

Penalty for failure of officer to perform duty.

SEC. 4. Any warden, sheriff, city marshal, or chief of police who shall neglect, fail, or refuse to discharge and perform the duty imposed upon him by this act, without just cause or excuse, may be suspended and removed from office as provided by law.

Approved April 8, 1896.

CHAPTER 106.

H. F. 39. AN ACT repealing section 3959 of the Code of Iowa, and enacting a substitute therefor, relative to breaking jail.

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

Sec. 3959 of code repealed.

SECTION 1. That section thirty-nine hundred and fifty-nine be and the same is hereby repealed, and the following enacted in lieu thereof.

Offense for breaking and escaping from jail.

“If any person confined in a county jail upon any criminal charge, either before or after conviction for a criminal offense, break such jail and escape therefrom, he shall be imprisoned in such jail not exceeding one year, and fined not exceeding three hundred dollars;

If convicted of original charge, imprisonment to begin on completion of sentence for jail breaking.

Provided, that when such jail breaking occurs during incarceration after conviction or before trial for a criminal offense whereof he is afterwards convicted, in either of such cases, the sentence to commence from and after the expiration of the sentence upon the original charge.

Approved Mar. 17, 1896.

CHAPTER 107.

S. F. 37. AN ACT to amend section 2178 of the Code, in relation to the sale of property by carriers and others for charges.

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

Sec. 2178 of code amended.

SECTION 1. That section 2178 of the Code of 1873 be so amended as to read as follows: That if any personal property shall for three months remain in possession, unclaimed, by any of the persons named in the preceding section, with the just and legal charges unpaid thereon, including car service, the person having charge of the same may, in case the whereabouts of the owner or consignee is not known, go before the nearest justice of the peace and make affidavit, stating the time and place where such property was received, the marks or brands by which same is designated, if any, and if not then such other description as may best answer the purposes of indicating what the property is and shall state the probable value of the same, to whom consigned, also the charges paid thereon, accompanied by a copy of the original receipt for such charges, and a copy of the bill of lading, if one was issued, also the other charges, if any due and unpaid, and

Unclaimed personal property with unpaid charges.

Owner unknown. Possession; furnish justice of peace with description of property with bill of charges.

that the whereabouts of the owner or consignee of such goods is not known to affiant; which affidavit shall be filed by such justice of the peace in his office for the inspection of any person interested in the same, and he shall also enter in his estray book a statement of the contents of the affidavit, and the time and place, where, and by whom the same was made. In case the whereabouts of the owner or consignee is known, the person having the property above mentioned in possession shall, before the expiration of three months from receipt of goods, give notice to such owner or consignee of said fact, and shall also make an affidavit to same, together with description of property before a justice of the peace, and the justice shall make a statement of contents of the affidavit in estray book. In either case above mentioned the justice shall order the property sold as provided in the next section.

Make affidavit.

Justice make entry in estray book.

Give notice to known owner.

Property sold.

SEC. 2. All acts or parts of acts inconsistent with this act are hereby repealed.

Approved April 8, 1896.

CHAPTER 108.

AN ACT fixing the burden of proof in a certain class of actions against telegraph companies. S. F. 219.

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

SECTION 1. In any action against any telegraph company for damages caused by erroneous transmission of telegram or by unreasonable delay in delivery of telegram, negligence on part of telegraph company shall be presumed upon proof of erroneous transmission or of unreasonable delay in delivery, and the burden of proof that such error or delay was not due to negligence upon its part shall rest upon such company;

Action against telegraph company for negligence.

Burden of proof.

Provided, that no action for the recovery of such damages shall be maintained unless a claim therefor is presented in writing to such company, officer or agent thereof, within sixty days from the time cause of action accrues.

No action unless claim be presented in writing in sixty days.

Approved April 30, 1896.

CHAPTER 109.

AN ACT to provide for a general levy for state purposes. S. F. 453.

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

SECTION 1. That there shall be raised by levying a tax by valuation upon the assessed taxable property of the state, the following sums for the purposes hereinafter set forth:

Tax levied for general state purposes.

For general state purposes, to be designated as the general revenue fund, the sum of one million, four hundred thousand dollars (\$1,400,000) upon the assessed value of