

**SEC. 2. In effect.** 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.

Approved January 28, 1896.

I hereby certify that the foregoing act was published in the Iowa State Register and the Des Moines Leader, January 29, 1896

G. L. DOBSON,  
Secretary of State.

### CHAPTER 104.

S. F. 214.

AN ACT to amend section three thousand nine hundred and eighty-eight (3988) of the code, relating to levy of attachment or execution on mortgaged personal property.

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

**SECTION 1. Character of bond required.** That section three thousand nine hundred eighty eight (3988) of the code be amended as follows: Strike out of lines six (6) and seven (7) the following: "Conditioned for the payment of any sum to be found due to the person entitled thereto," and insert in lieu thereof the following: "Or double the value of the property levied upon, conditioned either for the payment of any sum found due on said mortgage to the person entitled thereto, or for the value of the property levied upon; as the party ordering the levy may elect." Also insert in line thirteen (13) after the word "mortgage" the following: "The value of the property levied upon."

Approved April 7, 1898.

### CHAPTER 105.

H. F. 269.

AN ACT to amend section four thousand one hundred and forty-two (4142) of the code, relative to costs of translating shorthand notes in appeal to supreme court.

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

**SECTION 1. Costs taxed.** That section four thousand one hundred and forty-two (4142) of the code be amended by adding at the end of said section the following: "And also any translation of the shorthand notes which has been made of record in the court below, upon the certificate of the clerk of such court as to the amount of such costs."

Approved March 28, 1898.

### CHAPTER 106.

H. F. 88.

AN ACT to amend sections four thousand two hundred and fifty-nine (4259) and two thousand nine hundred and thirty (2930) of the code, relating to partition of real estate, and to transfers in the county-auditor's office, and to make transfers by partition a matter of record in the offices of the county recorder and county auditor:

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

**SECTION 1. Decrees of partition to be recorded.** That section four thousand two hundred and fifty-nine (4259) of the code be, and the same is, hereby amended, by adding thereto the following:

"Upon the rendition of such decree the clerk shall file with the county recorder of the county a duly certified transcript of such part of the entire decree, in the case in which partition has been ordered, as may be necessary to show the volume and page where such decree is recorded, and the confirmation of the shares and interests of the parties in the property of which partition is made, and the names of the parties who are found entitled to such shares, and an accurate description of each of the shares allotted to the several owners; and such transcript shall be presented to the county

auditor for transfer and recorded in the deed records of the county where the action was brought and also in the other counties in the state, if any, where any of the property so partitioned is situated; and in such case the clerk shall transmit to the county recorder of each of such other counties a duplicate of such transcript, and the same shall be there so recorded and transfer so made. Such transcript shall be indexed in the recorder's office the same as conveyances of real estate with the names of the parties so entitled to such shares as grantors, and the name of the party to whom each share is allotted as grantee. The costs of making and recording such transcript shall be taxed as part of the costs in the case."

**SEC. 2. Entry of transcript.** That section two thousand, nine hundred and thirty (2930) of the code be, and the same is, hereby amended by inserting immediately after the words "real estate" in the second line of said section the words "Or transcript as provided in section four thousand two hundred and fifty-nine (4259)."

Approved April 12, 1898.

#### CHAPTER 107.

S. F. 87.

AN ACT to amend section four thousand, five hundred and thirty-eight (4538), chapter one [1], title twenty-two [XXII] of the code, relating to the filing of transcripts.

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

**SECTION 1. Time of filing.** That section four thousand, five hundred and thirty-eight of the code be and the same is hereby amended by striking out the word, "date," in the second line and inserting the word, "time," in lieu thereof.

Approved March 9, 1898.

#### CHAPTER 108.

H. F. 161.

AN ACT to amend section forty-six hundred and six (4606), chapter one (1), title twenty-three (XXIII) of the code, in relation to husband and wife as witnesses.

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

**SECTION 1. Fraudulent transfer of property excepted.** That section forty-six hundred and six (4606), chapter one (1), title twenty-three (23) of the code be amended by adding after the words "the affections of the other" in the fifth line of said section the words as follows: "Or in any civil action brought by a judgment creditor against either the husband or the wife, to set aside a conveyance of property from one to the other on the ground of want of consideration or fraud and to subject the same to the payment of his judgment."

Approved April 12, 1898.

#### CHAPTER 109.

S. F. 111.

AN ACT relating to the indictment and punishment of persons who have been convicted three or more times, and making certain evidence competent proof upon the trial thereof. [Additional to title XXIV of the code, relating to crimes and punishment.]

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

**SECTION 1. Penalty for third conviction of felony.** Whenever any person has been twice convicted of either of the crimes of burglary, robbery, forgery, counterfeiting, larceny where the value of the property stolen exceeded twenty dollars, or of breaking and entering with intent to commit a public offense any dwelling house, office, shop, store, warehouse, railroad car, boat, vessel, or building, in which goods, merchandise, or valuable things,