

**SEC. 2. Penalty.** Any common carrier violating the above provisions shall forfeit and pay to the owner of any shipment, as is above provided, three times the amount of the regular fare expended by such owner for himself, or his agent, in going from point of shipment to point of destination, and return, of a shipment of stock as herein provided.

**SEC. 3. Trespasser.** Any person other than the owner, his agent or employe, as is described in section 1 hereof, attempting to use, or using, the transportation therein provided for, shall be considered a trespasser upon the trains or premises of such common carrier.

**SEC. 4. Water closets in cabooses.** That the cabooses or cars attached to such stock trains, and in which the holders of such transportation are required to ride when accompanying such live stock to market, shall be provided with suitable water closets for the use of such persons while in transit, provided that the provisions of this section shall not go into effect until January 1, 1905, and that all such railroads shall be allowed until said time to comply with the requirements of this section.

**SEC. 5. Penalty.** Any railroad in this state engaged in the transportation of live stock, and failing or refusing to comply with the requirements of the foregoing section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred dollars (\$100.00) for each day's negligence or refusal to comply therewith; and all moneys so collected as fines shall be paid into the public school funds of the state.

**SEC. 6. In effect.** This act, being deemed of immediate importance, shall take effect upon publication thereof in the "Register and Leader" and "Des Moines Daily Capital," newspapers published at the city of Des Moines, Polk county, Iowa.

Approved April 9, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader April 12, 1904, and the Des Moines Daily Capital, April 13, 1904.

W. B. MARTIN,  
*Secretary of State.*

## CHAPTER 77.

### THE MILITIA.

H. F. 216.

AN ACT additional to and amendatory of the law as it appears in chapter one (1) of title IX [eleven (XI)] of the code and supplement to the code, relative to the state military force and Iowa national guard. [Repealing sections twenty-one hundred and sixty-nine-a (2169 a), twenty-one hundred and seventy-three-a (2173-a), twenty-one hundred and seventy-five (2175), twenty-one hundred and seventy-six-a (2176-a), twenty-one hundred and seventy-eight (2178), twenty-one hundred and seventy-nine-a (2179-a), twenty-one hundred and eighty-one-a (2181-a), twenty-two hundred and twelve (2212), twenty-two hundred and thirteen (2213) and twenty-two hundred and fourteen (2214) of the supplement to the code and sections twenty-one hundred and eighty-three (2183), twenty-one hundred and eighty-four (2184) and twenty-one hundred and eighty-eight (2188) of the code, and enacting substitutes in lieu thereof.]

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

**SECTION 1. Repealed—governor to call out.** That the law as it appears in section twenty-one hundred and sixty-nine-a (2169-a) of the supplement to the code be and the same is hereby repealed and re-enacted to read as follows:

"When a requisition shall be made by the president of the United States for troops, the governor, as commander-in-chief, shall order into service the national guard of the state, or such portion thereof as may be necessary, and if insufficient, so many of the militia as is required, designating the same by draft if a sufficient number do not volunteer, and shall commission officers therefor; and while so in the service, the national guard and militia shall be subject to the same regulations as those of the United States army,

and receive the same compensation and subsistence as when in active service of the state until mustered into the United States service, and the same compensation, subsistence and allowances as officers and men of like rank and service in the United States army thereafter. The state shall pay for such service only that part not paid by the United States."

**SEC. 2. Repealed—enlistments.** The law as it appears in section twenty-one hundred and seventy-three-a (2173-a) of the supplement to the code is hereby repealed and re-enacted to read as follows:

"All enlistments in the guard shall be for three (3) years and re-enlistments, if within thirty (30) days from date of discharge, shall be considered continuous service and may be for one, two or three years as the soldier may elect; and made by signing the enlistment prescribed by the adjutant general and taking the following oath or affidavit which may be administered by the enlisting officer, to wit: "You do solemnly swear (or affirm) that you will bear true allegiance to, and that you will support the constitution of the United States and that of the state of Iowa, and will, as a member of the national guard, serve the United States and the state of Iowa faithfully through your term of service, unless sooner discharged and that you will obey the orders of the commander-in-chief and such officers as may be placed over you, and the laws and regulations governing the military forces."

**SEC. 3. Repealed—adjutant general—duties.** The law as it appears in section twenty one hundred and seventy five (2175) of the supplement to the code is hereby repealed and re-enacted to read as follows:

"The adjutant general shall issue and transmit all orders of the commander-in-chief, and shall keep a record of appointments, of all officers commissioned by the governor, of all general and special orders and regulations, and of such matters as pertain to the organization of the military force and his duties. He shall reside at the capital and hold his office at the pleasure of the governor, and shall perform the duties of quartermaster general. He shall have charge of the state arsenal and grounds and all other property of the state kept or used for military purposes, and receive and issue all quartermaster and ordnance stores and camp equipage upon the order of the commander-in-chief. The adjutant general shall furnish at the expense of the state such blanks and forms as shall be approved by the commander-in-chief. He shall in each year preceding a regular session of the general assembly make out a detailed report of the transactions of his office, the expenses thereof and such other matters as shall be required by the commander-in-chief for the period since the last preceeding report, and the governor may at any time require a similar report. Upon the recommendation of the adjutant general, there may be appointed an assistant adjutant general with the rank of major, who shall hold his office at the pleasure of the governor."

**SEC. 4. Repealed—adjutant general—compensation.** The law as it appears in section twenty one hundred and seventy six-a (2176-a) of the supplement to the code is hereby repealed and re-enacted to read as follows:

"When a requisition shall be made by the president of the United States for troops upon the state, the adjutant general shall also act as quartermaster general, and as full compensation as adjutant general and acting quartermaster general, shall receive a salary from the state during the period said troops are in such service equal to the compensation of colonel of the army of the United States, without increase, additions or allowances on account of length of service."

**SEC. 5. Repealed—regimental staff—band.** The law as it appears in section twenty-one hundred and seventy-eight (2178) of the supplement to the code is hereby repealed and re-enacted to read as follows:

"The regimental staff shall be appointed and commissioned by the governor upon recommendation of the regimental commander, and shall consist of

an adjutant, a chaplain, a quartermaster, a commissary, each of which officers shall have the same rank as corresponding officers in the United States army; an adjutant with rank of first lieutenant for each battalion. The commander of each regiment shall appoint by warrant from the enlisted men of his regiment a non-commissioned staff, consisting of a regimental sergeant-major, a sergeant-major for each battalion, a quartermaster sergeant, a commissary sergeant, two color sergeants. The commissions of regimental staff officers shall expire when the officer nominating them, or his successor, shall make new nominations for their respective offices, and such nominations shall be confirmed by the commander-in-chief. Each regimental commander subject to the approval of the commander-in-chief may cause to be enlisted and organized a band, composed of one chief musician, one principal musician, one drum major, four sergeants, eight corporals, one cook and not more than sixteen privates. The members of such bands, except as otherwise provided, shall be subject to the same regulations and receive the same compensation as other enlisted men of like grade. The regimental commander, shall appoint the non-commissioned officers of band and upon recommendation of the company commander appoint the non-commissioned officers of each company and issue warrants to the persons so appointed."

**SEC. 6. Repealed—company and troop-officers.** The law as it appears in section twenty-one hundred and seventy-nine-a (2179-a) of the supplement to the code is hereby repealed and re-enacted to read as follows:

"A company of infantry shall consist of a captain, a first lieutenant, a second lieutenant, a first sergeant, a quartermaster sergeant, four sergeants, six corporals, two cooks, two musicians, an artificer, and not less than forty nor more than sixty-four privates and non-commissioned officers. A signal company shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, eight sergeants, sixteen corporals, two cooks, two musicians, an artificer and not less than forty nor more than sixty-four privates and non-commissioned officers. A cavalry troop or battery of light artillery shall have the same officers, non-commissioned officers and number of enlisted men as an infantry company, and a farrier, a blacksmith and a saddler. In time of war or public danger the commander-in-chief may increase the enlisted strength of such organizations as he may deem necessary. Company officers shall be elected by the officers and enlisted men of the company and shall hold office for five (5) years, unless their resignation shall have been accepted or they are dismissed by sentence of court-martial."

**SEC. 7. Repealed—medical and staff departments.** The law as it appears in section twenty-one hundred and eighty-one-a (2181-a) of the supplement to the code is hereby repealed and re-enacted to read as follows:

"The medical department, in addition to the surgeon general, shall consist of a deputy surgeon general with rank of lieutenant colonel, and for each regiment, a surgeon with rank of major and two assistant surgeons; assistant surgeons, for the first five years of commission, shall have rank of first lieutenant and that of captain thereafter. The enlisted men of the medical department shall consist of a first-class sergeant for each regiment and one sergeant for each assistant-surgeon and such number of privates as the commander-in-chief may prescribe. The other staff officers and enlisted men, in addition to the heads of departments and personal aides and regimental staff shall be as follows; assistant inspector general, with rank of major; an assistant general inspector of small arms practice, with rank of major; and an inspector of small arms practice with rank of captain for each regiment, all of whom shall possess the same qualifications for appointment as the heads of departments, and such officers, non-commissioned officers and enlisted men as the commander-in-chief may prescribe, for the engineer department. All staff officers, except heads of departments, aids to commander-in-chief and regimental staff shall be appointed and commissioned by the commander-in-chief for five years on the recommendation of the

chiefs of their respective departments, selected by examination, under such rules as the chiefs may prescribe.

**SEC. 8. Repealed—term of service—resignation—discharge.** The law as it appears in section twenty-one hundred and eighty-three (2183) of the code is hereby repealed and re-enacted to read as follows:

“Every officer of the guard shall be held to duty for the full term of his commission, unless his resignation shall have been sooner accepted, or he shall have been dismissed by sentence of court-martial. Every enlisted man of the guard shall be held to duty for the full term of his enlistment unless regularly discharged for good and sufficient cause by the regimental commander, approved by the commander-in-chief. All company officers and members of a company or band permanently removing their place of residence from the station of such company or band, except in time of war or public danger, and all members of the guard who have served the full term for which they were commissioned or enlisted, shall upon application be entitled to honorable discharge exempting them from military duty except in time of war or public danger, and it shall be the duty of a company officer upon permanently removing his place of residence from the station of such company to resign his commission and upon failure to do so his commission may be revoked by the commander-in-chief. The term of enlistment of a member of a company or band shall be deemed to have expired upon such removal and he shall be discharged accordingly.”

**SEC. 9. Repealed—parades—encampments.** The law as it appears in section twenty-one hundred and eighty-four (2184) of the code is hereby repealed and re-enacted to read as follows:

“The guard may parade for encampment or drill not less than three nor more than ten days annually, by company, battalion, regiment or brigade as ordered by the commander-in-chief, and the members thereof, or assignments of details therefrom, at the discretion of the commander-in-chief, may be called out or detailed for target practice, school of instruction or such other practice or instruction as the commander-in-chief may order not exceeding ten days in any one year for any member, except members of the general staff and those detailed upon staff duty, or such other duties as the exigencies of the service require.

“In lieu of the encampments provided in paragraph one of this section, the commander-in-chief may, in his discretion, order part or all of the guard to participate in field maneuvers or other exercises for instruction in conjunction with troops of the United States army, for a period of not more than fifteen days.”

**SEC. 10. Repealed—penalties.** The law as it appears in section twenty-one hundred and eighty-eight (2188) of the code is hereby repealed and re-enacted to read as follows:

“Any person who shall trespass upon the encampment grounds or the camp grounds of the military force of the state in active service, or of the guard called out for encampment, drill, target practice or other duty, or interrupt, molest or interfere with any member of the guard in the discharge of his duty, or sell any malt or spirituous or other intoxicating liquor within one mile of such encampment, camp or station, except a person engaged in the business prior to the establishment of such encampment, camp or station under permit issued by lawful authority, shall be guilty of a misdemeanor and punishable therefor, and the commanding officer of such force may order the arrest of such person and cause him to be delivered to a peace officer or magistrate as soon as practicable.”

**SEC. 11. Repealed—compensation of officers and men.** The law as it appears in section twenty-two hundred and twelve (2212) of the supplement to the code is hereby repealed and re-enacted to read as follows:

“The military force, when in active service of the state upon the call of the governor or sheriff of any county, and the guard when paraded for drill,

encampment, target practice, school of instruction, or other duty under orders of the commander-in-chief, shall be paid the following compensation for time actually on duty; each commissioned officer shall receive the pay of his rank in the United States army, at the time of such service, without allowances, increase or additions on account of length of service, and without subsistence or any allowances other than transportation, quarters and stationery. Enlisted men shall be furnished transportation, subsistence and quarters, and in addition thereto shall receive the following per diem: Chief musician, three dollars (\$3.00); principal musician, drum major, first class sergeant, regimental sergeant major, commissary sergeant, quartermaster sergeant, color sergeant, first sergeant two dollars (\$2.00); battalion sergeant major, company quartermaster sergeant, sergeant and cook one dollar and seventy-five cents (\$1.75); corporal, farrier, saddler, blacksmith, one dollar and fifty cents (\$1.50); private one dollar and twenty-five cents (\$1.25). Enlisted men who have served continuously for three years and not more than five years, shall receive an added amount of fifteen per cent of the above per diem, and those who have served continuously five years or more, an added amount of twenty-five per cent of the above per diem. When in actual service of the state, pursuant to the order of the governor, the compensation of the military force shall be paid out of the state treasury, and when such service is rendered upon the call of the sheriff of a county, such compensation shall be paid from the treasury of the county whose sheriff called for such military force. The claims for such services shall be audited and allowed in the former case by the executive council and in the latter by the board of supervisors, upon presentment of proper claim therefor, at its next session. Should any part of the compensation above provided be paid from the United States, there shall be paid from the state or county treasury only that part thereof not paid by the United States."

**SEC. 12. Repealed — compensation for company drill and band practice.** That the law as it appears in section twenty-two hundred and thirteen (2213) of the supplement to the code is hereby repealed and re-enacted to read as follows:

"There shall also be paid to each officer and enlisted men [man] for attendance at company drill or band practice at company or band station, the sum of ten cents (10c.) per hour and not exceeding twenty cents (20c.) in any one week provided that from any moneys due any officer or enlisted man for attendance at such drills there shall be deducted the sum of ten [cents] (10c.) per hour and not exceeding twenty cents (20c.) in any one week for absence without leave from such drills. The commander-in-chief when sufficient funds are available beyond the other requirements of this chapter, may at his discretion authorize and order the payment of the further sum of ten cents (10c.) per hour and not exceeding twenty cents (20c.) in one week and not exceeding two dollars (\$2.00) in one year to each officer or enlisted man for time actually spent in target practice upon the rifle range at the station of such officers or enlisted men."

**SEC. 13. Repealed—appropriation.** That the law as it appears in section twenty-two hundred and fourteen (2214) of the supplement to the code be and the same is hereby repealed and the following enacted in lieu thereof:

"There is appropriated out of any moneys in the treasury not otherwise appropriated, the sum of seventy thousand dollars (\$70,000) per annum, or so much thereof as may be necessary, for the support of the guard under the provisions of this chapter not applying to active service, which shall be drawn by a warrant, drawn by the auditor of state on the state treasurer, upon the certificates of the adjutant general approved by the governor, showing for what purpose each draft is to be or has been used, and no indebtedness shall be created in excess of such annual appropriation."

**SEC. 14. In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the "Register

and Leader" and the "Des Moines Daily Capital," newspapers published in the city of Des Moines, Iowa.

Approved April 12, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader, April 14, 1904, and the Des Moines Daily Capital April 15, 1904.

W. B. MARTIN,  
*Secretary of State.*

## CHAPTER 78.

### COSTS AND EXPENSES WHICH ACCRUE FROM THE CARE AND INVESTIGATION OF THE INSANE.

H. F. 840.

AN ACT to provide for the payment of costs and expenses which accrue from the care and investigation of persons found to be insane in counties in which they do not have a legal settlement. [Amendatory of chapter two (2) of title twelve (XII) of the code, relating to the care of the insane.]

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

SECTION 1. **Costs and expenses—how paid.** That in all cases where the commissioners of insanity of a county find to be insane a person who does not have a legal settlement within that county, the costs and expenses of the arrest, care, investigation and commitment of such person authorized by law, including the costs of appeal if an appeal be taken and the person is found to be insane on appeal, shall be paid in the first instance by the county in which such person is so found to be insane. If such person is found to have a legal settlement in another county of this state, such costs and expenses shall be audited and paid by the supervisors of that county in the manner provided for the payment of other claims. If such person be found to have no legal settlement within this state, such costs and expenses shall be paid out of any money in the state treasury not otherwise appropriated, on vouchers executed by the auditor of the county which has paid them and approved by the board of control of state institutions. Such vouchers shall contain an itemized statement of the costs and expenses, and payment shall be made to the treasurer of the county.

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 Register and Leader and the Des Moines Daily Capital, newspapers published in Des Moines, Iowa.

Approved March 30, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, March 31, 1904, and the Register and Leader, April 1, 1904.

W. B. MARTIN,  
*Secretary of State.*

## CHAPTER 79.

### RETURN OF PATIENTS ESCAPED FROM HOSPITALS FOR THE INSANE.

H. F. 183.

AN ACT amending section twenty-two hundred and eighty-seven (2287) of the code in relation to the return of patients escaped from hospitals for the insane.

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

SECTION 1. **Expenses—how paid.** That section twenty-two hundred and eighty-seven (2287) of the code be and the same is hereby amended by