his wife, or the
5 person having the care or custody of him or with whom he lives.

[C. C. 7171, modified.]

Sec. 3. Service of Notice Upon Inmate of Certain Institutions.

1 Every civil process addressed to any inmate of any institution in
2 charge of the board of control shall be served upon him, unless other-
3 wise specially provided by law, by the person in charge of the insti-
4 tution of which he is an inmate, in the same manner as original notices
5 are required to be served, and by delivering to him a correct copy of
6 the petition or application. The person serving such process shall
7 make return accordingly in the same manner and with the same effect
8 as sheriffs in other cases. The process shall also be served on the
9 spouse of such inmate if found within the state.

[C. C. 7172, 2218, modified.]

Sec. 4. Service on County.

1 If the county is a party to any action, service of process may be
2 made on the chairman of the board of supervisors or county auditor.

[C. C. 7173, modified.]

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.

1 Where it is necessary to make an unknown person defendant, the
2 petition shall be sworn to and state the claim of plaintiff with refer-
3 ence to the property involved in the action, that the name and resi-
4 dence of such person is unknown to the plaintiff, and that he has
5 sought diligently to learn the same. The notice thereof shall contain
6 the name of the plaintiff, a description of the property, the claim of
7 the plaintiff thereto, the relief demanded, the name of the court, and
8 the term in which appearance must be made. Such notice must be
9 entitled in the name of the plaintiff against the unknown claimants
10 of the property and shall be signed by the plaintiff or his attorney.

[C. C. 7183.]

Sec. 6. Method of Publication.

1 The publication must be of the original notice required for the
2 commencement of actions, once each week for four (4) consecutive
3 weeks, before or after the filing of the petition, in some newspaper

4 of general circulation in the county where the petition is or will be
5 filed, selected by the plaintiff or his attorney.

[C. C. 7180, 7184, modified.]

Sec. 7. When Complete—Proof.

1 When the foregoing provisions have been complied with, the de-
2 fendant so notified shall be required to appear as if personally served
3 on the day of the last publication, within the county in which the pe-
4 tition is filed, proof thereof being made by the affidavit of the pub-
5 lisher or his foreman, and filed before default is taken.

[C. C. 7181, 7185.]

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.

1 When any part of real property, the subject of an action, is situ-
2 ated in any other county than the one in which the action is brought,
3 or when the action is brought in the superior court, the plaintiff must,
4 in order to affect third persons with constructive notice of the pend-
5 ency thereof, file with the clerk of the district court of such county
6 a notice of the pendency of the action, containing the names of the
7 parties, the object of the action, and a description of the property in
8 that county affected thereby, who shall at once index and enter a
9 memorandum thereof in the incumbrance book, and, from the time of
10 such indexing, the pendency of the action shall be constructive notice
11 to subsequent purchasers or incumbrancers thereof, who shall be bound
12 by all the proceedings taken after the filing of such notice, to the same
13 extent as if parties to the action. Within two (2) months after the
14 determination of the action, there shall also be filed with such clerk

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MANNER OF COMMENCING ACTIONS

15 a certified copy of the final order, judgment or decree, who shall enter
16 and index the same as though rendered in that county, or such notice
17 of pendency shall cease to be constructive notice.

[C. C. 7189, modified.]

Code Commissioners' Bill No. 229.

Subject: PLEADINGS

Senate File No. _____ Referred to Committee on _____
House File No. _____
By _____ Date _____

A BILL FOR

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 Equitable Actions Attacked by Motion.

1 In actions triable in equity, every defense in point of law arising
2 upon the face of the petition, cross petition, petition of intervention
3 answer, or counterclaim, as the case may be, for misjoinder of parties
4 or which in an action triable at law may be made by demurrer, shall
5 be made by motion to dismiss or in the answer or reply.

[C. C. 7208, 7209, 7218, 7222, modified.]

Sec. 2. Motion Disposed of Before Final Hearing.

1 Every point of law going to the whole or any material part of the
2 cause or causes of action stated in the petition, counterclaim, cross
3 petition, petition of intervention, or defense stated in the answer or

4 reply, shall, on order of court or request of either party, be presented
5 to the court and disposed of before final hearing.

[C. C. 7208, 7209, 7218, 7222, modified.]

Sec. 3. Plea in Bar or Abatement in Answer or Reply—Hearing.

1 In such actions, every defense presented by plea in bar or in abate-
2 ment, or to the jurisdiction under general appearance, made in the
3 answer or reply, shall on application of either party or may on order
4 of court be separately heard and disposed of before the trial of the
5 principal case.

[C. C. 7208, 7209, 7218, 7222, modified.]

Sec. 4. Five Days' Notice for Hearing.

1 The motion to dismiss may be set down for hearing by either party
2 upon five (5) days' written notice to the adverse party or his attor-
3 ney. Such notice with proof of service shall be filed with the original
4 papers.

[C. C. 7208, 7209, 7218, 7222, modified.]

Sec. 5. Motion Denied—Time of Answer or Reply.

1 If the motion be denied, the mover shall answer or reply within
2 five (5) days thereafter, unless the court shall, before or after the
3 expiration of said time, upon good cause shown, extend the same.

[C. C. 7208, 7209, 7218, 7222, modified.]

Sec. 6. Motions and Demurrers.

1 All demurrers and motions assailing a pleading shall be in writing
2 and filed before answer or reply has been filed to the pleading assailed
3 except as provided in this chapter, and specify and number the causes
4 on which they are founded, and none other shall be argued or consid-
5 ered. Only one (1) motion of the same kind and one (1) demurrer

6 assailing such pleading shall be filed, unless such pleading is amended
7 after the filing of a motion or demurrer thereto.

[C. C. 7203, 7209, modified.]

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.

1 In actions triable at law, any party may demur to any pleading
2 filed by any adverse party upon one (1) or more of the following
3 grounds appearing on its face:

4 1. That the court has no jurisdiction of the person of the defend-
5 ant or the subject of the action.

6 2. That the adverse party has not legal capacity to sue.

7 3. That there is another action pending between the same parties
8 for the same cause.

9 4. That there is a defect of parties plaintiffs or defendants.

10 5. That the facts stated in the pleading attacked do not entitle
11 the adverse party to the relief demanded.

12 6. That the pleading attacked shows that the cause of action or
13 defense is barred by the statute of limitations; or fails to show it to be
14 in writing where it should be so evidenced; or, if founded on an account
15 or writing as evidence of indebtedness, that neither such writing or
16 account or copy thereof is incorporated into or attached to the plead-
17 ing, or a sufficient reason stated for not doing so.

18 It shall not be sufficient to state the grounds of demurrer in the
19 foregoing terms.

[C. C. 7208, 7209, 7218, 7222, modified.]

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. Objection Raised by Answer—Arrest of Judgment.

1 When any petition, cross petition, or counterclaim fails to state a
2 cause of action, or any answer or reply a defense, advantage may be
3 taken thereof by a motion in arrest of judgment, numbering and spe-
4 cifying the grounds thereof.

[C. C. 7212, modified.]

Code Commissioners' Bill No. 230.

Subject: EVIDENCE—DEPOSITIONS

Senate File No. Referred to Committee on

House File No.

By Date.

A BILL FOR

An act to amend, revise and codify sections seventy-three hundred sixty-two (7362), seventy-three hundred ninety-two (7392) to seventy-three hundred ninety-four (7394), inclusive, seventy-three hundred ninety-six (7396) 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.

1 The petition for that purpose shall be verified, and must state the
2 facts expected to be proved by such books or papers, and that, as the
3 petitioner believes, such books and papers are under the control of the
4 party against whom the rule is sought, and must show wherein they
5 are material. The rule shall thereupon be granted to produce the
6 books and papers, or show cause to the contrary, if the court deems
7 such rule expedient and proper.

[C. C. 7362, modified.]

That sections seventy-three hundred ninety-two (7392) to seventy-three hundred ninety-four (7394), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

Sec. 2. Depositions—When Taken and By Whom.

1 After the commencement of a civil action or other proceeding, if

2 the witness is, or is about to go, beyond the reach of a subpoena, or is
3 for any other cause expected to be unable to attend court at the time of
4 trial, the party wishing his testimony may take his deposition in writ-
5 ing before any person having authority to administer oaths; and if the
6 action is triable by equitable proceedings, then without any other rea-
7 son therefor either party may so take the deposition of any witness.

[C. C. 7392, modified.]

Sec. 3. Upon Notice or Commission.

1 Depositions may be taken, within or without the state, upon no-
2 tice or upon commission, in the manner hereinafter provided.

[C. C. 7393, modified.]

Sec. 4. By Consent.

1 On the written agreement of parties depositions may be taken
2 without any reason therefor being made to appear, and before any per-
3 son designated in the agreement.

[C. C. 7394, modified.]

That section seventy-three hundred ninety-six (7396) of the com-
piled code of Iowa is amended, revised and codified to read as follows:

Sec. 5. Fixing Time for Taking Depositions.

1 No party shall be required to take depositions on notice on the day
2 of the general election, nor on any of the days in which appearance in
3 an action can not by law be required. If notice is given of the taking
4 of depositions during a term of court in which the action is pending,
5 unless the attorneys for the parties agree on the time of taking the
6 same, application may be made to the court by the attorney for either
7 party, upon two (2) days' notice to the attorney for the adverse party,
8 to fix such time, which the court shall do in furtherance of justice,

9 having due regard to the engagements and convenience of attorneys
10 and parties. If notices are given in the same case by the same party
11 of the taking of depositions at different places upon the same day,
12 they shall be invalid.

[C. C. 7396, modified.]

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.

1 Such commission may issue to any of the following named officers
2 who may be designated in the notice and in the commission, either by
3 the name of office of such officers or by his individual name and official
4 style, to wit:

5 1. The clerk or any judge of any court of record.

6 2. Any commissioner appointed by the governor of this state to
7 take acknowledgments of deeds in another state.

8 3. Any notary public.

9 4. Any consul or consular agent of the United States.

10 5. When the witness is in the military or naval service of the
11 United States, any commissioned officer under whose command he is
12 serving, or any commissioned officer in the judge advocate general's
13 department.

[C. C. 7398, modified.]

Sec. 7. Blank Subpoenas—Contempt.

1 Any officer or commissioner before whom a deposition is to be
2 taken within the state shall be supplied by the clerk of the district
3 court with necessary blank subpoenas duly signed by such clerk under
4 the seal of such court, which may be served as subpoenas in the dis-

5 trict court. Any witness who refuses to obey such subpoena or after
6 appearance refuses to testify shall be reported by the officer or com-
7 missioner to the district court of the county where the subpoena was
8 issued or to a judge thereof who shall thereupon proceed as if the
9 refusal had occurred in the district court.

[New.]

Sec. 8. Commissioner Designated by Court or Parties.

1 Such commission may also issue to any person designated by the
2 court for that purpose or agreed upon by the parties, such person being
3 named in the notice.

[C. C. 7398.]

Sec. 9. Specification of Place of Taking.

1 If the commission issue to any officer or person for the taking of
2 the deposition in any of the United States or in Canada, the name of
3 the state or province and county in which the deposition is to be taken
4 shall be specified in the notice and commission; otherwise it shall be
5 sufficient to name the state, territory, or district and town or city.

[C. C. 7398.]

Code Commissioners' Bill No. 231.

Subject: TRIAL AND JUDGMENT

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

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.

1 In actions cognizable in equity, wherein issues of fact are joined,
 2 the court may order the evidence or any part thereof to be taken in
 3 the form of depositions, or either party may take depositions as
 4 authorized by law, and shall be entitled to a continuance to the second
 5 term for that purpose. The evidence in such actions shall be presented
 6 on appeal to the supreme court, which shall try such causes, but no
 7 others, anew.

[C. C. 7447, modified.]

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.

1 Causes shall be triable at the first term after legal and timely

2 service has been made.

[C. C. 7450, 7451, modified.]

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.

1 Where a judgment is set aside or satisfied by execution or other-
2 wise, the clerk shall at once enter a memorandum thereof on the col-
3 umn left for that purpose in the judgment docket. In cases where the
4 title to land is involved and expressly settled or determined, the clerk
5 shall make a complete record of the whole cause, except abstracts of
6 title attached to the pleadings, and enter it in the proper book. In no
7 other case need a complete entry be made, except at the request of
8 either party.

[C. C. 7581, modified.]

Code Commissioners' Bill No. 232.

Subject: INSTRUCTIONS

Senate File No..... Referred to Committee on
House File No.....
By Date

A BILL FOR

An act to amend, revise and codify sections seven thousand four hundred ninety-six (7496) and seven thousand five hundred (7500) to seven thousand five hundred five (7505), inclusive, of the compiled code of Iowa, relating to instructions.

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

That sections seven thousand four hundred ninety-six (7496) and seven thousand five hundred (7500) to seven thousand five hundred five (7505), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

Section 1. Instructions To Be in Writing.

1 When the evidence is concluded and either party desires special
2 instructions to be given to the jury, such instructions shall be reduced
3 to writing, numbered, and signed by the attorney asking the same, and
4 delivered to the court. The court shall give general instructions to the
5 jury, which shall be in writing, and be numbered and signed by the
6 judge.

[C. C. 7500, modified.]

Sec. 2. Requested Instructions.

1 When special instructions are requested, the court shall:
2 1. Give such instructions as requested, or
3 2. Wholly refuse such instructions, or

4 3. Give such instructions with modifications.

5 When requested instructions are modified and given, the court
6 shall clearly indicate what instructions are given in whole as asked,
7 what are given in part as asked, and what are refused.

[C. C. 7500, 7502, modified.]

Sec. 3. Instructions Presented to Attorneys.

1 The instructions shall be presented to the attorneys for the parties,
2 who shall be allowed a reasonable time within which to take exceptions
3 and make objections thereto, and the record in each case shall show
4 the time allowed for such purpose.

[C. C. 7501, 7505, modified.]

Sec. 4. Objections and Exceptions to Instructions.

1 All objections or exceptions to instructions, or the refusal of re-
2 quested instructions, must be made before the instructions are read to
3 the jury, and must point out the grounds thereof specifically and with
4 reasonable exactness.

[C. C. 7501, 7503, 7505, modified.]

Sec. 5. Objections and Exceptions in Motion for New Trial.

1 Upon a showing in a motion for a new trial that an error in the
2 instructions was not discovered by the party claiming the error at
3 the time of trial, such objections or exceptions may be made in the
4 same manner in a motion for new trial. No objection or exception to
5 the instructions not made before the same are given or in a motion
6 for new trial shall be considered by the supreme court on appeal.

[C. C. 7501, 7505, modified.]

Sec. 6. Argument—Opening and Closing.

1 Instructions shall, unless the parties otherwise agree, be read to

2 the jury before the making of the arguments. Such reading shall be
3 without oral comment or explanation. In the argument, the party then
4 having the burden of the issue shall have the opening and closing, but
5 shall disclose in the opening all the points relied on in the cause; and
6 if in the close he should refer to any new material point or fact not
7 relied upon in the opening, the adverse party shall have the right of
8 reply thereto, which reply shall close the argument in the case.

[C. C. 7496, modified.]

Sec. 7. Additional Instructions.

1 After argument, the court may, to prevent the jury from being
2 misled by statements of counsel in argument give additional instruc-
3 tions.

[New.]

Code Commissioners' Bill No. 233.

Subject: COSTS

Senate File No. Referred to Committee on
House File No.
By Date.....

A BILL FOR

An act to amend, revise and codify section seven thousand six hundred fourteen (7614) of the compiled code of Iowa, relating to costs.

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

That section seven thousand six hundred fourteen (7614) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Recoverable by Successful Party.

1 Costs shall be recovered by the successful against the losing party.
2 The losing party, however, shall not be assessed with the cost of
3 mileage of any witness for a distance of more than one hundred (100)
4 miles from the place of trial, unless otherwise ordered by the court at
5 the time of entering judgment.

[C. C. 7614, modified.]

Sec. 2. Apportioning Costs.

1 Where the party is successful as to a part of his demand, and fails
2 as to part, unless the case is otherwise provided for, the court on ren-
3 dering judgment may make an equitable apportionment of costs.

[C. C. 7614.]

Code Commissioners' Bill No. 234.

Subject: EXAMINATION OF DEBTORS

Senate File No. Referred to Committee on
House File No.
By Date

A BILL FOR

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.

1 The debtor, on his appearance, may be interrogated in relation to
2 any facts calculated to show the amount of his property, or the dispo-
3 sition which has been made of it, or any other matter pertaining to
4 the purpose for which the examination is permitted to be made. The
5 interrogatories and answers shall be reduced to writing and preserved
6 by the court or officer before whom they are taken. All examinations
7 and answers under this chapter shall be on oath.

[C. C. 7759, modified. See Commissioners' Bill No. 73.]

2012
PROBATE COURT

Code Commissioners' Bill No. 235

Subject: PROBATE COURT

Senate File No. _____ Referred to Committee on _____

House File No. _____

By _____ Date _____

A BILL FOR

An act to amend, revise and codify section seven thousand seven hundred seventy-eight (7778) of the compiled code of Iowa, relating to the probate court.

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

That section seven thousand seven hundred seventy-eight (7778) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. **Concurrent Jurisdiction.**

1 When a case is originally within the jurisdiction of the courts of
2 two (2) or more counties, that one which first takes cognizance
3 thereof by the commencement of the proceedings shall retain the same
4 throughout. The court may transfer any probate proceedings to any
5 other county, when it is made to appear that such transfer will be in
6 furtherance of justice, and the same shall thereupon be pending in
7 such other county.

[C. C. 7778, modified.]

Sec. 2. **Certification of Record.**

1 The clerk of the court ordering the transfer shall retain the orig-
2 inal files and papers, but shall make a certified copy thereof, and of all
3 record entries pertaining to the proceedings, and at once file the same

4 in the office of the clerk of the court to which the transfer has been
5 made.

[New.]

Sec. 3. Record Entries Recorded.

1 The clerk of the court to which the proceedings are transferred
2 shall record at length, in the probate records of his county, the certi-
3 fied copy of the record entries referred to in the preceding section.

[New.]

Code Commissioners' Bill No. 236.

Subject: ESTATES OF DECEDENTS

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

An act to amend, revise and codify section seven thousand seven hundred eighty-seven (7787) of 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. Action by Representative—Petition.

1 Within sixty (60) days after appointment, the legal representa-
2 tive of the deceased shall commence an action in equity against the
3 widow, heirs, devisees and legatees of the deceased. The petition shall
4 be verified and shall state:

5 1. An accurate description of all the real estate in the state in
6 which decedent had any interest at the time of his decease, stating its
7 nature.

8 2. The name and place of residence of the widow, or that no widow
9 survived deceased, and whether the deceased died testate or intestate.

10 3. The names and places of residence of the heirs and their
11 spouses, if any, and their relation to the deceased, or that none sur-
12 vived.

13 4. The names and places of residence of the legatees and devisees
14 if any.

15 5. The names and claims, so far as known, of any other persons
16 having or claiming any interest in the real estate of the deceased, and
17 their places of residence.

[C. C. 7787, modified.]

Sec. 2. Prayer for Relief.

1 The prayer of the petition shall be that the court determine:

2 1. The correct description of all of the real estate in which the
3 decedent had any interest at the time of his decease and the nature
4 of such interest.

5 2. The names of all persons having or claiming any interest in
6 the said real estate or any part thereof, and the nature and extent
7 thereof.

[New.]

Sec. 3. Notice—Trial Term.

1 Notice shall be given as is required in other equitable actions, but
2 the cause shall be triable at the first term after completed service
3 thereof.

[New.]

Sec. 4. Findings of Court—Decree.

1 On the trial the court shall find the correct description of all of
2 the real estate in which the deceased had any interest and the nature
3 thereof, and the names of the parties interested or claiming an interest
4 therein and the nature and extent thereof, and enter decree accord-

5 ingly. The decree shall not affect the right of any person to contest
6 any will.

[New.]

Sec. 5. Certification of Decree.

1 The clerk shall certify the decree as is required in cases in which
2 decree in partition has been entered.

[New.]

Code Commissioners' Bill No. 237

Subject: WILLS AND LETTERS OF ADMINISTRATION

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

An act to amend, revise and codify sections seven thousand seven hundred ninety-one (7791), seven thousand eight hundred nine (7809), seven thousand eight hundred thirty (7830), and seven thousand eight hundred thirty-two (7832) of the compiled code of Iowa, 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.

1 Any person of full age and sound mind may dispose by will of
 2 all his property, subject to the rights of homestead and exemption
 3 created by law, and the distributive share in his estate given by law
 4 to the surviving spouse, except sufficient to pay his debts and expenses
 5 of administration; but where the survivor is named as a devisee there-
 6 in, it shall be presumed, unless the intention is clear and explicit to
 7 the contrary, that such devise is in lieu of such distributive share,
 8 homestead and exemptions.

[C. C. 7791.]

Sec. 2. Limitation.

1 No devise or bequest to a corporation organized under the chap-
 2 ter relating to corporations not for profit or to a foreign corporation

3 of a similar character, or to a trustee for the use or benefit of any
4 such corporation shall be valid in excess of one-fourth ($\frac{1}{4}$) of the
5 testator's estate after the payment of debts, if a spouse, child, or
6 parent survive the testator.

[C. C. 7791, modified.]

That section seven thousand eight hundred nine (7809) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 3. Recorded—Executor to Have Copy.

1 After being proved and allowed, the will, together with the certificate
2 required, shall be recorded in a book kept for that purpose, and
3 the clerk shall cause the same, or an authenticated copy thereof, to
4 be placed in the hands of the executor therein named or otherwise
5 appointed.

[C. C. 7809.]

Sec. 4. Transcript to Another County.

1 Whenever it shall appear that the testator died seized of real estate
2 located in a county of this state other than that in which probate
3 is granted, a complete transcript, properly authenticated, of the record
4 entry of the order of court admitting the will to probate, and if
5 a copy of such will is not contained therein, a certified copy of such
6 will, attached thereto, shall be filed by the clerk in the office of the
7 clerk of the district court in such other county, who shall cause the
8 same to be entered in the probate docket, and said transcript shall be
9 recorded in full in the book kept for the recording of wills in such
10 county, and when so recorded such record may be read in evidence in
11 all courts without further proof. The cost of such transcript and of
12 the recording thereof shall be taxed against the estate of the decedent

13. unless administration thereof is closed, in which event it shall be paid
 14 . by the owner of the real estate involved.

[C. C. 7809.]

That section seven thousand eight hundred thirty (7830) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 5. Sale of Property—Disposition of Proceeds.

1 The person to whom administration is granted shall proceed to
 2 administer and dispose of the estate. In addition thereto, the admin-
 3 istrator may, under orders of the court, sell all real estate and other
 4 property owned by the absentee, and after the payment of the legal
 5 costs and claims, make distribution of the proceeds thereof to the per-
 6 sons entitled thereto. The provisions of law regarding application,
 7 notice, and manner of sale of real estate for the payment of debts by
 8 administrators shall be followed so far as applicable.

[C. C. 7830, modified.]

Sec. 6. Security to Be Given by Persons Entitled to Estate.

1 Before any distribution of the estate of such supposed decedent
 2 shall be made to persons entitled to receive it, they shall give security
 3 to be approved by the court in such sum as the court shall direct, con-
 4 ditioned that if the absentee shall in fact be at the time alive they will
 5 respectively refund the amounts received by each, on demand, with
 6 interest thereon; but if the persons entitled to receive the same are
 7 unable to give the security aforesaid, then the money shall be put at
 8 interest on security approved by the court, such interest to be paid
 9 annually to the persons entitled to it, and the money to remain at in-
 10 terest until the security aforesaid is given or the court on application
 11 shall order it to be paid to the persons entitled to it. But such order

12 shall not validate the title of any person to any money or property
13 received as widow, next of kin, or heir of the supposed decedent.

[New. See *Cunnius v. School District*, U. S. Supreme Court
Reports, 49 Law Edition 1125, 198 U. S., 476.]

That section seven thousand eight hundred thirty-two (7832) of the
compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 7. Foreign Administrator—Assignments and Satisfaction.

1 Any administrator, executor, trustee or guardian appointed by
2 the courts of any other state or country is authorized to assign in any
3 manner and by any instrument authorized by law any judgment ren-
4 dered by the supreme court or by any court of any county where such
5 judgment is a lien on property, or any mortgage or deed of trust given
6 as a mortgage on property within this state belonging to the estate
7 or to the minor or other person represented by him, and may also
8 release or discharge any property in this state from the lien of any
9 judgment, mortgage or deed of trust.

[C. C. 7832, modified.]

Sec. 8. Proof of Right to Assign or Satisfy.

1 No such assignment or release shall be valid unless there is filed
2 either before or after the execution thereof in the office of the clerk
3 of the district court in the county in this state wherein the property
4 affected thereby is situated, the certificate of the judge or clerk of the
5 proper court, duly attested, that said administrator, executor, trustee
6 or guardian was, prior to the date of such release or assignment, ap-
7 pointed such officer by such court and that as shown by the records

8 thereof he had not been discharged before the date of execution of
9 such instrument.

[C. C. 7832, modified.]

Sec. 9. Limitation on Right.

1 Nothing in the two (2) preceding sections shall authorize any
2 administrator, executor, trustee or guardian of any other state or
3 country to assign, release or discharge any judgment, mortgage or
4 deed of trust in this state while any administrator, executor, trustee
5 or guardian of the estate to which such judgment, mortgage or deed
6 of trust belongs is authorized to act by virtue of appointment and
7 qualification under the laws of this state.

[C. C. 7832, modified.]

Code Commissioners' Bill No. 238.

Subject: NOTICE OF SALE OF REAL ESTATE OF DECEASED PERSONS

Senate File No. Referred to Committee on
House File No.
By Date.....

A BILL FOR

An act to amend, revise and codify section seventy-eight hundred forty-eight (7848) of the compiled code of Iowa, relating to notice of sale of real estate of deceased persons.

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

That section seventy-eight hundred forty-eight (7848) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. **Notice.**

1 Before any order for the sale of real estate of any deceased per-
2 son shall be entered, all persons interested in such real estate shall be
3 personally served, within or without the state, in the time and manner
4 required for the service of original notice, with notice, with copy of
5 petition attached, naming the court in which the application is pending,
6 and the time and place where the same will be heard. If any party
7 interested in the real estate is under disability, personal service of
8 notice shall be made upon him and upon his guardian, or person in
9 whose custody he is, or with whom he resides. If it is made to appear
10 to the court, by affidavit, that personal service of such notice can not
11 be made upon any person, the court shall order notice to be given by

- 12 publication, and in the order determine the form and fix the time of
- 13 publication of such notice.

[C. C. 7848, modified.]

Code Commissioners' Bill No. 239.

Subject: DISTRIBUTION OF INTESTATE PROPERTY

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

An act to amend, revise and codify section seven thousand nine hundred ten (7910) of the compiled code of Iowa, relating to distribution of intestate property.

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

That section seven thousand nine hundred ten (7910) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Parents by Adoption.

1 If an adopted child die intestate without issue, the estate shall be
2 divided between the spouse, if there be one, and the adoptive parent or
3 parents, as if they were the natural parents.

[C. C. 7910, modified.]

Code Commissioners' Bill No. 240.

Subject: COMPENSATION OF EXECUTORS AND ADMINISTRATORS

Senate File No. Referred to Committee on

House File No.

By Date

A BILL FOR

An act to amend, revise and codify section seven thousand nine hundred forty-two (7942) of the compiled code of Iowa, relating to the compensation of executors and administrators:

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

That section seven thousand nine hundred forty-two (7942) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Compensation.

1 Executors and administrators shall be allowed such reasonable
2 compensation for their services as the court may fix, not exceeding the
3 following commissions upon the personal estate sold or distributed by
4 them and for the proceeds of real estate sold by them for the payment
5 of debts:

6 For the first one thousand dollars (\$1,000), six per cent (6%).

7 For all sums over one thousand dollars (\$1,000) and less than five
8 thousand dollars (\$5,000), four per cent (4%).

9 For all sums over five thousand dollars (\$5,000) and under ten
10 thousand dollars (\$10,000), two per cent (2%).

11 For all sums in excess of ten thousand dollars (\$10,000), one per
12 cent (1%).

13 There shall also be allowed and taxed as part of the costs of ad-

14 ministration of estates a reasonable attorneys' fee for the adminis-
15 trator's or executor's attorney to be fixed by the court. Such further
16 allowances as are just and reasonable may be made by the court to
17 administrators, executors, and their attorneys, for actual necessary
18 and extraordinary expenses or services.

[C. C. 7942, modified.]

Code Commissioners' Bill No. 241.

Subject: FORECLOSURE OF MORTGAGES ON PERSONAL PROPERTY

Senate File No. Referred to Committee on
House File No. .
By . Date .

A BILL FOR

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 of mortgages.

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.

1 If the notes secured by such mortgage, or the mortgage itself, pro
2 vide for the payment of attorneys' fees, the same fees shall be col-
3 lected, if an attorney is employed to look after and direct the pro-
4 ceedings, as are provided by law to be collected after judgment in ac-
5 tions upon such contracts. The attorney shall make an affidavit like
6 that required in actions, and have it attached by the officer or person
7 making sale to his return of the proceedings thereunder.

[C. C. 8160.]

Sec 2. Bill of Sale.

1 The officer, mortgagee, or other person conducting the sale shall

2 execute to the purchaser a bill of sale of the property, which shall be
3 effectual to carry the whole title and interest purchased.

[C. C. 8161.]

Sec. 3. Sale Under Pledge.

1 The pledgee of personal property held as security for an indebted-
2 ness, unless otherwise agreed in writing, may sell such property for the
3 payment of the indebtedness by giving the pledgor and any purchaser
4 or assignee of the property or any part of it of which the pledgee has
5 notice in writing, ten (10) days' written notice of his intention to sell
6 the same for the payment of such debt.

[C. C. 8166.]

Sec. 4. Notice of Sale.

1 The notice shall be served upon the pledgor if in the county in
2 which the property is held and shall be posted for ten (10) days in
3 three (3) public places in the township of the pledgor's residence.
4 Such notice shall contain a full and accurate description of the property
5 to be sold, the day and hour when, and the place at which the same will
6 be sold. If the pledgor is not a resident of the county where the
7 property is held, such notice shall be posted for ten (10) days in three
8 (3) public places of such county. If redemption is not made before the
9 date thus fixed, the pledgee may sell at public auction, to the highest
10 bidder, the pledged property, or so much of the same as may be neces-
11 sary to pay the debt, interest, and all costs of making such sale, and
12 may be a bidder at such sale. He shall apply the proceeds, first, in the
13 payment of such costs, and, second, to the payment of the debt. Any
14 surplus arising from the sale and any property remaining unsold shall
15 be paid or returned to the pledgor or his assigns.

[C. C. 8166, modified.]

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.

1 When the amount due on a mortgage is paid off, the mortgagee,
2 his personal representative or assignee, or those legally acting for him,
3 and in case of payment of a school fund mortgage the county auditor,
4 must acknowledge satisfaction thereof in the margin of the record of
5 the mortgage, or by execution of an instrument in writing, referring
6 to the mortgage, and duly acknowledged and recorded. If he fails to
7 do so within thirty (30) days after being requested in writing, he
8 shall forfeit to the mortgagor or any grantee who has assumed pay-
9 ment of, and has paid same, the sum of fifty dollars (\$50.00). When
10 any mortgage is satisfied on the margin of the record of the mortgage,
11 as herein provided, the person satisfying the same shall be identified to
12 and his signature shall be witnessed by the county recorder or his
13 deputy.

[C. C. 8178, modified.]

5 ing, or damaging the adjacent proprietor or his lessee, such structure
6 shall be deemed a nuisance.

[New.]

Code Commissioners' Bill No. 243.

Subject: FORCIBLE ENTRY OR DETENTION

Senate File No. Referred to Committee on

House File No.

By Date

A BILL FOR

An act to amend, revise and codify sections eighty hundred eighty-seven (8087) and eighty hundred eighty-nine (8089) of the compiled code of Iowa, relating to forcible entry or detention of real property.

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

That eighty hundred eighty-seven (8087) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Grounds.

1 A summary remedy for forcible entry or detention of real prop-
2 erty is allowable:

3 1. Where the defendant has by force, intimidation, fraud or
4 stealth entered upon the prior actual possession of another in real
5 property, and detains the same.

6 2. Where the lessee holds over after the termination of his lease.

7 3. Where the lessee holds contrary to the terms of his lease.

8 4. Where the defendant continues in possession after a sale by
9 foreclosure of a mortgage, or on execution, unless he claims by a title
10 paramount to the lien by virtue of which the sale was made, or by
11 title derived from the purchaser at the sale; in either of which cases
12 such title shall be clearly and concisely set forth in the defendant's
13 pleading.

14 5. For the nonpayment of rent, when due.

[C. C. 8087.]

That section eighty hundred eighty-nine (8089) of the compiled code of Iowa is amended, revised and codified to read as follows:

Sec. 2. Notice to Quit.

1 Before action can be brought in any except the first of the above
2 classes, three (3) days' notice to quit must be given to the defendant
3 in writing. When the tenancy is at will and the action is based on the
4 ground of the nonpayment of rent when due, no notice of the termina-
5 tion of the tenancy other than the three (3) day notice need be given
6 before beginning the action.

[C. C. 8089.]

Code Commissioners' Bill No. 244

Subject: PATERNITY OF ILLEGITIMATE CHILDREN

Senate File No. Referred to Committee on
 House File No.
 By Date

A BILL FOR

An act to amend, revise and codify section eight thousand three hundred sixty-six (8366) of the compiled code of Iowa, relating to the paternity of illegitimate children.

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

That section eight thousand three hundred sixty-six (8366) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Judgment and Execution—Costs.

1 If the accused be found guilty, he shall be charged with the main-
 2 tenance of the child in such sum or sums, and in such manner, as the
 3 court shall direct, and with the costs of the action; and the clerk may
 4 immediately issue execution for any sum ordered to be paid, and after-
 5 ward, from time to time, as it shall be required to compel compliance
 6 with the order of the court. If the accused be found not guilty, the
 7 costs of the action shall be paid by the county.

[C. C. 8366, modified.]

Code Commissioners' Bill No. 245

Subject: CLERK OF SUPREME COURT

Senate File No. Referred to Committee on

House File No.

By Date

A BILL FOR

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.

1 Within ninety (90) days prior to the first secular day in January,
 2 nineteen hundred twenty-three (1923) and every four (4) years there-
 3 after, the judges of the supreme court shall appoint a clerk of the
 4 supreme court who shall hold office for four (4) years and until his
 5 successor has been appointed and qualified. Vacancies shall be filled
 6 by said judges for the unexpired portion of the term. Chapter twen-
 7 ty-four (24) of title four (4) shall not apply to appointments made
 8 under this section.

[C. C. 8478, 8479.]

Code Commissioners' Bill No. 246

Subject: PROCEDURE IN SUPREME COURT

Senate File No. Referred to Committee on

House File No.

By Date

A BILL FOR

An act to amend, revise and codify sections 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.

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.

1 The supreme court on appeal may review and reverse any judg-
2 ment or order of the municipal, superior or district court, although
3 no motion for a new trial was made in such court.

[C. C. 8486.]

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.

1 Appeals from the district, superior and municipal courts may be
2 taken to the supreme court at any time within sixty (60) days from

3 the date of the entry of record of the judgment or order appealed
4 from, and not afterwards.

[C. C. 8490, modified.]

Sec. 3. Amount in Controversy.

1 No appeal shall be taken in any cause in which the amount in
2 controversy between the parties as shown by the pleadings does not
3 exceed one hundred dollars (\$100.00), unless the trial judge shall,
4 during the term in which judgment or order is entered, certify that
5 the cause is one in which the appeal should be allowed. Upon such
6 certificate being filed the same shall be appealable regardless of the
7 amount in controversy. Said limitation shall not affect the right of
8 appeal in any action in which an interest in real estate is involved,
9 nor shall the right of appeal be affected by the remission of any part
10 of the verdict or judgment returned or rendered.

[C. C. 8490, modified.]

Sec. 4. Appeal by Coparties.

1 A part of several coparties may appeal, but in such case they
2 must serve notice of such appeal upon those not joining therein, and
3 file proof thereof with the clerk of the court from which the appeal
4 is taken.

[C. C. 8491, modified.]

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.

1 A notice of appeal shall be served and return made thereon in the
2 same manner as an original notice in a civil action, and filed in the
3 office of the clerk of the court in which the judgment or order appealed

4 from was rendered or made, within the time allowed for taking the
5 appeal. All other notices connected with or growing out of the ap-
6 peal shall be served and the return made in like manner, and filed in
7 the office of the clerk of the supreme court, and all notices provided
8 for in this section become a part of the record in the case on being filed.

[C. C. 8495, modified.]

That sections eighty-four hundred ninety-six (8496), eighty-four hun-
dred 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.

1 An abstract of the record shall be filed in the office of the clerk
2 of the supreme court within five (5) months after the entry of judg-
3 ment or order appealed from. If the abstract is filed forty (40) days
4 before the first day of the next term of court the cause shall be placed
5 on the calendar for that term and come on for hearing, unless other
6 wise ordered by the court.

[C. C. 8496, modified.]

Sec. 7. Docketing—Assignment for Each Day.

1 The clerk shall docket the causes as they are filed in his office and
2 shall, under order of the chief justice, arrange and set a proper num-
3 ber for trial for each day of the term, placing together as far as prac-
4 ticable those from the same judicial district, and shall cause notice
5 thereof to be published and distributed as the court may direct.

[C. C. 8497, modified.]

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.

1 If an abstract of the record is not filed by appellant within five
2 (5) months after the entry of judgment or order appealed from, un-
3 less further time is given before the expiration of said time by the
4 court or a judge thereof for good cause shown, the appellee may file
5 an abstract of such matters of record as are necessary, or may file a
6 copy of the final judgment or order appealed from, or other matters
7 required, certified to by the clerk of the trial court, and cause the case
8 to be docketed, and the appeal upon motion shall be dismissed, or the
9 judgment or order affirmed. Denial of abstracts, additional abstracts
10 or transcripts may also be filed.

[C. C. 8500, modified.]

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.

1 Any party may cause a certified copy of the record in the lower
2 court or any part of the same to be filed in the office of the clerk of
3 the supreme court for its consideration. Upon application to the
4 court or any judge thereof, the clerk of the court from which appeal
5 is taken may be ordered to file such certified copy.

[C. C. 8502, modified.]

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.

1 Where a view of an original paper or exhibit in the action may
2 be important to a correct decision of the appeal, the court or any
3 judge thereof may order the clerk of the court below to transmit the

4 same, which he shall do in the manner provided for the transmission
5 of certifications of the record.

[C. C. 8504.]

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.

1 Written notice of intention to petition for a rehearing shall be
2 served on the opposite party or his attorney and the clerk of the su-
3 preme court within thirty (30) days after the filing of the opinion, or
4 within such time as the court may by rule prescribe.

[C. C. 8528.]

Sec. 12. Petition for Rehearing—Service—Time of Filing.

1 Such petition shall be printed, and, with proof of service thereof
2 on the opposite party or his attorney, shall be filed with said clerk
3 within sixty (60) days after the opinion is filed, which time may be
4 extended by the court or any judge thereof upon showing that the
5 failure to file the same within said time was the result of casualty or
6 misfortune.

[C. C. 8528, modified.]

Sec. 13. Petition May Constitute Brief and Argument.

1 The petition may be made the argument or a brief of authorities
2 relied upon for rehearing. Any judge may file an opinion dissenting
3 from any decision of the court on a petition for a rehearing.

[C. C. 8528, modified.]

Code Commissioners' Bill No. 247.

Subject: CARRYING DANGEROUS WEAPONS

Senate File No. Referred to Committee on

House File No. . . .

By Date

A BILL FOR

An act to amend, revise and codify section eighty-five hundred eighty-two (8582) of the compiled code of Iowa, relating to carrying dangerous weapons and permits therefor.

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

That section eighty-five hundred eighty-two (8582) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Permits to Employees in Certain Instances.

1 Any bank, trust company, railroad or express company, or any
 2 person, firm or corporation operating a mine or meat curing and pack-
 3 ing plant, or operating a manufacturing or mercantile establishment
 4 where on account of the character of the property and the goods and
 5 merchandise manufactured, kept or stored in its buildings it is neces-
 6 sary or usual to keep watchmen or guards in the nighttime to protect
 7 the same, may obtain a general permit good for any of their employees
 8 while on actual duty protecting such property or transporting or in
 9 possession of any money or other valuables.

[C. C. 8582, modified.]

Sec. 2. How Secured.

1 In all cases covered by the preceding section, the managing officer
 2 or superintendent, if a corporation, or a member of the firm if a copart-

3 nership, or the proprietor or manager if an individual, shall make the
4 application for the permit for such employees stating the names and
5 residences of such employees, the reasons for desiring such permit, and
6 the particular duties of each employee for whom the permit is desired,
7 and describing the premises on or about which such duties are to be
8 performed.

[New.]

Code Commissioners' Bill No. 248.

Subject: LARCENY

Senate File No. Referred to Committee on

House File No.

By .. Date ..

A BILL FOR

An act to amend, revise and codify section eighty-six hundred forty-five (8645) of the compiled code of Iowa, relating to larceny and punishment therefor.

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

That section eighty-six hundred forty-five (8645) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Larceny Defined—Punishment.

1 If any person steal, take and carry away of the property of an-
 2 other any money, goods or chattels, including all domesticated or re-
 3 strained animals; any writ, process or public record; any bond, bank
 4 note, promissory note, bill of exchange or other bill, or order or certif-
 5 icate; or any book of accounts respecting money, goods or other things;
 6 or any deed or writing containing a conveyance of real estate; or any
 7 contract in force; or any receipt, release or defeasance; or any instru-
 8 ment or writing whereby any demand, right or obligation is created,
 9 increased, extinguished or diminished, he is guilty of larceny. When
 10 the value of the property stolen exceeds twenty dollars (\$20.00), he
 11 shall be punished by imprisonment in the penitentiary not more than
 12 five (5) years or in the county jail not more than one (1) year, or by
 13 fine of not more than one thousand dollars (\$1,000.00) or by both such

14 fine and imprisonment. When the value does not exceed twenty dol-
15 lars (\$20.00), by fine not exceeding one hundred dollars (\$100.00) or
16 imprisonment in the county jail not exceeding thirty (30) days.

[C. C. 8645, modified.]

Sec. 2. Larceny of Motor Vehicle.

1 If any person steal, take and carry away, irrespective of value, any
2 motor vehicle, as defined in the next section, he shall be punished by
3 imprisonment in the penitentiary not more than ten (10) years, or by
4 fine of not more than one thousand dollars (\$1,000.00) or by both such
5 fine and imprisonment.

[New.]

Sec. 3. Motor Vehicle Defined.

1 The term "motor vehicle" as used in the preceding and the next
2 four (4) following sections includes any automobile, automobile truck,
3 automobile wagon, automobile tractor, motorcycle or any other self-
4 propelled vehicle not designed for running on rails.

[New.]

Sec. 4. Jurisdiction.

1 Jurisdiction of such offense may be in the county where such
2 motor vehicle was stolen, or through or into which it was taken, car-
3 ried or transported by the person or persons who committed the theft
4 or by any person or persons confederated with him or them in such
5 theft.

[New.]

Sec. 5. Disguising, Receiving, Concealing or Disposing of Stolen Motor Vehicle.

1 Whoever shall, with intent to assist, aid or abet in the theft of
2 any such motor vehicle, or with intent to deprive the owner thereof, or

3 prevent him from identifying or recovering the same, shall disguise,
4 alter or change such stolen motor vehicle, or change or remove any
5 license tag thereon, or serial or factory number, engine number, or the
6 name of the manufacturer thereof, or the color thereof, or with such
7 intent shall receive, conceal, store, barter, sell or dispose of any such
8 motor vehicle, knowing or having reason to believe it has been stolen,
9 shall be punished by imprisonment in the penitentiary not more than
10 five (5) years or by fine of not more than two thousand dollars
11 (\$2,000.00), or by both such fine and imprisonment.

[New.]

Sec. 6. Jurisdiction.

1 Jurisdiction of any offense under the preceding section shall be
2 in any county in which any part of the act or acts constituting the
3 offense charged was committed.

[New.]

Sec. 7. Presumptive Evidence.

1 Whoever shall conceal, store, barter, sell or dispose of any motor
2 vehicle which has been stolen, or shall disguise, alter or change such
3 motor vehicle or the factory or serial number thereof, or remove or
4 change the license tag thereon, or do any act designed to prevent iden-
5 tification of such motor vehicle, shall be presumed to have knowledge
6 that such motor vehicle had been stolen.

[New.]

Code Commissioners' Bill No. 249.

Subject: LASCIVIOUS CONDUCT WITH CHILDREN

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

An act to amend, revise and codify section eighty-eight hundred three (8803) of the compiled code of Iowa, relating to immoral and lascivious acts with or in the presence of children.

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

That section eighty-eight hundred three (8803) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Lewd, Immoral and Lascivious Acts With Children.

1 Any person over eighteen (18) years of age who shall wilfully
2 commit any lewd, immoral or lascivious act in the presence, or upon
3 or with the body or any part or member thereof, of a child of the age of
4 thirteen (13) years, or under, with the intent of arousing, appealing
5 to, or gratifying the lust or passions or sexual desires of such person,
6 or of such child, or of corrupting the morals of such child, shall be
7 punished by imprisonment in the penitentiary not more than three (3)
8 years, or by imprisonment in the county jail not more than six (6)
9 months, or by fine not exceeding five hundred dollars (\$500.00).

[C. C. 8803, modified.]

Code Commissioners' Bill No. 250.

Subject: STATE POLICE

Senate File No. _____ Referred to Committee on
House File No. _____
By _____ Date _____

A BILL FOR

An act to amend, revise and codify chapter one (1) of title thirty-four (34) 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 chapter one (1) of title thirty-four (34) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Magistrates Defined.

1 The term "magistrate" includes:

2 1. All judges of the supreme, district, superior or municipal
3 courts, throughout the state.

4 2. All justices of the peace, mayors, and judges of the police
5 court, within their respective counties.

[C. C. 9051, modified.]

Sec. 2. Power of Magistrates.

1 Magistrates have power to hear complaints, or preliminary infor-
2 mations, issue warrants, order arrests, require security to keep the
3 peace, make commitments, and take bail, as provided by law.

[C. C. 9052.]

Sec. 3. Peace Officer Defined.

1 The following are "peace officers":

-
- 2 1. Sheriffs and their deputies.
 3 2. Constables.
 4 3. Marshals and policemen of cities and towns.
 5 4. All state police officers, and agents of the department of jus-
 6 tice.
 7 5. Such persons as may be otherwise so designated by law.

[C. C. 9053, modified.]

Sec. 4. Officers of Justice Defined.

- 1 Magistrates and peace officers are sometimes designated as “of-
 2 ficers of justice”.

[C. C. 9054.]

Sec. 5. State Police.

- 1 The governor may appoint such number of state police as, in his
 2 judgment, are necessary to effect the capture, detention, arrest and
 3 prosecution of persons violating state or federal statutes, and the main-
 4 tenance of peace and order.

[C. C. 9055, 9059, modified.]

Sec. 6. Appointments by Governor—Tenure—Salary.

- 1 Members of the state police appointed by the governor shall act
 2 under the direction, and at the pleasure of, the governor, and receive
 3 such salary as the executive council may fix, but the expenditure for
 4 salaries and expenses shall not exceed the appropriation therefor,
 5 except in cases of extraordinary emergency, in which cases salary and
 6 expenses for such police may also be paid from any contingent fund
 7 placed at the disposal of the governor.

[C. C. 9055, modified.]

Sec. 7. Agents of the Department of Justice—Tenure—Salary.

1 The attorney general may appoint such number of persons as
2 agents of the department of justice, as, in his judgment, is necessary
3 to effect the capture, detention, arrest and prosecution of persons vio-
4 lating the laws of the state. Such agents shall act under the direction,
5 and at the pleasure of, the attorney general, and at such salary as he
6 may fix, but the expenditure for salaries and expenses shall not exceed
7 the appropriation therefor.

[C. C. 9059, modified.]

Sec. 8. Expenses.

1 All state police and agents of the department of justice shall be
2 paid their actual expenses incurred in the discharge of their duties.

[C. C. 9057, 9059, modified.]

Sec. 9. Bonds.

1 All persons appointed to the position of state police or agents of
2 the department of justice shall give bond in the sum of five thousand
3 dollars (\$5,000.00), which bond shall be approved by the appointing
4 officer.

[C. C. 9062, modified.]

Sec. 10. Powers.

1 All state police and agents of the department of justice shall have,
2 throughout the state, the same power to make arrests and file informa-
3 tions, and otherwise enforce the law, as possessed by county attorneys
4 and peace officers within their respective counties. They shall have
5 the right to demand and receive, in the discharge of their duties, the
6 assistance of any county attorney or police officer within their respec-
7 tive counties.

[C. C. 9056, 9061, modified.]

Sec. 11. Power of Governor and Attorney General.

1 The governor and attorney general shall each have the power to
2 call to their aid in the enforcement of the law any county attorney or
3 peace officer, and when such officers are so called upon it shall be their
4 duty faithfully to render such assistance as may be required, in any
5 part of the state, and such peace officers while so acting shall have the
6 same powers throughout the state as possessed by the sheriff of the
7 county in which such peace officer is acting.

[C. C. 9059, 9061, modified.]

Sec. 12. Appropriation for State Police.

1 There is hereby appropriated, annually, out of any unappropriated
2 funds in the state treasury, for the purpose of paying the salary and
3 expenses of state police, the sum of.....dollars
4 (\$.....).

[C. C. 9057, 9059, modified.]

Sec. 13. Appropriation—Department of Justice.

1 There is hereby appropriated, annually, out of any unappropriated
2 funds in the state treasury, for the purpose of paying the salary and
3 expenses of agents of the department of justice, the sum of.....
4 dollars (\$.....).

[C. C. 9057, 9059, modified.]

Subject: SECURITY FROM WITNESSES IN CRIMINAL CASES

Senate File No.... Referred to Committee on
House File No.
By Date

A BILL FOR

An act to amend, revise and codify sections ninety-one hundred eighty-six (9186) to ninety-one hundred eighty-nine (9189), inclusive, of the compiled code of Iowa, relating to the taking of security from witnesses in criminal cases.

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

That sections ninety-one hundred eighty-six (9186) to ninety-one hundred eighty-nine (9189), inclusive, of the compiled code of Iowa are amended, revised and codified to read as follows:

Section. 1. Security Before Preliminary Examination.

1 At any time after the arrest of a person for an indictable offense,
2 the county attorney may make written application to the magistrate
3 before whom the charge is pending, or, in his absence or inability to
4 act, to the next nearest magistrate in the county who is present, for
5 an order requiring a witness to give bond for his appearance in court
6 in the further prosecution of said offense.

[C. C. 9186-9189, modified.]

Sec. 2. Form of Application.

1 Said application shall allege:
2 1. The name of the person against whom the charge is pending,
3 and the general nature of such charge.

4 2. The name, residence, and occupation, as far as known, of the
5 witness.

6 3. That the testimony of such witness is material in the proceed-
7 ings against the person charged with said offense.

8 4. That there is danger that the said witness will not appear in
9 court in the further prosecution of such offense against the accused.

[C. C. 9186-9189, modified.]

Sec. 3. Warrant—Counsel.

1 The magistrate on the filing of such application, unless the wit-
2 ness is then in court, shall issue a warrant for the arrest of such wit-
3 ness, who, when brought before said magistrate, shall be granted rea-
4 sonable time in which to procure counsel, if desired, and in the mean-
5 time shall be kept in custody.

[C. C. 9186-9189, modified.]

Sec. 4. Hearing—Order for Bond.

1 A hearing shall be had, and if it appears that reasonable grounds
2 exist for believing the truth of the allegations of the application, the
3 magistrate shall make an order requiring said witness to enter into a
4 bond in the form hereinafter required, and with or without sureties.

[C. C. 9186-9189, modified.]

Sec. 5. Amount of Bond.

1 If the charge against the accused is punishable by death or life
2 imprisonment, the bond shall be in such amount as the magistrate may
3 order; if not so punishable, in any amount not exceeding two thou-
4 sand dollars (\$2,000.00).

[C. C. 9186-9189, modified.]

Sec. 6. Security During Preliminary Examination.

1 At the close of or during any preliminary examination, the magis-
2 trate may, without said written application, make the said order for
3 bond as to any witness who has testified before him.

[C. C. 9186-9189, modified.]

Sec. 7. Security After Examination or Indictment.

1 At any time after an accused has been held to the grand jury, or
2 after an indictment has been returned, or a trial information has been
3 filed by the county attorney against an accused, the county attorney
4 may make the aforesaid application to any judge of the district court
5 of the county in which the charge is pending, and the proceedings
6 shall be the same as in applications made to examining magistrate.

[C. C. 9186-9189, modified.]

Sec. 8. Security on Return of Indictment.

1 Upon the return of an indictment, the court may, from an inspec-
2 tion of the minutes of testimony returned therewith, enter an order
3 requiring any witness whose testimony is so returned, to enter into a
4 bond in the form hereinafter required, and enforce such order by
5 warrant of arrest or other proper order.

[C. C. 9186-9189, modified.]

Sec. 9. Failure to Give Bond—Commitment.

1 Upon failure to give any bond as ordered, the magistrate, judge
2 or court shall commit the witness to jail until such order is complied
3 with. A witness so committed shall not be confined with persons ac-
4 cused of crime.

[C. C. 9186-9189, modified.]

Sec. 10. Forfeiture of Bond.

1 If default in the conditions of said bond shall occur before the
 2 grand jury, such default shall be reported to the district court by the
 3 county attorney, which court shall enter the proper order of forfeiture.
 4 All other defaults shall be entered as in case of other appearance bonds.
 [C. C. 9186-9189, modified.]

Sec. 11. Compensation of Committed Witness.

1 A person committed to jail in default of such bond shall be en-
 2 titled to receive the sum of two dollars (\$2.00) for each secular day
 3 during which such person is confined. The amount which such per-
 4 son is entitled to receive shall be certified by the county attorney or
 5 magistrate to the board of supervisors and allowed and paid. If the
 6 witness committed has dependents, the supervisors may direct the sum
 7 due, from time to time, to be paid to or for the benefit of such depend-
 8 ents, and such payments shall constitute full satisfaction of the claim
 9 herein created. The amount due such witness may be withheld until
 10 after the witness is released and until the supervisors have had a rea-
 11 sonable time in which to pay the same. The amount due a witness
 12 hereunder shall be exempt from judicial seizure.

[C. C. 9186-9189, modified.]

Sec. 12. Penalty for Breach of Bond.

1 Any person who gives bond or other security hereunder and wil-
 2 fully fails to comply with the conditions thereof shall be punished by
 3 imprisonment in the county jail for a period of one (1) year.

[C. C. 9186-9189, modified.]

Sec. 13. Form of Bond.

1 The bond shall be in substantially the following form:
 2 "We, as principal and"

3 as surety, are jointly and severally indebted to the state of Iowa in
4 the sum of \$.

5 The conditions under which this bond is given are that:

6 Whereas, a certain proceeding is now pending in the .
7 court wherein one is charged with the crime of
8 , and

9 Whereas, the said is a material witness in
10 said proceeding and has been ordered by said court to enter into a
11 bond as such witness:

12 Now if the said shall hereafter appear in
13 any court of this state in which said proceeding is prosecuted, heard,
14 tried or investigated, and will also comply with all orders of the courts
15 in which such proceedings may be pending, then this bond is to be
16 void; otherwise to be and remain in full force and effect.”

[C. C. 9186-9189, modified.]

Sec. 14. Deposit in Lieu of Bond.

1 A deposit of money may be accepted in lieu of said bond and in
2 such case the deposit shall be paid to the clerk of the district court,
3 and held by him under the conditions specified in the above form of
4 bond.

[C. C. 9186-9189, modified.]

Sec. 15. Exemption From Judicial Seizure.

1 All sums deposited in lieu of such bond shall be exempt from all
2 judicial seizure except the forfeiture thereof in favor of the state.

[New.]

Sec. 16. Release.

1 Upon the fulfillment of the conditions of said bond, the same shall

2 be released. Upon the termination of such criminal prosecution, or
3 sooner in the discretion of the court or judge, the witness committed
4 for want of a bond shall likewise be released.

[New.]

Code Commissioners' Bill No. 252.

Subject: APPEALS IN CRIMINAL CASES

Senate File No. _____ Referred to Committee on _____
 House File No. _____ ..
 By _____ Date _____

A BILL FOR

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.

1 When an appeal is taken, the clerk of the court in which the judg-
 2 ment was rendered shall:

3 1. Forthwith prepare and transmit to the attorney general a cer-
 4 tified copy of the notice of appeal, together with the date of the service
 5 and filing thereof.

6 2. Promptly prepare and transmit to the clerk of the supreme
 7 court a transcript of all record entries in the cause, together with
 8 copies of all papers in the case on file in his office, except those returned
 9 by the examining magistrate on the preliminary examination, all duly
 10 certified under the seal of his court.

[C. C. 9562.]

Sec. 2. Duties of County Attorney.

1 The county attorney shall:

2 1. When an appeal is taken by the state, at least forty (40) days

3 prior to the term at which the cause is to be heard, prepare and deliver
4 to the attorney general a typewritten manuscript for the abstract of
5 record in the cause.

6 2. When an appeal is taken by the defendant, prepare and trans-
7 mit to the attorney general a typewritten manuscript covering all mat-
8 ters which may be required to be embraced in any amended abstract,
9 which should be filed by the state in order to properly present said
10 appeal.

11 Such manuscripts shall be prepared in ample time so that the
12 same may be printed and filed within the time and in the manner
13 prescribed by law and the rules of the supreme court.

[C. C. 3190.]

[Note: The purpose of this bill is not only to codify section 9562, but
also to transfer to the chapter relating to criminal appeals subdivision ten
of section 3190, enumerating the duties of the county attorney in connec-
tion with such appeals.]

Code Commissioners' Bill No. 253

Subject: DISMISSAL OF CRIMINAL PROCEEDINGS

Senate File No.

Referred to Committee on

House File No.

By

Date

A BILL FOR

An act to amend, revise and codify section ninety-five hundred eighty-nine (9589) of the compiled code of Iowa, relating to the dismissal of criminal proceedings and the effect thereof.

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

That section ninety-five hundred eighty-nine (9589) of the compiled code of Iowa is amended, revised and codified to read as follows:

Section 1. Dismissal in Certain Cases.

1 When two (2) or more persons are charged, in the district court,
2 either by joint or separate indictment or information with an offense
3 growing out of or relating to the same transaction, the court may at
4 any time, on motion of the county attorney or his assistant, dismiss
5 said indictment or information as to any defendant for the purpose
6 of enabling such discharged defendant to give testimony on any ma-
7 terial matter. The order of dismissal shall recite such purpose. Such
8 dismissal shall be effective from the time it is entered on the court
9 calendar, and shall operate to exempt such defendant from prosecu-
10 tion on any charge growing out of or connected with the transactions
11 upon which such indictment or information is based.

[New.]

Sec. 2. Testimony of Discharged Defendant.

1 After the discharge of any defendant as provided in the preced-
2 ing section, such defendant shall not be exempt from testifying to any
3 fact in relation to or growing out of the transactions on which said
4 indictment or information is based on the ground that his testimony
5 would tend to render him criminally liable or expose him to public
6 ignominy, but such witness must be corroborated as required in case
7 of accomplices.

[New.]

Sec. 3. Dismissal by Court.

1 The court, upon its own motion or the application of the county
2 attorney, in the furtherance of justice, may, for any purpose other
3 than that named in the second preceding section, order the dismissal
4 of any pending criminal prosecution, the reasons therefor being stated
5 in the order and entered of record, and no prosecution shall be dis-
6 continued or abandoned in any other manner than as provided in this
7 chapter. Such dismissal is a bar to another prosecution for the same
8 offense if it is a misdemeanor; but it is not a bar if the offense charged
9 be a felony.

[C. C. 9589, modified.]

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