

parties, so far as known, for whom the attorney is appointed, who is thereby authorized to represent such parties in all such proceedings had subsequent to his appointment.

court must specify name of the person.

The attorney may receive a fee, to be fixed by the court, for his services, which must be paid out of the funds of the estate as necessary expenses of administration, and upon distribution may be charged to the party represented by the attorney.

Fee of the attorney.

If for any cause, it becomes necessary, the court may substitute another attorney for the one first appointed, in which case the fees must be apportionately divided. The non-appointment of an attorney shall not affect the validity of any of the proceedings.

Another attorney may be substituted.

Approved April 24th, 1894.

CHAPTER 79.

AN ACT for the better protection of persons manufacturing, bottling or selling soda waters, mineral or aerated waters, cider, milk, cream or other lawful beverages, owning or using boxes, bottles, casks, kegs, and barrels.

S. P. 14A.

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

SECTION 1. That all persons engaged in the manufacture, bottling or selling of soda water, mineral or aerated waters, cider, milk, cream, or other lawful beverages, in bottles, boxes, casks, kegs or barrels, with their names or other marks of ownership stamped or marked thereon, may file in the office of the recorder of deeds of the county in which such articles are manufactured, bottled or sold, a description of the name or marks so used by them, and cause the same to be printed for three consecutive weeks in a weekly newspaper, printed in the English language, in the county where such articles are manufactured, bottled or sold.

Persons engaged in bottling beverages may adopt trade marks and have same registered.

Publication.

SEC. 2. It is hereby declared to be unlawful for any person or persons, hereafter, without the written consent of the owner or owners thereof, to fill with soda water, mineral or aerated waters, cider, milk, cream or other lawful beverages, or any other articles of merchandise, medicine, compound or preparation for the purpose of sale, or to be furnished to customers, any such bottles, boxes, casks, kegs or barrels, so marked or stamped, or to sell, dispose of, buy or traffic in, or wantonly destroy any such cask, barrel, keg, bottle or box so marked or stamped by the owner or owners thereof, after such owner or owners shall have complied with the provisions of the first section of this act. Any person or persons who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any justice of the peace or police magistrate in this state, shall be fined five dollars (\$5.00) for each and every cask, barrel, keg

The second use of bottles, boxes, casks, kegs, etc., without written consent of owner.

Violation of this law.

Penalty.

\$5 fine and cost of suit for first offense.

\$10 fine and cost of suit for each subsequent offense.

Possession without written consent of the owner.

Possession by a junk dealer *prima facie* evidence.

Duty of justices and police magistrates in the matter.

Penalty for violation of this act.

A warrant may be issued for arrest of a person believed to be in possession of bottle, cask or box.

or box, and fifty (50) cents for each and every bottle sold by him, her or them, filled, bought, sold, used, trafficked in or wantonly destroyed, or by him, her or them, caused to be filled, bought, sold, used, trafficked in or wantonly destroyed, together with the costs of the suit for the first offense, and ten dollars (\$10.00) for each and every cask, barrel, keg or box, and one dollar (\$1.00) for each and every bottle so filled, bought, sold, used, trafficked in or wantonly destroyed, together with the costs of suit for each subsequent offense.

SEC. 3. The using by any other person than the rightful owner thereof, without such written permission, of any such cask, barrel, keg, bottle or box, for the sale therein of soda water, mineral or aerated waters, cider, milk, cream or other lawful beverages, or any other articles of merchandise, medicine, compound or preparation, or to be furnished to customers, or the buying, selling or trafficking in any such cask, barrel, keg, bottle or box, by any person other than the owner, without the written permission, or the fact that any junk dealer, or dealer in casks, barrels, kegs bottles or boxes, shall have in his or her possession any such cask, barrel, keg, bottle or box so marked or stamped, and registered as aforesaid, without such written permission, shall and is hereby declared to be *prima facie* evidence that such use, buying, selling, trafficking in or possession is unlawful, within the meaning of this act; and any person or persons found guilty of such use, buying, selling, trafficking in or having in possession any such cask, barrel, keg, box or bottle, without such written permission, shall be liable to be arrested and fined, as provided in the second section of this act; and it is hereby declared to be the duty of any justice of the peace or police magistrate within this state upon oath having been made in writing before him, by the owner or the agent of the owner or owners, that any person has violated any of the provisions of this act, to immediately issue his warrant and cause such person or persons so accused to be brought before him, and proceed to try such accused party, as in cases of assault and battery; and in case such accused party shall be found guilty of having violated any of the provisions of this act, shall assess the fine as provided in the second section of this act, such fine and costs to be collected as provided by law in other cases of misdemeanor.

SEC. 4. In case the owner or owners of any cask, barrel, keg, bottle or box so marked, stamped and registered as aforesaid, shall in person or by agent, make oath in writing, before any justice of the peace or police magistrate, that he has reason to believe and does believe that any manufacturer or bottler or dealer in soda water, mineral or aerated waters, cider, milk, cream, or other lawful beverages, or any other person is using in any manner, by this act declared to be unlawful, any of the casks, barrels, kegs bottles or boxes of such person or his principal, or that any junk dealer or dealer

in casks, barrels, kegs, bottles or boxes, or any other dealer, manufacturer or bottler has any such cask, barrel, keg, bottle or box secreted in, about or upon his, her or their premises, the said justice of the peace or police magistrate shall issue his search warrant and cause the premises designated to be searched, as in other cases where search warrants are issued, as now provided by law; and in case any such cask, barrel, keg, bottle or box duly marked, or stamped and registered as aforesaid, shall be found in, upon or about the premises so designated, the officer executing such search warrant shall thereupon arrest the person or persons named in such warrant, and bring, him, her or them before the justice of the peace or police magistrate who issued such warrant, who shall thereupon hear and determine such case, and if the accused is found guilty, he, she or they shall be fined as provided in the second section of this act.

Premises may be searched.

Case heard.

SEC. 5. All costs incurred in the enforcement of the provisions of this act shall be assessed and collected in the same manner as in criminal cases, and all fines collected by virtue of this act shall be turned over to the justice of the peace or police magistrate collecting the same, in the same manner and for the same purpose as fines in cases of assault and battery are now by law disposed of.

Costs in the case.

SEC. 6. All acts and parts of acts in conflict with any of the provisions of this act are hereby repealed.

Conflicting acts repealed.

SEC. 7. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Des Moines Leader, newspapers published in Des Moines, Iowa, without expense to the state.

Publication clause.

Approved March 29, 1894.

I hereby certify that the foregoing act was published in the Iowa State Register and Des Moines Leader April 4, 1894.

W. M. McFARLAND, Secretary of State.

CHAPTER 80.

AN ACT to make further provision for the care of insane persons. S. F. 155.

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

SECTION 1. That there shall be erected and permanently established at the place to be selected as herein provided an additional hospital for the support, care and treatment of the insane of the State.

An additional hospital for insane established.

SEC. 2. That the governor of the State shall as speedily after the location shall be determined as practicable, appoint by and with the consent of the senate, three suitable persons, residents of the State of Iowa, who shall constitute a board of commissioners for the purpose of purchasing a site and adopting plans for erecting an additional hospital for the insane of the State provided for in this act, when the general assembly provides means therefor. The persons so appointed shall be

Governor to appoint commissioners.

Purpose of the board to purchase a site and adopt plans.