

CHAPTER 89.

H. F. 631. AN ACT to legalize conveyances of real property by executors or trustees under foreign wills.

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

Conveyances of real property under provisions of ch. 163, 18 G. A., legalized.

Proof of authority must be a matter of record.

SECTION 1. All conveyances of real property which have been heretofore executed by executors or trustees under foreign wills, and which were thus executed prior to the expiration of three months after the recording of a duly authenticated copy of the will, original record of appointment, qualification and bond, as required by chapter 162 acts of the Eighteenth General Assembly, are hereby legalized and declared as valid and effectual in law as though the provisions of said chapter had been strictly followed, *provided*, the proper proof of authority shall have been a matter of record in the county where the real property is situated at the time the conveyance was executed, or shall have been made a matter of record prior to the passage of this act.

Approved April 24, 1894.

CHAPTER 90.

H. F. 203. AN ACT to require the clerk of the district court to report to the County Auditor all changes of title made by decree of court or by will.

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

Where title to real estate is established by court the clerk must certify same to county auditor.

SECTION 1. It shall be the duty of the clerk of the district court whenever the title of any real estate is finally established in any person or persons by decree of said court, or by the decree of the supreme court, should an appeal be taken and presented to judgment; or where the title to real estate is changed by will or decree, to certify the same under seal of said court to the county auditor of the county in which such land is located.

Auditor to enter same on transfer books.

SEC. 2. It shall be the duty of the county auditor upon receipt of any certificate as provided in section one of this act on payment of a transfer fee of twenty-five cents, to enter the same upon the transfer books as provided for in the transfer of deeds.

Approved April 24, 1894.

CHAPTER 91.

H. F. 3. AN ACT for the suppression of the Russian thistle or saltwort (*salsola kali* variety *tragus*).

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

Unlawful for land owners or agents to allow Russian thistle on grounds.

SECTION 1. That it shall be unlawful for any land owner or occupant of lands or lots, or corporation or association of persons, owning, occupying or controlling land as right-of-way,

depot grounds, or for any other purpose, or any public officer in charge of any street or highway, to allow to grow to maturity thereon the Russian thistle or saltwort, *salsoli kali* variety *tragus*.

SEC. 2. That it shall be the duty of every person or corporation so owning, occupying, or controlling lands, lots or other real property or any highway supervisor or other public officer having charge of any street or highway, to cut and burn or otherwise entirely destroy any Russian thistles growing on said premises, right-of-way, highway or street, between the 25th day of Aug. and tenth days of September of each year, and any person, corporation or public officer neglecting to destroy all such Russian thistles between said dates, after notice of their presence, in writing, to said person or corporation or officer, or to an agent of any said person or corporation, by any person, shall be deemed guilty of a misdemeanor and be punished accordingly.

Duty of any person in control to destroy thistles.

Date for cutting.

Notice in writing as to their presence.

Penalty for neglect.

SEC. 3. That it shall be the duty of all persons knowing of the presence of Russian thistles upon any premises, lands, lots, street, highway or elsewhere at any time to give notice in writing to the owner, occupant or person or corporation in control, or their agent, and if not destroyed by the owner or occupants, to give notice immediately after the tenth day of September of that year to the chairman of the township board of trustees, or if within an incorporated town or city, then to the mayor, who shall before the fifteenth day of said month of September cause the same to be cut and burned or otherwise entirely destroyed. The reasonable cost of destroying said thistles shall be paid out of the general county fund on the certificate of the board of township trustees or city or town council, of the amount of the same, by the county board of supervisors. The said board of supervisors shall cause the amount so paid to be levied as a special tax against the premises, on which said thistles have been destroyed and against the persons or corporation owning the premises, and the county treasurer shall collect the same as any other taxes and return it to the county fund.

Duty to notify agent or owner in writing.

Notice to board of township trustees or to mayor.

Cost of destroying.

Tax levied against premises.

County treasurer to collect.

SEC. 4. That a bulletin shall be prepared by the professor of agriculture of the State Agricultural College, briefly describing by words and cuts the Russian thistle with the best known means of staying its progress and effecting its extermination. Said bulletin shall be printed by the state printer at public expense from time to time, in such numbers as the secretary of state and said professor of agriculture may deem necessary to supply the demand. A sum of money sufficient to pay for the cost of printing and making of suitable plates for illustrating said bulletin, is hereby appropriated from any funds in the state treasury not otherwise previously appropriated.

Bulletin to be prepared.

Contents of bulletin.

Bulletin to be printed at state expense.

Appropriation to cover cost.

SEC. 5. The secretary of state shall furnish to the agricultural college such a number of said bulletins as it may desire to circulate, and also to county auditors on their requisition

Manner of distribution by secretary of state.

in such numbers as may be necessary to supply all township and town or city officers with copies and a sufficient number to distribute to all farmers desiring the same.

Publication
clause.

SEC. 6. This act being deemed of immediate importance shall take effect and be in force from and after publication in the Iowa State *Register* a newspaper published at Des Moines, Iowa, and in the Lyon County *Reporter*, a newspaper published at Rock Rapids, Iowa.

Approved March 23, 1894.

I hereby certify that the foregoing act was published in the Iowa State *Register*, and Lyon County *Reporter* March 29, 1894.

W. M. MCFARLAND, *Secretary of State*.

CHAPTER 92.

H. F. 204

AN ACT to repeal Sections 6, 7, 10, 11 and 12, Chapter 165, of the Acts of the Seventeenth General Assembly, and to enact a substitute therefor; also to amend Sections 9 and 13, Chapter 165, of the Acts of the Seventeenth General Assembly, in reference to capital punishment.

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

Secs. 6, 10, 11, 12,
ch. 165, 17 G.
A., repealed.

SECTION 1. That sections 6, 7, 10, 11 and 12, chapter 165, of the acts of the Seventeenth General Assembly, be and the same are hereby repealed, and the following enacted in lieu thereof:

Governor and
warden have
power to sus-
pend execu-
tions.

SEC. 2. "The only officers who shall have power to reprieve or suspend the execution of a judgment of death are the governor and the warden of the penitentiary, as provided in the next section, except in cases of appeal to the supreme court, as provided in section seventeen (17) of chapter 165, of the Seventeenth General Assembly.

Cases where
warden may
suspend
sentence.

SEC. 3. "Whenever the warden of the penitentiary is satisfied that there are reasonable grounds for believing that a defendant in his charge under sentence of death is insane or pregnant, he shall notify the commissioners of insanity of the county wherein the penitentiary is located, who shall be sworn by the warden well and truly to inquire into the facts as to the insanity or pregnancy of the defendant, as the case may be, and a true inquisition return.

Commissioner
to examine
defendant and
render written
report.

"The commissioners, after being sworn, shall examine the defendant and hear any evidence that may be presented, and may examine the medical attendants at the penitentiary, if deemed necessary by the commissioners to ascertain the facts, and by written inquisition, signed by the commissioners or a majority of them, shall find as to the insanity or pregnancy of the defendant.

Findings of
the commis-
sion.

"If the inquisition does not find the defendant insane or pregnant, the warden shall not suspend the execution; but if the inquisition does find the defendant insane or pregnant he shall suspend the execution and immediately transmit the inquisition to the governor.